

## COUNCIL

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### MINUTES OF THE COUNCIL MEETING HELD ON 17 MAY 2011 AT OLYMPIAD SPORTS HALL - OLYMPIAD LEISURE CENTRE, MONKTON PARK, CHIPPENHAM.

#### Present:

Cllr Desna Allen, Cllr Richard Beattie, Cllr Chuck Berry, Cllr John Brady, Cllr Richard Britton, Cllr Rosemary Brown, Cllr Liz Bryant, Cllr Allison Bucknell, Cllr Jane Burton, Cllr Trevor Carbin, Cllr Nigel Carter, Cllr Chris Caswill, Cllr Ernie Clark, Cllr Richard Clewer, Cllr Christopher Cochrane, Cllr Peter Colmer, Cllr Linda Conley, Cllr Mark Connolly, Cllr Christine Crisp (Vice-Chair), Cllr Brian Dalton, Cllr Paul Darby, Cllr Andrew Davis, Cllr Tony Deane, Cllr Bill Douglas, Cllr Peggy Dow, Cllr Peter Doyle, Cllr Rod Eaton, Cllr Nick Fogg, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Jose Green, Cllr Howard Greenman, Cllr Mollie Groom, Cllr Lionel Grundy OBE, Cllr Brigadier Robert Hall (Chairman), Cllr Russell Hawker, Cllr Mike Hewitt, Cllr Malcolm Hewson, Cllr Alan Hill, Cllr Charles Howard, Cllr Jon Hubbard, Cllr Chris Humphries, Cllr Keith Humphries, Cllr Peter Hutton, Cllr Tom James MBE, Cllr George Jeans, Cllr David Jenkins, Cllr Julian Johnson, Cllr Simon Killane, Cllr John Knight, Cllr Jerry Kunkler, Cllr Jacqui Lay, Cllr Alan Macrae, Cllr Howard Marshall, Cllr Laura Mayes, Cllr Ian McLennan, Cllr Francis Morland, Cllr Bill Moss, Cllr Christopher Newbury, Cllr John Noeken, Cllr Jeffrey Ody, Cllr Jeff Osborn, Cllr Mark Packard, Cllr Sheila Parker, Cllr Graham Payne, Cllr Stephen Petty, Cllr Nina Phillips, Cllr Fleur de Rhe-Philippe, Cllr Pip Ridout, Cllr Bill Roberts, Cllr Ricky Rogers, Cllr Judy Rooke, Cllr Jane Scott OBE, Cllr Jonathon Seed, Cllr John Smale, Cllr Carole Soden, Cllr Toby Sturgis, Cllr John Thomson, Cllr Dick Tonge, Cllr Anthony Trotman, Cllr Bridget Wayman, Cllr Fred Westmoreland, Cllr Stuart Wheeler, Cllr Roy While, Cllr Christopher Williams and Cllr Graham Wright

#### 95. Apologies

Apologies for absence were received from Councillors Ian West, Julie Swabey, Paul Sample, Peter Davis, Mary Douglas and Mark Griffiths, Michael Cuthbert-Murray, Steve Oldrieve, Leo Randall and Helen Osborn.

#### 96. Election of Chairman

The outgoing Chairman, Cllr Brigadier Hall sought nominations for the position of Chairman of Wiltshire Council for 2011/12.

Cllr Brigadier Hall was proposed by Cllr Chris Humphries and seconded by Cllr Jon Hubbard.

In the circumstances as a member cannot preside over their own election and as the Chairman if present must preside, Cllr Brigadier Hall vacated the chair and left the meeting for the duration of this item.

Cllr Crisp, Vice-Chairman in the Chair

Cllr Crisp asked if there were any other nominations and there were none, and on being put to the vote it was

**Resolved:**

**That Councillor Brigadier RWS Hall be elected Chairman of Wiltshire Council for 2011/12.**

Cllr Brigadier Hall then signed the Declaration of Acceptance of Office of Chairman of Wiltshire Council in the presence of the Chief Executive.

Cllr Brigadier RWS Hall in the Chair

The Chairman commented that it was an honour to be re-elected Chairman of the Council and thanked Councillors for their continued confidence in him.

97. **Election of Vice-Chairman**

The Chairman sought nominations for the position of Vice-Chairman of Wiltshire Council for 2011/12.

Cllr Christine Crisp was proposed by Cllr Nina Phillips and seconded by Cllr Pip Ridout. There being no further nominations and on being put to the vote, it was

**Resolved:**

**That Cllr Christine Crisp be elected Vice-Chairman of Wiltshire Council for 2011/12.**

Cllr Christine Crisp signed the Declaration of Acceptance of Office of Vice-Chairman of Wiltshire Council in the presence of the Chief Executive.

