

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

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

Held on: **WEDNESDAY 23 JUNE 2004**

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

Present: Marion Clegg (Chairman), Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Burnan OBE, Carbin, Chivers, Clark, John Clegg, Conley, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Manesseh, March, Mounde, Mudge, Newbury, Oldrieve, Osborn, Payne, Phillips OBE, Repton, Viles, While and Wiltshire.

Officers: Chief Executive, Corporate Directors (PW & IG), Head of Financial Services, Head of Regulatory Services, Housing Services Manager, Contracts Officer and Member Support Officer (YR)

167. APOLOGIES

Apologies for absence were received from Councillors Baker, Bower, Lewis, Rosier, Syme and Whatley-Gibbs.

168. MINUTES

The minutes of the following meetings were approved as a correct record and signed by the Chairman subject to the amendments as indicated:

Seminar Meeting – 15 April 2004

- subject to the inclusion of Cllr Carbin the list of attendees.
- subject to the inclusion of (Lastly he wanted to know) “whether it was the view of the West Wilts Primary Care Trust”... (whether local hospitals were essential to evolving local services).

Annual Council – 21 April 2004

Seminar Meeting – 12 May 2004

Reconvened Annual Council – 12 May 2004

169. OPEN FORUM

No open forum presentations were made.

170. QUESTIONS

Questions received in accordance with the Constitution were presented by Councillors Osborn and Chivers.

Note: Copies of the questions and replies given are attached as an appendix to these minutes.

171. DECLARATIONS OF INTERESTS

Councillor Batchelor declared an interest in planning applications 04/00410/FUL & 04/00414/LBC – Land to rear of 62 Market Place, Warminster as referred to in minute no. 142 of the Planning Committee dated 3 June. He had not been present at that meeting. The site was next to his business premises.

Councillor Clark declared an interest in the item Sex Establishment Policy as referred to in minute no. as he had chaired a meeting of Hilperton Parish Council when it had considered a response to the proposed policy.

172. ANNOUNCEMENTS FROM THE CHAIRMAN

(a) Election Results – European and Trowbridge Town Council By-election

The Chairman referred to the results of the European and Trowbridge Town Council by-elections held on 10 June 2004.

Those elected were as follows:

Trowbridge Town Council (College Ward) – Graham Hedley (Liberal Democrat)

European Parliamentary Election – South West Region

Neil Parish (Conservative)
Graham Booth (UKIP)
Graham Watson (Liberal Democrat)
Caroline Jackson (Conservative)
James Ford (Labour)
Roger Knapman (UKIP)
Giles Chichester (conservative)

(b) Former Councillor Minna Gillham

The Chairman referred to the news that sadly Minna Gillham had passed away on 22 May. The Chairman said that Minna had been a remarkable lady who gave 100% commitment and dedication to her role as both district and town councillor and local issues especially planning.

(c) **Chief Executive – District Ward Tours**

The Chief Executive reported that since his appointment, he had been going to meet Members in their local wards. He reported that with the help of the local Members, he had met with parish councils, sports clubs and local organisations. He was finding these visits extremely useful in acquainting himself with the local issues pertaining to those areas. He thanked Members who had assisted him with arranging these visits and asked for other Members to make similar arrangements for him to visit their areas. He was picking up points that needed addressing, but would like to draw some conclusions from these visits at a later stage.

Councillor Chivers thanked the Chief Executive for the visit he had made to his ward which he said had been very much appreciated.

173. NOTICES OF MOTION

The Chairman reported that two notices of motion had originally been received as circulated with the agenda from Cllrs Osborn and Chivers/Barker. However, as both motions were on a similar theme, Councillor Chivers/Barker had since withdrawn their motion and incorporated part of their motion into the motion submitted by Cllr Osborn.

The revised motion was therefore as follows:

Closure of Sub Post Offices – Councillors Chivers Osborn & Barker

“Ever mindful of its responsibility for community well being, this Council publicly expresses its considered opposition to the closure of Community Post Offices.

It is most concerned that the latest wave of these closures will be the direct result of a corporate decision of the immensely profitable PLC, TESCO.

Apparently TESCO acquired the share capital of T & S Stores, the parent company of a chain of convenience outlets, trading as One Stop Shop.

