

IMPLEMENTATION EXECUTIVE

Minutes of the Meeting Held on 7 April 2009

In Attendance

Wiltshire County Council

Mrs Jane Scott – Leader – in the Chair
Mr John Thomson – Deputy Leader
Mr Mark Baker
Mrs NS Bryant
Miss Fleur de Rhe Philipe
Mrs Mary Douglas
Mr John Noeken
Mr Toby Sturgis
Mrs Bridget Wayman

Representing the Former Kennet District Council

Mr Lionel Grundy
Mr Philip Brown

Representing the Former North Wiltshire District Council

Mr Dick Tonge
Mrs Allison Bucknell

Representing the Former West Wiltshire District Council

Mr Tony Phillips
Mr Rod Eaton

Representing the Former Salisbury District Council

Mr Paul Sample
Mr Steven Fear

Also in attendance: Mr A Molland, Mr J Seed

249. Apologies

None.

250. Minutes

The minutes of the meetings held on 16 March 2009 and 30 March 2009 were confirmed and signed as a correct record.

251. Leader's Announcements

The Leader announced that the venues for the next two meetings of the Implementation Executive were under consideration. It was suggested that the 22 April meeting be held at Browfort, Devizes and the 13 May meeting be held at Monkton Park, Salisbury.

252. Members' Interests

No interests were declared.

253. Public Participation

None.

254. Wiltshire Council, Week One Update

The Leader began by emphasising her appreciation to all staff from the five councils and recognised the hard work that had been carried out through the transition, and in particular the work on Day One. She said that there had been a positive response to the day throughout Wiltshire and asked officers to communicate her thanks to their staff.

The Chief Executive gave an oral report on the first six days of the new Council. He outlined the key facts and issues which included an insight into the work that went on behind the scenes. He recognised the many contributions made by staff across the county, expressed his gratitude to the staff and also pointed out that there was further work to be done, highlighting future challenges which included preparations for the elections in June and the importance of making the Area Boards a success.

The Leader emphasised that it was important to show that the new Wiltshire Council could make a difference with a 'can do', customer focused approach.

The Leader invited members of the Implementation Executive to visit service deliverers, as well as the people receiving council provided services, in order to promote good practice across the county. The Leader asked the Service Director, Policy, Research and Communications to assist in the coordination of these visits.

255. A Vision for Chippenham

The Implementation Executive considered the report of the Service Director, Economy and Enterprise which set out the current status and the next steps for the key projects of the Vision, and in particular a proposal for managing the Chippenham Vision forward through a public/private partnership – described as a Special Purpose Vehicle (SPV).

In response to a concern that the project was not yet complete and that there was no final evidence or estimation of costs, the Service Director suggested that the best way forward was for the IE to officially constitute the group, delegate authority to the future Vision Director and thereby allow the group to move forward. The Leader

added that by officially constituting the group, they could better manage expectations, and facilitate and support the Vision's attempts to secure additional funding.

Mr Sample supported the Vision but queried the membership of the proposed SPV, suggesting that officers were over-represented and members under-represented.

The Leader agreed that officers should not be voting members as it would put them in a difficult position when the SPV was asked to make controversial decisions. The Leader reminded members that the SPV would be a body independent of the Council, but further suggested that the Board should include a member from the local Area Board.

Finally, the Leader suggested that the new Council should encourage similarities and common approaches by the different SPVs that have been set up around the county.

Resolved:

- a. **To approve the establishment of a Vision SPV and its terms of reference as set out in Appendix 2 of the report.**
- b. **To approve the membership of the Vision SPV Executive Board as set out in Appendix 2 of the report, with the addition of a member from the local Area Board, and to reflect that officers were non-voting representatives, whose role was to support the SPV.**
- c. **To delegate authority to the Director, Economy and Enterprise to agree minor changes in (a) and (b) above.**
- d. **To delegate authority to the Director, Economy and Enterprise to establish, subject to terms of reference of the Vision SPV, officer groups for the major projects, to work to the direction of the Vision Executive Board.**

Reason for Proposal

The group has lacked terms of reference and there has been uncertainty relating to the major projects and the role of the Vision Group in managing the Vision process forward. With the transition to Wiltshire Council on 1 April 2009, it was imperative that the Vision Group has a mandate from the Implementation Executive to continue its work.

256. Promoting Sustainable Development through Planning Policies

The Implementation Executive considered the Draft Sustainability Appraisal Scoping Report which provided a framework to test emerging planning policies against to ensure that they supported sustainable patterns of development. The covering report of the Service Director, Economy and Enterprise outlined the process of consultation that had taken place, considered the comments the Council had received, and recommended changes that were needed to the draft Scoping Report in response to those comments.

Resolved:

- a. To approve the proposed actions and changes to the draft Wiltshire Council Sustainability Appraisal Scoping Report in response to comments received during the consultation period set out as recommendations in Appendix 1 of the report.**
- b. To delegate authority to the Director of Economy and Enterprise to authorise detailed amendments and any consequential changes to the draft Scoping Report as a result of the actions recommended in Schedule 1 which is available on the website.**
- c. To agree to the publication of the final Wiltshire Council Sustainability Appraisal Scoping Report once the changes approved under (i) and (ii) have been made.**

Reason for Proposal

To inform members of the recent consultation exercise in relation to the Wiltshire Council Sustainability Appraisal Scoping Report and to agree the content of a revised Scoping Report, incorporating changes made in response to the comments received.