98. **Minutes of Previous Meeting**

The minutes of the meeting held on 22 February 2011 were presented for approval as a correct record.

Cllr Ian McLennan challenged the accuracy of minute no. 86 on the South Wiltshire Core Strategy – Review of Housing and Employment Requirements. In an effort to assist Council, Cllr McLennan produced a document detailing how in his opinion the minute should have been recorded particularly in relation to references made in the minute to the Community Forum. He moved that the

minute be amended in accordance with the document he produced, details of which were circulated and this was duly seconded by Cllr Ricky Rogers.

At the Chairman's invitation, Cllr John Brady, Cabinet member for Economic Development, Planning and Housing spoke to the proposed amendment to the minute. He confirmed that the minute had been verified by a number of officers and he was therefore satisfied that the minute reflected an accurate account of the proceedings for that item

On being put to the vote, the motion to amend the minute was LOST and it was

**Resolved:**

**That the minutes of the last Council meeting held on 22 February 2011 be approved as a correct record as presented and signed by the Chairman.**

Recorded Votes

Cllrs Ian McLennan and Ricky Rogers requested that their votes against the above decision be recorded.

99. **Declarations of Interest**

The Chairman drew Councillors' attention to the letter of advice from the Monitoring Officer concerning possible interests in the Submission Draft Waste Site Allocations Development Plan Document.

Community Governance Reviews (minute no. 111 refers)

The following members declared a personal interest in relation to the above item:

Cllrs Peter Fuller, Jeff Osborn, Graham Payne John Knight – by virtue of being members of Trowbridge Town Council which had requested a Boundary Review.

Cllrs Jon Hubbard and Rod Eaton, – by virtue of being members of Melksham Town Council which had only recently written to this Council requesting a review.

Cllrs Andrew Davis, Pip Ridout, Keith Humphries – by virtue of being members of Warminster Town Council, proposals on which were specifically referred to in the report presented.

Cllr Clark – by virtue of being Chairman of Hilperton Parish Council which had lodged objections to proposals.

Submission Draft Waste Site Allocations Development Plan Document (minute no. 106 refers).

The following councillors declared personal interests on the above item:

Cllr Mark Connolly – by virtue of being a Governor of Wellington Academy which was next to one of the identified sites.

Cllr Francis Morland – by virtue of being a member of Heywood Parish Council which had made representations on proposals.

100. **Referendum Results**

Council received and noted the Counting Officer's Local Total in respect of the Alternative Vote Referendum held on 5 May 2011.

Councillors were asked to refer any suggestions or observations on the Referendum process in Wiltshire to Andrew Kerr as Counting Officer.

101. **Announcements by the Chairman**

**(a) Meeting Information**

The Chairman explained the circumstances leading to holding this meeting away from the usual venue at County Hall. Comments would be sought from Councillors on the arrangements and facilities for the meeting via their respective Group Leaders.

**(b) Official Opening of Bourne Hill Offices, Salisbury**

The Chairman reported that on 30 March, the Council's Bourne Hill offices in Salisbury were officially opened by Her Royal Highness the Countess of Wessex. He understood that Her Royal Highness was very impressed with the design elements of the building particularly the energy efficient features and the sympathetic way in which the extension combined with the listed building.

**(c) Salisbury Civic Society Conservation Awards Scheme 2010 Bourne Hill Offices, Salisbury**

The Chairman was pleased to announce that the Bourne Hill offices received an award under the Salisbury Civic Society Conservation Awards Scheme for 2010. He had received the award on behalf of the Council, which took the form of a Certificate, at an awards ceremony held at Godolphin School in Salisbury last month. Certificates were also presented to the architects, conservation architects, the main contractors, environmental engineers and the landscape architects involved in the scheme. The award was given "for the respectful care taken over the historic house, and the addition of an ambitious and carefully thought out modern building to the centre of the city".

In addition to this award, Bourne Hill had also been shortlisted for three other awards with the British Council of Offices, Society of Chief Architects in local authorities and the Royal Institute of British Architects.

**(d) Award in Leadership Management**

The Chairman reported that earlier in the year, nine Councillors undertook and successfully completed the Award in Leadership and Management. The award was a nationally recognised qualification at foundation degree level.

The Chairman congratulated the following Councillors who had successfully completed the award and presented them with their certificates later in the meeting:

Cllrs Allison Bucknell, Jane Burton, Trevor Carbin, Richard Clewer, Howard Marshall, Helen Osborn, Shelia Parker Stephen Petty and Paul Sample.

