

# **WEST WILTSHIRE DISTRICT COUNCIL**

## **MINUTES**

Minutes of the: **WEST WILTSHIRE DISTRICT COUNCIL ANNUAL MEETING**

Held on: **WEDNESDAY 21 APRIL 2004**

Held at: **COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE**

Present: Marion Clegg (Chairman), Baker, Barker, Batchelor, Blakemore, Bower, Brice, Brown, Bryant, Burnan OBE, Carbin, Chivers, Clark, John Clegg, Conley, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Lewis, Manasseh, March, Mounde, Mudge, Oldrieve, Osborn, Payne, Phillips OBE, Repton, Rosier, Squires, Swabey, Syme, Viles, Wells, Whatley-Gibbs, While and Wiltshire.

Officers: Chief Executive, Corporate Officer (Policy), Corporate Officer (Democratic Services), Head of Strategy, Head of Financial Services, Head of Regulatory Services, Planning Policy Manager, Housing Services Manager, Principal Lawyer, Personnel Manager and Member Support Officers (YR & AB)

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**To mark the 30<sup>th</sup> Anniversary of West Wiltshire District Council a celebration took place prior to the start of the meeting.**

### **136. APOLOGIES**

Apologies for absence were received from Councillor Newbury and Tony Frost – Chairman of the Standards Committee.

### **137. CHAIRMAN'S REPORT**

The Chairman reflected on her past year in office as Chairman of West Wiltshire District Council.

She welcomed Andrew Pate, the new Chief Executive, to his first Annual Council meeting and invited him to say a few words.

He informed Members that he would be visiting each ward to acquaint himself with the local issues. He reminded Members that a Seminar meeting of Council had been arranged for 12 May 2004 to consider proposals to consider the management structure of the Council, the Council's priorities and how to move the Council forward following the CPA results.

**138. ELECTION OF CHAIRMAN 2004/05**

The Chairman called for nominations for the position of Chairman of Council.

Councillor Marion Clegg was proposed by Councillor March and seconded by Councillor Payne.

Councillor James was proposed by Councillor Chivers and seconded by Councillor Barker.

On being put to the vote, Councillor Marion Clegg was elected by a simple majority of those present and voting. A recorded vote having been requested, the voting was recorded as follows:

**For Councillor Marion Clegg (22 votes)**

Councillors Baker, Bower, Burnan, Clark, Marion Clegg, John Clegg, Conley, Davis, Fortescue, Hawker, Knight, March, Mounde, Mudge, Payne, Phillips, Swabey, Syme, Viles, Whatley-Gibbs, While and Wiltshire

**For Councillor James (19 votes)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Cunliffe-Jones, Farkas, Hames, James, Lewis, Oldrieve, Osborn, Repton, Rosier, Squires and Wells

**Abstentions ( 2)**

Councillors Cox and Manesseh

**RESOLVED:            That Councillor Marion Clegg be re-elected as Chairman of West Wiltshire District Council for 2004/05.**

Councillor Marion Clegg then read out and signed the Declaration of Acceptance of Office book, witnessed by the Chief Executive.

**139. APPOINTMENT OF VICE-CHAIRMAN 2004/05**

The Chairman called for nominations for the position of Vice-Chairman of Council.

Councillor Viles was proposed by Councillor Payne and seconded by Councillor Mounde.

Councillor Batchelor was proposed by Councillor Osborn and seconded by Councillor Brice.

On being put to the vote, Councillor Viles was appointed by a simple majority of those present and voting. A recorded vote having been requested, the voting was recorded as follows:

**Councillor Viles (22 votes)**

Councillors Baker, Bower, Burnan, John Clegg, Marion Clegg, Conley, Cox, Davis, Fortescue, Hawker, Knight, March, Mounde, Mudge, Payne, Phillips, Swabey, Syme, Viles, Whatley-Gibbs, While and Wiltshire

**Councillor Batchelor (19 votes)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Cunliffe-Jones, Farkas, Hames, James, Lewis, Oldrieve, Osborn, Repton, Rosier, Squires and Wells

**Abstentions (2)**

Councillors Clark and Manesseh

**RESOLVED: That Councillor Viles be appointed Vice-chairman of West Wiltshire District Council for 2004/05.**

Councillor Viles then read and signed the Declaration of Acceptance of Office book, witnessed by the Chief Executive.

**140. MINUTES**

The minutes of the meeting held on 25 February 2004 were approved as a correct record and signed by the Chairman, subject to the correct question submitted by Councillor Osborn in respect of Southwick Country Park (?) being attached as an appendix to the minutes.

**141. OPEN FORUM**

The following speakers made open forum presentations in respect of the District Plan 1<sup>st</sup> Alteration Proposed Modifications (minute number refers ):

Mrs Irving, Mr Hawker, Mrs Southall, Mr Mitchell, Mr Warfield, Mr D Tout, Mr Prickett, Mr Smart, Mrs Brunning, Mr S Tout, Mr Cunningham, Mr Pinnell, Mr Braid, Mr Oliver, Mrs Oliver, Mr Morland, Mr Howells, Mr Dunscombe

**142. QUESTIONS**

No formal questions were received.