257. Planning Code of Good Practice for Members of Wiltshire Council

The Implementation Executive considered the report of the Service Director, Development which, in light of the differing views expressed by the Constitution Focus Group (CFG) and the Joint Overview and Scrutiny Transition Board (JOSTB) on the purpose of planning site visits, asked the IE to decide on the appropriate course of action regarding this matter.

Mr Sturgis urged members to consider the importance of the principles of transparency and inclusivity, which the new Council had promised to adhere to. He also outlined arguments against allowing decisions to be made on site visits and he therefore circulated a set of recommendations that supported the Constitution Focus Group's position.

The consensus amongst members of the IE was that a common approach was needed. Some members spoke on behalf of the JOSTB position, arguing that allowing decisions to be made on site was the most straight forward approach and would ensure efficient decision-making. The members that spoke on behalf of the JOSTB recommendation expressed their concerns that postponing a final decision until the next planning meeting would result in unnecessary delays.

Several members spoke in support of Mr Sturgis' recommendations and a statement from Mr Clark, a former Chairman of the West Wiltshire District Council planning committee, was also read out in support of Mr Sturgis' recommendations. The members expressed concern that allowing decisions to be made on site would not be a transparent and fair process.

Some members expressed concern about the issue of the delay between the site visit and the planning meeting, and Mrs Bucknell suggested that the protocol should stipulate that where site visits have been undertaken (or indeed, where an application had been previously deferred) the application should usually be the first item on the Agenda of the following Planning meeting. The Leader proposed this as an amendment to Mr Sturgis' recommendations and most members agreed that this was a positive resolution and supported that proposal.

The Leader reassured members that the protocol for Site Visits would be debated and reviewed by the new council, and emphasized that this decision was needed only for the interim period leading up to the elections.

Resolved:

a. To agree that the text for Site Visits in the Planning Code of Good Practice for Members of Wiltshire Council be as set out by the Constitution Focus Report as set out in paragraph 4 of the report.

b. To agree that the Planning Code of Good Practice paragraphs 9.5 and 11 be reviewed at the end of the interim period, together with the protocol referred to in (c) below.

c. To delegate authority to the Service Director, Development to prepare a protocol for site visits as an appendix to the Code of Good Practice, which should include the stipulation that where site visits have been undertaken (or indeed, where an application has been previously deferred) the application should usually be the first item on the Agenda of the following Planning Committee meeting where the final decision is made.

Reason for Proposal

Officers in the five authorities have worked with both procedures but if the new council is to work in a consistent manner across the county, it should operate its decision making process in the same manner in each of the development control hubs. As both approaches to site visits work and there are fairly strong member advocates for both ways of working, the decision had to be democratically made by Implementation Executive members themselves.

258. Code of Corporate Governance and Annual Governance Statement

The Implementation Executive considered the report of the Service Director, Legal and Democratic Services which proposed a Code of Corporate Governance for Wiltshire Council and an Assurance Framework through which the Code could be linked to the Annual Governance Statement and the Use of Resources element of the Comprehensive Area Assessment.

The Leader noted that the Final Accounts and Audit Committee of the County Council had recommended that two members of the new Council be members of the Assurance Group. One member should come from the Standards Committee and one member should come from the new Audit Committee. The Leader asked that this should be noted for the new council.

Resolved:

- a. To approve the draft Code of Corporate Governance.
- b. To approve the proposal to adopt an Assurance Framework to accompany and inform the Code of Corporate Governance and to inform CAA assessment on the Use of Resources and the Annual Governance Statement.

Reason for Proposal

The proposals will assist not only in informing the CAA assessment process, but also in the preparation of the Annual Governance Statement.

259. Scheme of Delegation

The Implementation Executive considered the report of the Service Director, Legal and Democratic Services which proposed that the most effective way of dealing with those IE functions that involve non major and non sensitive decisions, is for these to be dealt with by officers under the Council's Scheme of Delegation. The report further stipulated that safeguards which attach to the Scheme should expressly include a requirement for officers to consult with the appropriate IE portfolio holders and if necessary, to refer the decision to the IE.

Members suggested minor changes to the Appendices of the report.

Resolved:

- a. To note that the current scheme of delegation to cabinet members will remain in place during the pre-election period for functions which were County Council functions before 1 April.
- b. To confirm for the avoidance of doubt that from 1 April 2009 the Council's Scheme of Delegation to Officers applies to all IE functions.
- c. To agree that decisions on non major and non sensitive matters will be dealt with by officers under the Scheme of Delegation to Officers, with the express requirement that officers consult with the appropriate portfolio holders and if necessary refer the decision to the IE.

Reason for Proposal

To ensure the effective conduct of business.

260. St John's Community School Marlborough – Change to Previously Agreed Loan Agreement

The Implementation Executive considered the report of the Corporate Director, Children and Education which sought agreement to vary the conditions of a loan agreed by Wiltshire County Council in October 2007 to facilitate a major capital project to consolidate St John's Community School Marlborough on a single site.

Resolved:

- a. To approve the changes in conditions of the loan to St. John's Community School, Marlborough in order to support the equipping of the new school.
- b. To agree that the remaining amount of £547,000 be made available to the school with repayment of the full amount of £675,000 over a 10 year period at an interest rate to be calculated by the Chief Financial Officer.

Reason for Proposal:

The capital project to consolidate St John's Community School, Marlborough on a single site was progressing towards completion and the school needed to secure funding for the equipping of the new buildings.

261. Update on Appointments Process

The Implementation Executive considered an update on the Council's current position in relation to the progress of the Appointments process.

262. Outline Work Programme

The Implementation Executive received the Outline Work Programme of future business.

The meeting closed at 5.15pm.