**(e) Wootton Bassett on the BBC**

The Chairman referred to the programme 'Wootton Bassett: The Town That Remembers' which was broadcast on BBC1 on 9 May. The programme followed the course of a day in Wootton Bassett as residents prepared to receive a repatriation of a soldier, Ranger Aaron McCormick.

The Chairman reiterated the sentiments of the programme in recognising the incredible respect and unerring commitment shown by local residents and veterans throughout the course of repatriations via RAF Lyneham and the Town. It was noted that the Town had been granted Royal title for the respect collectively shown to those killed in war as they are returned to Britain.

**(f) Mobile Chemotherapy Unit**

As previously advised to Councillors, a mobile chemotherapy unit was parked outside the meeting room. This was to enable councillors to visit the unit and receive a presentation to see firsthand the excellent facilities it provided in bringing chemotherapy treatment closer to patients. It was noted that 'Hope for Tomorrow' a registered charity had provided a mobile chemotherapy unit for use in Wiltshire.

**(g) Former Councillor – Brian Atfield**

The Chairman reported that sadly Brian Atfield was seriously ill in hospital. Mr Atfield represented the Cricklade Division of Wiltshire Council during 1993-2004.

## 102. Petitions Update

The Chairman reported receipt of 3 petitions since the last meeting of Council details of which were included in the report presented. The Chairman also reported on petitions which had been submitted since publication of the agenda.

With the Chairman's permission, Cllr Nick Fogg spoke to the petition referred to in the report on the X76 Marlborough to Bath bus service. Cllr Fogg explained that the petition had been signed by several people and that the service was a very popular one which included a service to the Royal United Hospital (RUH) in Bath.

Cllr Howard Marshall referred to the planned loss of service in Calne which also serviced the RUH and that if removed would involve 4 bus trips to get to the hospital.

Cllr Gamble, Portfolio Holder for Public Transport explained that all comments received during the consultation process would be taken into account. He added that whilst services may be popular they were not necessarily commercially viable with most users travelling on concessions.

Cllr Mike Hewitt presented a petition in the form of a log of the number of patients visiting the Harcourt Medical Centre, Salisbury and the duration of their visit. He argued that given the majority of visits was for relatively short periods it was unfair to expect patients to pay the full parking charge. This was affirmed by Cllr Cochrane who requested that the needs of the surgery should be taken into account.

The Chairman reported receipt of a letter and a petition organised by Corsham Chamber of Commerce requesting the Council to reconsider the increase in car parking charges in Corsham.

Cllr Tonge responded to points raised.

### **Resolved:**

- (a) That Council notes the petitions received and the actions being taken as set out in the table in the report presented.**
- (b) That Council receives and note the petitions presented at this meeting and to request that Cllr Dick Tonge respond to the lead petitioners in writing.**

## 103. Public Participation

No requests for public participation had been received for this meeting.

104. **Review of Allocation of Seats on Committees to Political Groups and Appointment of Committees**

The Chairman took the following items recorded at minute no.s 104 (a) – (c) and 105 together giving Councillors an opportunity to comment on individual items.

(a) **Appointment of Committees and Review of Allocation of Seats on Committees to Political Groups**

(b) **Appointment to Committees**

(c) **Appointment of Chairmen and Vice-Chairmen - Committees**

105. **Appointment of Wiltshire Council members to serve on the Combined Fire Authority**

The Chairman drew Councillors' attention to the reports of the Solicitor to the Council and Monitoring Officer which invited Council to:

- appoint the various committees of the Council and review the allocation of seats on those committees to political groups according to their respective political strengths on the Council;
- make appointments to committees in accordance with such a review taking into account the wishes of the political group leaders;
- appoint chairmen and vice-chairmen of committees excluding the Standards and Select Committees which would be asked to make such appointments at their respective first meetings;
- agree to extend the terms of office of the current chairman and vice-chairman of all Area Boards to the first meeting of those Area Boards following this Annual Meeting of Council to enable them to oversee, where appropriate the election of chairman and vice-chairman for 2011/12;
- to agree to extend the term of office of Mrs Isabel McCord as an independent member on the Standards Committee;
- appoint nine Wiltshire Council members to serve on the Combined Fire Authority for the ensuing year.

The Chairman explained that Group Leaders had been consulted on the principles of what was being proposed.

The Leader proposed a motion which encompassed all of the above, details of which were circulated and this was duly seconded.

A discussion ensued on whether chairmen and vice-chairmen of committees should be appointed by Council at this meeting or left to the committees themselves to determine at their first round of meetings following this meeting. An amendment was proposed by Cllr Francis Morland and seconded by Cllr Jon Hubbard to the effect that the appointment of committee chairmen and vice-chairmen should not be taken today but left to the committees to determine and that the current chairmen and vice-chairman stay in situ until their successors were appointed.