**143. DECLARATIONS OF INTEREST**

The Chairman invited Members to report any declarations of interest on matters other than the District Plan which would be dealt with separately when they got to that item.

Councillor Clark declared an interest on Working With Town and Parish Councils and the Wider Community – Item 13 on the agenda. He had chaired the Hilperton Parish Council meeting when it had discussed the consultation document, but he undertook to consider the matter with an open mind.

#### **144. DISTRICT PLAN 1<sup>ST</sup> ALTERATION PROPOSED MODIFICATIONS**

At the outset, the Chairman, Councillor Marion Clegg explained that she had a personal and prejudicial interest in the District Plan as her husband (Councillor John Clegg) was the Chairman of the Board of Governors of Matravers School in Westbury and that their property backed onto the new proposed line of the Westbury town policy limits. In the circumstances, she asked her Vice-Chairman to chair the item and that she would leave the meeting when they discussed the Westbury Bypass.

#### **Councillor Viles, Vice-Chairman in the Chair**

The Vice-Chairman outlined the way he intended to structure the debate on the District Plan.

#### **Declarations of Interests**

The Corporate Officer explained to Members how it was proposed to deal with declarations of interest. It was noted that some Members had interests in specific areas of the Plan only, but would want to participate in the discussion in areas where they did not have an interest.

In order to facilitate this, but still protect Members and fulfill their duty to declare their interests, it was explained that declarations of interests would be called for before each topic so that Members who were required to leave, could leave for that element only. Members were asked to explain if their interest was personal or prejudicial (in which case they would have to leave the room in cases of prejudicial interests) and to briefly state the nature of their interest and an example was given to assist Members.

Members were further advised that if matters were raised during the debate in which they had an interest, they must immediately raise their hand and say 'interest' in order to interrupt the debate to declare their interest and leave the room if required.

#### **District Plan**

The Planning Policy Manager then presented the District Plan for Council's consideration. It was noted that the District Plan had been considered by Cabinet at its meeting on 10 March 2004 and referred to Council for approval (minute no. 263 of Cabinet refers).

The Leader of the Council moved the recommendations as detailed in the report presented subject to any amendments which might emerge from the ensuing debate. This was seconded by the Deputy Leader.

The topics were then considered in the following order:

#### **Westbury Bypass**

Declarations of Interest:

- |                       |   |
|-----------------------|---|
| Councillor Hawker     | – prejudicial interest – brother (who had spoken during open forum) owned a property near the new route - <i>left the meeting</i> . |
| Councillor John Clegg | - prejudicial interest – Westbury Town Council representative on  |

Westbury Bypass Alliance Group which opposes proposed line, Chairman of the Board of Governors of Matravers School, Westbury and property backed onto the line of the proposed route - *left the meeting*.

Councillor Marion Clegg - prejudicial interest in view of the interest declared by her husband Councillor John Clegg (see above) - *left the meeting*

Councillor Clark - reported that he had been lobbied on various items within the District Plan and that he had chaired the Hilperton Parish Council meeting at which the Inspector's Report was discussed., However, he undertook to consider the matter with an open mind.

Councillors Cox, James - and Syme. reported that they had been lobbied

Councillor Chivers - reported that he had replied to a letter sent to him.

All Members - reported that they had been generally lobbied on the District Plan.

### **Proposed Amendment**

During the debate, the following amendment was proposed and seconded:

**That the Council does not safeguard the eastern route of the Westbury Bypass**

On being put to the vote, the amendment was lost.

### **Hilperton Relief Road**

Declarations of Interest:

Councillor Clark - reported that he had been lobbied on various items within the District Plan and that he had chaired the Hilperton Parish Council meeting at which the Inspector's report was discussed. However, he undertook to consider the matter with an open mind - *left the meeting*.

Councillor Oldrieve - Prejudicial interest – member of Friends of Hilperton Pressure Group – *left meeting*.

Councillor Bryant - Ward member for adjacent ward and lobbied

## **Amendment**

During the course of debate, the following amendment was proposed and seconded:

### **Remove the safeguarding of this route from the Plan**

On being put to the vote, the amendment was lost.

## **Town Policy Limits/Provision of Recreational Facilities/Amendments to Policy H1**

Declarations of Interest:

- |                         |   |  |
|-------------------------|---|--|
| Councillor Manasseh     | - | Lobbied by residents of Oldfield Park – <i>left the meeting.</i>   |
| Councillor John Clegg   | - | prejudicial interest – Westbury Town Council representative on Westbury Bypass Alliance Group which opposes proposed line, Chairman of the Board of Governors of Matravers School, Westbury and property backed onto the line of the proposed route - <i>left the meeting.</i> |
| Councillor Marion Clegg | - | prejudicial interest in view of the interest declared by her husband Councillor John Clegg (see above) - <i>left the meeting.</i>  |
| Councillor Hawker       | - | Prejudicial interest in view of his brother's campaigning – <i>left meeting.</i>   |
| Councillor Wiltshire    | - | General interest.  |

## **Amendment**

The following amendment was proposed and seconded to amend the recommendation shown on page 17 of the report presented to add the following to the end of the first bullet point after “are approved”:

**With the exception of MOD no. 15, objection No. 154,**

**In this particular case the objection is to be upheld and the Council is to amend the District Plan so that the Town Limits of Westbury are redrawn to cause the INCLUSION of Redland Lane and Penleigh Park recreation areas to be WITHIN the new Town Limits.**

The Planning Policy Manager reported that the best route for addressing the future recreation needs of Westbury was to adopt the Plan as recommended, await the results of the Recreation

Needs Assessment and to review the District's requirements in the light of this assessment. However, if a planning application were to be made in the meantime, the Council could consider any development as a special case provided that the decision was made for proper planning reasons.