Various of these outlets have well-established Community Post Offices. TESCO has made the decision to close the Community Post Offices in approximately forty of these outlets. This decision was made because it calculated that marketing its own products was more profitable than providing a Community Post Office.

At least two of the Community Post Offices so scheduled for closure are in the district of West Wiltshire.

This Council is to communicate its public opposition to the loss of these Community Post Offices to all the relevant authorities, including TESCO, Central Government, the Post Office and the LGA.

Council urges Tesco to consider the effect that this policy could have on the less able, elderly and those without transport in closing sub-post offices in many of their community based stores.

This Council also invites Tesco to meet with ward members and the local community to discuss the effect the closure of Post Offices in Warminster and Trowbridge could have on the Community.”

Furthermore, the Council will use the acknowledged expertise of its Corporate Communications Unit to mount a planned campaign of opposition to these closures, using the national, regional and local media. It will also utilise the pages of “West Wilts Matters” in this campaign.

The relevant Portfolio holder is to report back to all elected members and the public, the progress that has been made in preventing this further loss of Community Post Offices.”

For Members’ assistance, details of the procedure to be used in dealing with notices of motions at the meeting as laid down in the Constitution were presented.

The Chairman and Leader agreed to allow debate of this item and in accordance with the Constitution, details of the debate would be reported to the Cabinet if Council agreed such a referral.

Summary of Debate

Mention was made of a letter from Tesco giving an assurance that they would look at the relocation of the post office outlet if a suitable alternative could be found. There was however concern that there might not be a suitable alternative in the areas currently under threat of closure. Point made that Tesco did have the financial means to be able to offer relocation. Also concern that the letter from Tesco was general and did not address specific issues. Any relocation should take place prior to any closure of existing facilities.

The closure of the post offices would inconvenience people with mobility problems such as the elderly. Post offices which had previously been under threat of closure and later retained were the result of local pressure. Need to write to Tesco as a matter of urgency expressing the strength of feeling. Need to support local campaign to retain a local service.

Suggestion made that the notice of motion could be amended to acknowledge letter from Tesco and assist in their offer of relocation.

Reference was made to the previous consideration of post offices by the External Overview and Cabinet. The closure threat on some post offices had been lifted due to the re-allocation between urban and rural classification.

Wiltshire County Council agreed to write to Tesco offering County Council premises in which to relocate the post offices under threat. Suggestion made that this Council could perhaps give a similar undertaking.

Post office provided a very valuable service especially for those without transport and the elderly.

This Council could make a difference by maintaining pressure to retain the post offices. This was a prime example of being community leaders.

Did not think that Warminster in particular there would be another outlet which would be suitable for accommodating the post office service. Warminster had received notification

that Tesco was indeed prepared to relocate. Therefore, should pursue this offer rather than be confrontational.

Reference was made to 2 petitions of approximately 350 signatories each. Should listen to the concerns of those people and support the notice of motion.

This was a community issue and we should not be apologetic to Tesco. The Council should be doing all it could to preserve local issues for the community it served.

A motion was moved and seconded that the notice of motion as detailed above should be referred to Cabinet. On being put to the vote, the motion was CARRIED and a recorded vote having been requested, the voting was recorded as follows:

FOR THE MOTION (35)

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Burnan, Carbin, Chivers, Clark, John Clegg, Marion Clegg, Conley, Cox, Cunliffe-Jones, Davis, Farkas, Fortescue, Hames, Hawker, James, Knight, Manasseh, March, Mounde, Mudge, Newbury, Oldrieve, Osborn, Payne, Phillips, Repton, Viles, While and Wiltshire.

AGAINST THE MOTION (Nil)

ABSTENTIONS (Nil)

RESOLVED:

That the notice of motion as detailed above together with the comments of the debate be submitted to Cabinet.

174. RECYCLING BLACK BOX SCHEME - EXPANSION

The Corporate Director (PW) reported on arrangements being made to extend the black box recycling scheme. It was noted that a similar presentation would be made to Members at the next meeting on 21 July on the start of the compost collections which would commence in the Autumn. He referred to a leaflet on the new arrangements which had been previously circulated to Members.