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

A further amendment was proposed by Cllr Jon Hubbard and seconded by Cllr Peter Colmer which gave an alternative list of vice-chairmen of committees to that which was proposed in the Leader's motion. On being put to the vote, the amendment was LOST.

The Chairman then put the Leader's motion to the vote which was CARRIED and it was

**Resolved:**

**To note the reports and the legal requirements.**

**(a) To appoint the following committees with the terms of reference as set out in the Constitution:-**

**Strategic Planning  
Area Planning – East, North, South and West  
Licensing  
Standards  
Organisation and Resources Select  
Children's Services Select  
Health and Adult Social Care Select  
Environment Select  
Audit  
Appeals  
Staffing Policy  
Officer Appointments  
Pension Fund  
Joint Committee for Appointment to Wiltshire Police  
Authority**

**(b) To approve the aggregate number of committee places available to members of the Council being 169 and the number on each committee as follows:-**

<u>Committee</u>	<u>Total Number of Places for Elected Members</u>	<u>Conservative Group Allocation (61 seats)</u>	<u>Liberal Democrat Group Allocation (24 seats)</u>	<u>Labour Group Allocation (2 seats)</u>	<u>Independent Group Allocation (8 seats)</u>	<u>Devizes Guardians Group Allocation (3 seats)</u>
Strategic Planning	13	9	3	-	1	-
Area Planning Committees						
North	10	7	3	-	-	-
South	11	6	3	1	1	-
East	9	6	1	-	1	1
West	11	6	3	-	2	-
Licensing	12	8	3	-	1	-
Organisation and Resources Select	13	7	3	1	1	1
Children's Services Select	13	9	3	-	1	
Health & Adult Social Care Select	13	8	3	-	1	1
Environment Select	13	7	3	1	1	1
Audit	13	8	3	-	1	1
Appeals	9	6	3	-	-	-
Staffing Policy	9	6	2	-	1	-
Officer Appointments	5	3	1	-	1	-
Pension Fund	5	3	2	-	-	-
Joint Police Appointing Committee	7	4	2	-	1	-
Great Western Ambulance Joint Scrutiny Committee	3	2	-	1	-	-
<u>TOTALS:</u>	169	105	41	4	14	5

**(c) To appoint Area Boards, constituted as area committees as set out in paragraphs 12 to 14 of the report and within the Constitution, and to appoint those members representing electoral divisions to their respective area boards as set out in Appendix 1 attached to this motion.**

- (d) To agree to continue the proposed arrangements for any future appointments of councillors to Health Scrutiny Joint Committees as set out in paragraph 18 of the report.
- (e) To approve the nominations of Group Leaders, as set out in the attached Appendix 2, for the appointment of councillors and substitutes, to serve on committees in accordance with the agreed scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.
- (f) To appoint the Standards Committee with the terms of reference as set out in the Constitution and to appoint the following Council members to serve until the next Annual Council meeting in 2012:-
- Mr Fuller, Mr Johnson, Mr Marshall, Mr McLennan, Mr Clark, Mr Carter
- (g) To agree to extend the term of office of Mrs Isabel McCord, independent member on the Standards Committee until the next annual meeting of the Council or the end of the present standards regime, whichever is the earlier.
- (h) To appoint the following non-elected members to the Children's Services Select Committee:-

<u>Non-Elected Voting Members</u>	<u>Representing</u>
Vacancy (Reserve/substitute: Mr C Shepperd)	Church of England
Dr M Thompson (Reserve/substitute: Canon L. O'Driscoll)	Clifton Diocese Roman Catholic Church
Mr N Owen	Parent Governor (Secondary)
Mrs A Kemp	Parent Governor (Special Educational Needs)
Mrs R Ryan	Parent Governor (Primary)
<u>Non-Elected Non-Voting Members</u> (Up to Five)	School, Children and Young People representatives
Mrs D Dale	Further Education Representative
Mr C Dark	Secondary Schools Headteacher Representative
Mrs J Finney	Primary School Headteachers Representative
Mr J Hawkins	School Teacher Representative
Mr C King	Children & Young People's Representative

- (i) To appoint the following councillors to serve on the Combined Fire Authority for 2011/12 :-

Conservative (6)	Liberal Democrat (2)	Independent (1)
Mr Peter Davis	Mr Marshall	Mr Newbury
Mr Payne	Mr Osborn	
Mrs Groom		
Mr Devine		
Brigadier Hall		
Mrs Wayman		