The Planning Policy Manager confirmed that the amendment suggested would constitute a material change which if approved would require a further period of consultation and therefore delay adoption of the Plan.

The Chief Executive suggested that the following wording be added to the amendment if approved:

**That this be subject to receiving satisfactory Counsel's opinion to ensure it would achieve it's objectives.**

On being put to the vote, the above amendment was lost and a recorded vote, having been requested, the voting was recorded as follows:

**For the amendment (17)**

Councillors Barker, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Cunliffe-Jones, Farkas, Hames, James, Lewis, Oldrieve, Osborn, Repton, Rosier, Squires,

**Against the amendment (18)**

Councillors Baker, Bower, Burnan OBE, Clark, Conley, Cox, Davis, Fortescue, Knight, March, Mounde, Mudge, Payne, Phillips, Swabey, Viles, Whatley-Gibbs and While.

**Abstentions (2)**

Councillors Syme and Wiltshire

**Note:** Councillor Batchelor was not present when the above vote was taken.

Councillors John Clegg, Marion Clegg, Hawker, Manasseh were not present when the above vote was taken having declared their respective interests and left the meeting for this topic.

**Matters not otherwise addressed**

Declarations of interest - No Declarations of Interests were made

Members were reminded that they would need to declare their interests if topics in which they had an interest were raised during the debate.

During the course of debate on this and previous topics, some Members referred to possible interests by the Planning Portfolio holder and questioned whether or not the Plan would be open to challenge if such an interest was not made. Members were advised that the debate had been structured in this way to give every opportunity to Members to declare their interests

where appropriate, but to allow them to participate in areas where they had no interests to declare. It was noted that the Planning Portfolio holder was not present and as such could not declare an interest. The Council was therefore not at risk in this regard.

### **Voting on the recommendations**

None of the amendments proposed had been carried and Council was asked to vote on the recommendations as detailed at page 17 (as previously proposed) of the report presented. Those Members who had previously declared an interest in any aspect of the District Plan were advised to leave the room.

The following Councillors who had previously declared an interest in the item left the meeting at this point prior to the vote being taken:

Councillors Marion Clegg, John Clegg, Hawker, Clark, Manasseh and Oldrieve.

### **RESOLVED:**

- (a) The recommended responses of the Council to each of the duly made objections, as set out in Appendix 1 presented be approved.**
- (b) No further modifications materially affecting the contents of the Plan be made.**
- (c) Further modifications and any other necessary editorial changes be approved for incorporation into the West Wiltshire District Local Plan 1<sup>st</sup> Alteration.**
- (d) The Contents of representations of support and representations not duly made, as set out in Appendices 2 and 3 are noted.**
- (e) A Notice of Intention to adopt the West Wiltshire District Local Plan 1<sup>st</sup> Alteration is published and that the Council proceeds to adopt the Plan 28 days after publication of that notice.**

Note: Recorded Votes

Councillors Chivers, Squires, Hames and Osborn requested that their votes against the above decisions be recorded.

Councillor Barker requested her abstention from voting be recorded.

### **Councillor Marion Clegg in the Chair**

### **Vote on whether or not to continue with the meeting**

Due to the lateness of the hour and the large number of agenda items still to be dealt with, it was



**RESOLVED:**

- (a) That the meeting adjourns at this point and that the following items not dealt with at this meeting be held over to a reconvened meeting of Council on a date to be arranged (note: this was subsequently arranged for 12 May 2004)

**10. Best Value Review of Environmental Health**

**11. Trowbridge urban Design Framework - Responses to Consultation**

**12. Private Finance Initiative**

**13. Working with Town and Parish Councils and the Wider Community**

**16. Recycling - Achieving Government Targets**

**17. Constitution**

**18. Allocation of Seats on Committees**

**19. Appointment of Committee Chairs and Vice-Chairs**

**20. West Wiltshire Area Health Panel/Health Committee**

**21. Overview Committees - Reporting Back and Work Programmes**

**22. Dates of Meetings 2004/05**

**23. Members' Attendance Record**

**24. Representatives on Outside Bodies**

**25. Cabinet Forward Workplan**

**26. Reports from Meetings**

- (b) As one of the items held over was the election of Chairmen of Committees and as a meeting of the Planning Committee was due to be held on 28 April, the Chairman and Vice-Chairman and membership of the Planning Committee remain unchanged until it is resolved by Council when it next meets.

**(7.30pm to 10.25pm)**

These minutes were prepared by Yamina Rhouati, Member Support Officer  
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