The Contracts Officer gave a power point presentation on the roll out of the black box scheme which included information on the timetable and publicity for the scheme.

He also answered Members questions.

175. RECOMMENDATIONS FROM CABINET

(a) Review of Complaints Procedure

Councillor Payne as Portfolio Holder presented a recommendation from Cabinet regarding the review of the Council's complaints procedure which had also been considered and agreed by the Standards Committee.

He reported that the procedure had been designed to make the complaints procedure an important tool for improving customer service and would include a monitoring element.

At present complaints are handled by officers but there is no formal way for getting an overview of trends or recurrent problems. The report proposes that there should be:

- A record made of Stage 2 and 3 complaints so that we can see how well achieve our aim of trying to resolve such issues quickly;
- Member involvement in handling the most serious internal complaints and complaints made to the Ombudsman; and
- Regular reporting to:
 - the Corporate Team and Cabinet to show what complaints have been received and what can be learnt from them;
 - the Standards Committee to see if there are any ethical issues;
 - the Internal Overview Committee to ensure that everything which should be done to improve service delivery has been done.

It was also recommended that the procedure be included in the Council's Constitution.

RESOLVED:

That the Complaints policy/procedure be approved for inclusion in the Constitution.

(b) Sex Establishment Policy

Councillor Wiltshire presented the Sex Establishment Policy as had been recommended by Cabinet at its meeting on 2 June 2004. In recommending the policy, Cabinet had recommended the deletion of section 3.4 (e) which stated that "no sex shop would be permitted within a six mile radius of another such licensed establishment" and amending section 3.4 (a) to read "no new licensed sex shop will be permitted if it will be situated within 'inappropriate proximity' ...

It was explained that all sex establishments need to be licensed by the Council. Currently there was one sex shop and an enquiry had been received from another potential applicant. At present, the Council did not have a policy on this issue.

It was moved and seconded to approve the policy subject to a change at section 3.1 (b) to read that the number of sex establishments in the relevant locality is equal to or greater than the appropriate number to be agreed by the **Licensing Committee** (and not by the Council as originally proposed).

An amendment was then moved and seconded to reinstate the 6 mile radius rule. A discussion ensued on the legality of such a rule. The Chief Executive assured Members that if Council approved the 6 mile radius rule then legal clarification would be sought prior to its implementation.

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

Note: Recorded votes

Councillor Clark requested that his vote in support of the amendment he had proposed be recorded.

Councillor Chivers requested that his vote against the amendment be recorded.

Councillors Barker and Viles requested that their abstentions from voting on the amendment be recorded.

RESOLVED:

That the policy on Sex Establishments be approved subject to section 3.1 (b) : the number of sex establishments in the relevant locality is equal to or greater than the appropriate number to be agreed by the Licensing Committee.

Note: Recorded Votes

Councillors Chivers and Viles requested that their votes against the above decision be recorded.

176. BEST VALUE PERFORMANCE PLAN

Councillor While presented this item as the Portfolio Holder: He sought Council approval of the best value performance plan for 2004-05, prior to publication on 30 June.

Replacement pages 14, 15 and 16 were circulated which included up to date financial details.

KPMG were currently auditing the BVPI's which might result in changes made to the figures prior to publication to ensure accuracy.

This year the format has changed. The information had been divided into two parts. Part A complies with the statutory requirements and provides the overview of what the Council intends to do for the coming year.

Part B contains the detailed service and financial plans, and these have been subject to scrutiny by Internal Overview. The final version of the Plan will be published on the Councils website on 30 June.

RESOLVED (unanimously):

That the Council approves the draft Best Value Performance Plan for 2004-05 for publication subject to any final minor amendments required prior to publication to ensure accuracy and compliance, following review by Internal Audit.

177. ALLOCATION OF MONITORING OFFICER RESPONSIBILITIES

The Chief Executive presented a report which sought approval to allocate the monitoring officer responsibilities to the Legal and Democratic Services Manager post which had been created as part of the recent restructuring arrangements.

The role of the monitoring officer was to ensure the legality of Council decisions and for ethical probity under the Local Government Act 2000.

Currently, the Corporate Director (PW) had the responsibilities of monitoring officer. However, the level of operational involvement was inconsistent with his more strategic role.