- (j) To appoint following Chairmen and Vice-Chairmen:-

<u>Committee</u>	<u>Chairman</u>	<u>Vice Chairman</u>
Area Planning Committee – Eastern	C Howard	R Gamble
Area Planning Committee – Northern	T Trotman	A Hill
Area Planning Committee – Southern	F Westmoreland	J Green
Area Planning Committee – Western	P Fuller	R While
Audit Committee	R While	S Parker
Licensing Committee	J Seed	N Phillips
Officer Appointments Committee	J Scott	J Thomson
Pension Fund Committee	T Deane	C Howard
Staffing Policy Committee	A Bucknell	M Hewitt
Strategic Planning Committee	A Davis	C Crisp

- (k) To agree to extend the term of office of the current chairmen and vice chairmen of all area boards to the first meeting of those area boards following the annual meeting of council, to enable them to oversee, where appropriate, the election of chair and vice chair for 2011/12.

- (l) To note that in accordance with the Constitution the Chairmen and Vice Chairmen of the Standards Committee and Select Committees will be elected at the first meetings of those committees.

106. **Submission Draft Waste Site Allocations Development Plan Document (DPD): Recommendation from Cabinet**

For details of interests declared in this item, please refer to minute no. 99 above.

The Chairman of Council referred Council to the report previously considered by Cabinet at its meeting held on 22 March 2011 and asked Cllr John Brady as Cabinet member for Economic Development, Planning and Housing to present the item.

Cllr Brady presented the recommendations of Cabinet as detailed in the Summons. Cllr Brady sought Council approval of the Submission Draft Waste Site Allocations DPD for publication for an eight week formal consultation to commence in May/June and to endorse the DPD for the purpose of submission to the Secretary of State.

Cllr Brady explained that the DPD would provide a flexible framework reducing the Council's dependency on landfill and would affect all areas of the County particularly the Divisions highlighted in the report.

An additional recommendation was made that following expiry of the consultation period, details of responses received be considered by the Environment Select Committee for onward recommendation to Cabinet prior to submission to Council.

A number of points of detail were raised. Cllr John Brady and the Leader commented that Councillors would have an opportunity to comment during the consultation process and when the matter came before the Environment Select Committee and Cabinet.

**Resolved:**

**That Council endorses the Submission Draft Waste Site Allocations Development Plan Document (DPD) for the purposes of consultation as approved by Cabinet. That on the expiry of the consultation period, a report on the DPD and consultation responses be considered by the Environment Select Committee for onward recommendation to Cabinet prior to the matter coming back to Council for approval for the purpose of submission to the Secretary of State.**

107. **Wiltshire Community Plan 2011 - 2026 (Sustainable Community Strategy)**

At the Chairman's invitation, Cllr John Thomson, Deputy Leader presented this item.

Cllr Thomson explained that the Council was required to develop a revised sustainable community strategy for Wiltshire. He presented the new strategy, the People, Places and Promises: Wiltshire Community Plan 2011-2026 for Council's consideration and approval. He explained that the Plan had been developed through close joint working with around 100 organisations through the Wiltshire Assembly. This had resulted in an up to date and relevant shared vision for Wiltshire.

The Plan included having one vision to build strong, resilient communities in Wiltshire and had three priorities:

- Creating an economy that was fit for the future
- Reducing disadvantage and inequalities
- Tackling the causes and effects of climate change

With 17 broad objectives linked to the above priorities.

The Plan had been agreed by the Public Service Board, Wiltshire Assembly, Wiltshire Infrastructure Consortium and the Wiltshire Compact Board following a comprehensive process. Wiltshire Assembly had recommended this Council as the responsible authority, to adopt the Plan.

A discussion ensued on the detail of the Plan to which Cllr Thomson responded.

**Resolved:**

**That the People, Places and Promises: The Wiltshire Community Plan 2011-2026 be formally adopted by Wiltshire Council as the new Sustainable Community Strategy for Wiltshire.**

108. **Councillors' Questions**

The Chairman reported receipt of questions from Cllrs Mike Cuthbert-Murray, Ernie Clark, Mark Packard, Chris Caswill, Russell Hawker, David Jenkins, Helen Osborn, Jon Hubbard and Peter Colmer, details of which were circulated and attached as Appendix 3 to these minutes together with the responses given.

Questioners agreed to take their questions as read and were given an opportunity to ask a relevant supplementary question to which the relevant Cabinet member responded. Supplementary questions are summarised as follows which should be read in conjunction with the questions and responses:

Cllr Clark – recovery of non pensionable honoraria – did the Leader have an indication as to when the issue was likely to be resolved?. The Leader said that the matter was in the hands of the solicitors.

Cllr Clark – expenses claimed by the Chief Executive – how was the monthly accommodation costs of £600 decided? The Leader explained that it had been agreed by the Staffing Policy Committee as part of the terms and conditions of employment.

At this point and in relation to a question from Cllr Clark on the subject of the Chief Executive's pay, the Leader made a statement that in light of recent press coverage, the Chief Executive would not be taking an incremental pay rise this year. She explained that the Chief Executive had listened to the strong feelings of staff and the people of Wiltshire and considered that it would not be appropriate to take such a pay rise.

Cllr Clark – publication of salary bands – did the Leader agree with the Service Director for HR and Organisational Development that tier 1 and 2 level be shown in 1 and 2 bands? The Leader agreed.

Cllr Mark Packard – departure of Chief Internal Auditor – Did the Council really mean to offer this postholder redundancy? The Leader explained that a number of staff in the Audit section had been served with at risk letters and she understood that this postholder had applied for redundancy.

Cllr Mark Packard – questioned the need for confidentiality over report to Audit Committee over the future of the audit service. The Leader explained that this issue had been discussed at the Audit Committee on 13 May when the advice of the Monitoring Officer was given over the reasons for considering the report in Part II, namely on the grounds of commercial sensitivity and staffing issues. The Audit Committee had agreed that the matter should be considered in Part II.

Cllr Chris Caswill – Given the excellent work of the Internal Audit section, questioned the decision to make the Chief Internal Auditor redundant and also questioned the need for confidentiality of the report to the Audit Committee.

Cllr Fleur de Rhe Philipe – confirmed that she valued the work of the Internal Audit section. The Postholder had requested redundancy. She also confirmed that the duties of the Chief Internal Auditor had already been reallocated by the S.151 Officer to ensure there would be no impact on the work of the Audit Committee. The issue of treatment of the report as confidential had already been clarified as above.

Cllr David Jenkins – household recycling centres – although no charges apply at present, at what point will Council consider charging. Cllr Toby Sturgis reported that there was no timetable for this and as such there were no plans to charge at the present time.

Cllr David Jenkins – household recycling centres – due to number of proposals for waste sites, will sites be considered for incineration? Cllr Sturgis explained that the Council will always be reviewing its processes.

Cllr David Jenkins – Mechanical Biological Treatment Plant (MBT) – as the MBT will be completed by the Summer 2013, would this mean that the long awaited reclamation centre as was included in original plans. Cllr Sturgis explained that the Council would be reviewing the waste service after the doorstep collection and look at other recycling.

Cllr Jon Hubbard – Future of Internal Audit service – sought an assurance that before any decision was made to outsource the service, an opportunity would be given to debate the matter in open session. Cllr de Rhe Philipe confirmed that no decision had been made to outsource the service only to negotiate. A

report excluding the confidential/sensitive information would be considered in Part I.

Cllr Jon Hubbard – future provision of youth services – expressed concern that there would be very little time for any handover. Cllr Lionel Grundy reported that he was aware of the point made but he believed there would be sufficient time and all efforts would be made to carry this out on time.

Cllr Jon Hubbard – providing council tax relief for Police Specials – confirmed that the proposal only related to the Wiltshire Council element of the council tax. Did the Leader believe that Southampton City Council were wrong to introduce their scheme and could it still be considered for Wiltshire. The Leader considered that Southampton City Council was not wrong. Each authority would operate according to their own particular area and circumstances. In Wiltshire there were a number of volunteers which would also need to be taken into account in order to treat such volunteers consistently.

Cllr Peter Colmer – number of empty properties – was there a full time Empty Homes Officer as previously promised. Cllr John Brady confirmed that presently there was not, but within the Housing team, there was a member of staff whose full time role was to administer empty properties.

Cllr Peter Colmer – comparative figures on Homes for Wiltshire register – what was the Council's target? Cllr Brady explained that the number on the waiting list had significantly reduced from the figure of 14,784 across the 4 former district councils. Changes were anticipated as a result of the Localism Bill which would result in a different set of statistics.

The Chairman reminded Councillors that they could of course seek responses to their questions by asking relevant officers either face to face or by email or via the relevant Corporate Directors to help with identifying appropriate officers.

#### 109. **Notices of Motion**

(a) **Notice of motion no.16 - Shadow Community Operations Boards - From Councillors Jeff Osborn (Trowbridge Grove Division) and Helen Osborn (Trowbridge Lambrok Division)**

The following notice of motion was submitted by Cllrs Jeff Osborn and Helen Osborn:

‘Over the coming months, several Area Boards will be appointing Shadow Community Operations Boards. These in due course may, subject to further consideration by Cabinet, become the responsible bodies for the running of the respective campuses which will involve the stewardship and expenditure of substantial sums of public money.

Understandably the governance arrangements of these bodies will be of local and wider concern. They should certainly be open, transparent and accountable. Their status vis-a-vis the publicly elected Council still has to be clearly spelt out.