Whilst this had been included in the draft structure presented to Council on 12 May 2004, specific Council approval was being sought.

RESOLVED:

That the Legal and Democratic Services Manager be appointed as the monitoring officer under Section 5 of the Local Government and Housing Act 1989.

178. POLITICAL BALANCE

Councillor Payne explained that this report had been prepared following the resignation of Steve Squires and the sad death of Jackie Wells. However, in view of the impending by-elections to fill these vacancies it would be reasonable to defer until the outcome of the by-elections were known.

Councillor Brice asked about the legality of deferring the item, especially in view of the creation of a new group, the West Wiltshire Independent Group.

The Corporate Director (PW) explained that there were two stages in the process: firstly to review the Political Balance and secondly to allocate seats. The legislation indicated that both these have to be done as soon as practical, but not necessarily at the same time. The report reviewed the Political Balance, however, as Council Payne had pointed out, it would be necessary to do this again once the results of the bye-election on 15 July 2004 were known. In these circumstances it did seem sensible to defer the allocation of seats until this further review could take place, and the allocation of seats could take into account the situation after the bye-elections. He considered that this approach would comply with the legislation, particularly as there was a further meeting of Full Council in July soon after the bye-elections.

RESOLVED:

That consideration of the report on Political Balance be deferred until as soon as practicable following the bye-elections for Trowbridge College and Melksham wards.

Note: Recorded Votes

The following Councillors requested that their votes against the above decision be recorded:

Councillors Clark, Barker, Chivers, Osborn, Brice, Bryant, and Newbury.

179. TOWN REPRESENTATIVES ON THE STANDARDS COMMITTEE

The Chairman announced the results of the votes for a new town council representative on the Standards Committee which were as follows:

<i>Candidate</i>	<u>Town</u>	<u>Number of votes</u>
Pamela Cox-Maidment	Westbury	6
William Parks	Warminster	6
Mary Stacey	Trowbridge	15

Mrs Mary Stacey was the candidate with the most votes and was therefore recommended to be appointed to the Standards Committee.

RESOLVED:

- (a) That Mrs Mary Stacey be appointed as the town council representative on the Standards Committee for a one year period.**
- (b) That a letter of thanks be sent to Mr Bill Parks for his contribution to the work of the Standards Committee.**

180. CABINET FORWARD WORKPLAN

The Leader presented the Cabinet Forward workplan for the period June to September 2004. It was noted that a more up to date version had been circulated with the Cabinet agenda for 30 June 2004.

RESOLVED:

That the Cabinet forward workplan be noted.

181. URGENT BUSINESS

The Chairman reported that there was no urgent business to report back.

182. REPRESENTATIVES ON OUTSIDE BODIES

Councillor Repton reported on her attendance together with Councillor Newbury at a recent meeting of the Wiltshire Victoria County History Appeal Trust.. She reported on the successful bid to achieve charitable status and thanked Members and officers alike for their continued support of the Victoria County History.

Councillor Wiltshire referred to a report he had presented to the Melksham Area Seminar meeting regarding his attendance at the Wilts and Berks Canal meeting.

Councillor Phillips OBE reported on his attendance at the Cotswolds Area of Outstanding Natural Beauty Annual General Meeting held on 22 June.

183. REPORTS FROM MEETINGS

The minutes of the following meetings were presented and Members were given an opportunity to ask questions on them:

Meeting	Date	Minute nos
Planning Committee	28/04/04	120 – 128
Planning Committee	13/05/04	129 - 138
Planning Committee	03/06/04	139 - 148
Cabinet	05/05/04	282 – 297
Cabinet	02/06/04	298 - 310
External Overview Committee	19/05/04	73 – 78
Internal Overview Committee	14/04/04	89 - 98
Standards Committee	20/05/04	68 - 77

RESOLVED:

That the minutes of the above minutes be received and noted.

DATE OF NEXT MEETING

The next meeting of Council will be held on 21 July 2004 at the Council Offices, Bradley Road, Trowbridge

(7.05pm – 9.45pm)

These minutes were prepared by Yamina Rhouati, Member Support Officer who can be contacted on direct telephone line 01225 770322 or email yrhouati@westwiltshire.gov.uk