The action of the Council in this whole area may be groundbreaking and hence has to engender trust and earn support amongst the public. We must ensure probity and high standards of accountability.

In order to achieve this:

Council confirms that meetings of the respective Shadow Community Operations Boards, and the later fully fledged (non shadow) Boards, be held in public with agendas issued in advance and minutes being made publicly available. The operation and decisions of the Boards as per the operations and decisions of the Council, be subject to the Freedom of the Information Act'.

Once moved and seconded, Cllr Jeff Osborn was invited to speak to his motion. He explained that as the Council moved into this new venture of Area Board involvement in campuses, the Council must not move away from the tried and tested methods of responsibility and accountability.

By consensus, it was agreed that the motion be debated.

At the Chairman's invitation, Cllr Stuart Wheeler, Cabinet member for Leisure, Sport and Culture responded to the motion. He explained how the Shadow Community Operation Boards would operate as set out in their terms of reference and their relationship with Area Boards and Cabinet. He considered the Shadow Boards which would operate as working groups, to be an integral part in encouraging participation and involvement by the community in developing proposals. Cllr Wheeler supported the first three paragraphs of the above motion but moved as an amendment a replacement fourth paragraph as follows and this was duly seconded by Cllr John Noeken:

'Council confirms that the respective shadow Community Operations Boards are formally constituted by each Area Board as a working group to gather together the views of the wider community and then reflect these in a set of recommendations to the Area Board as to the shape and content of a particular campus. All documentation and recommendations produced will be published by the Area Board and will accordingly be subject to the provisions of the Freedom of Information Act 2000.

The Council notes that:

- The Area Board will in turn fully debate all such recommendations and reach its own decision on the recommendations, if any, that officers

- should submit on its behalf to Cabinet
- Any formally constituted successor bodies to the shadow Community Operations Boards will be the subject of further recommendations to be considered by Cabinet in due course and these successor bodies will in turn be subject to those governance requirements appropriate to whatever vehicle is chosen’.

During the course of discussion, a debate ensued on the amended wording. Cllr Jeff Osborn suggested a refinement of the amended paragraph as follows (added text underlined):

‘Council confirms that the respective shadow Community Operations Boards are formally constituted by each Area Board as a working group to gather together the views of the wider community and then reflect these in a set of recommendations to the Area Board as to the shape and content of a particular campus. All documentation and recommendations produced will be published by the Area Board and will accordingly be subject to the provisions of the Freedom of Information Act 2000. All meetings of the Working Groups will be held under the same rules as Area Boards.

The Council notes that:

- The Area Board will in turn fully debate all such recommendations and reach its own decision on the recommendations, if any, that officers should submit on its behalf to Cabinet
- Any formally constituted successor bodies to the shadow Community Operations Boards will be the subject of further recommendations to be considered by Cabinet in due course and these successor bodies will in turn be subject to those governance requirements appropriate to whatever vehicle is chosen. However, this Council believes that there should be no reduction in the level of accountability and the opportunity for public scrutiny’.

Cllr Wheeler explained that he could not support the first set of additional wording above as this would detract from being able to work in a flexible and fast moving manner. He was however prepared to accept the second set of additional wording above with the proviso of adding if possible at the end.

A discussion ensued on the amendment and further suggested wording during which various comments were made summarised as follows:

- Shadow Boards should operate under the same governance arrangements as Area Boards
- Too many decisions were being made in private

- There were precedents of working groups that did and did not allow public attendance
- Shadow Boards would work under terms of reference formally adopted by Area Boards
- People might not feel comfortable discussing issues in public
- Shadow Boards would operate as working groups with no decision making powers
- Full governance arrangements would operate at meetings where decisions would be made ie Area Boards and Cabinet
- Matter for Area Boards to determine how they run their own local matters, suggested additional wording to amendment would undermine Area Boards ability to do this.

In exercising his right of reply, Cllr Jeff Osborn explained that whilst he agreed with giving autonomy to Area Boards, the essence of his motion was to provide accountability.

The Chairman put the following suggested alterations to the amendment as proposed by Cllr Jeff Osborn to the vote individually.

On the following wording:

All meetings of the Working Groups will be held under the same rules as Area Boards. On being put to the vote, the suggestion was LOST.

On the following wording:

However, this Council believes that there should be no reduction in the level of accountability and the opportunity for public scrutiny'. Cllr Wheeler explained that in the spirit of co-operation, he was prepared to accept this additional wording with the inclusion of the words if possible at the end but this was not accepted. On being put to the vote, the suggested wording was LOST.

The amendment as proposed and presented by Cllr Wheeler was put to the vote and CARRIED, and on being put to the vote as a substantive motion was CARRIED and it was therefore

**Resolved:**

**That motion No. 16 be adopted as amended as follows:**

**'Over the coming months, several Area Boards will be appointing Shadow Community Operations Boards. These in due course may, subject to further consideration by Cabinet, become the responsible bodies for the running of the respective campuses which will involve the stewardship and expenditure of substantial sums of public money.**

**Understandably the governance arrangements of these bodies will be of local and wider concern. They should certainly be open, transparent and accountable. Their status vis-a-vis the publicly elected Council still has to be clearly spelt out.**

**The action of the Council in this whole area may be groundbreaking and hence has to engender trust and earn support amongst the public. We must ensure probity and high standards of accountability.**

**Council confirms that the respective shadow Community Operations Boards are formally constituted by each Area Board as a working group to gather together the views of the wider community and then reflect these in a set of recommendations to the Area Board as to the shape and content of a particular campus. All documentation and recommendations produced will be published by the Area Board and will accordingly be subject to the provisions of the Freedom of Information Act 2000.**

**The Council notes that:**

- **The Area Board will in turn fully debate all such recommendations and reach its own decision on the recommendations, if any, that officers should submit on its behalf to Cabinet**
- **Any formally constituted successor bodies to the shadow Community Operations Boards will be the subject of further recommendations to be considered by Cabinet in due course and these successor bodies will in turn be subject to those governance requirements appropriate to whatever vehicle is chosen.**

**(b) Notice of motion no.17 - Planning Policy - From Councillors Chris Caswill (Chippenham Monkton Division) and Jon Hubbard (Melksham South Division)**

The Chairman reported receipt of the following motion from Cllrs Chris Caswill and Jon Hubbard:

“Council notes with deep concern the intention outlined in the Budget speech to deconstruct current planning regulations and systems in favour of a centrally imposed "pro-development" policy. Council wishes to draw attention to the conflict between these proposals and the Government's commitment to "localism", and to the reduction which these proposals will bring in to the ability of local councils and local citizens to influence planning outcomes in their areas.

Council resolves to communicate these concerns to the relevant Ministers and to Wiltshire MP's, together with a request that these proposals be reconsidered.”

On being moved and seconded, the Chairman invited Cllr Caswill to speak to his

motion. Cllr Caswill considered that this was of vital importance to planning in terms of being fair, accountable and properly regulated. He also considered that planning was being confronted with central government dictate and that there was confusion in the Localism Bill on planning with a presumption in favour of development.

By consensus, it was agreed to debate the motion.

Cllr Newbury expressed concern over adopting such a motion without the benefit of a report providing the required background information. A number of other Councillors echoed this sentiment.

Cllr John Brady, Cabinet member for Economic Development, Planning and Housing explained that the Council still had its strategic planning ability and that the presumption in favour of development was now new. What was new was to have sustainable development. The Council would still be able to control its planning destiny through its Core Strategy and its strategic planning capabilities.

On being put to the vote, the motion was LOST and a recorded vote having been requested by the requisite number of Councillors, the voting was recorded as follows:

For the motion (21)

Cllrs Desna Allen, Trevor Carbin, Chris Caswill, Peter Colmer, Paul Darby, Bill Douglas, Peggy Dow, Nick Fogg, Russell Hawker, Malcolm Hewson, Jon Hubbard, George Jeans, David Jenkins, Simon Killane, John Knight, Howard Marshall, Francis Morland, Jeff Osborn, Mark Packard, Judy Rooke and Graham Wright.

Against the motion (51)

Cllrs Richard Beattie, Chuck Berry, John Brady, Richard Britton, Liz Bryant, Allison Bucknell, Jane Burton, Richard Clewer, Christopher Cochrane, Linda Conley, Mark Connolly, Christine Crisp, Andrew Davis, Fleur de Rhe Philipe, Tony Deane, Peter Doyle, Peter Fuller, Richard Gamble, Jose Green, Mollie Groom, Lionel Grundy, Brig. Robert Hall, Mike Hewitt, Alan Hill, Charles Howard, Keith Humphries, Peter Hutton, Tom James, Julian Johnson, Jerry Kunkler, Jacqui Lay, Alan Macrae, Laura Mayes, Bill Moss, Christopher Newbury, John Noeken, Jeff Ody, Sheila Parker, Bill Roberts, Jane Scott, Jonathon Seed, John Smale, Carole Soden, Toby Sturgis, John Thomson, Dick Tonge, Bridget Wayman, Fred Westmorland, Stuart Wheeler, Roy While and Chris Williams.

**Resolved:**

**That motion no. 17 above be NOT adopted.**

(d) **Notice of motion no.18 - Proposed changes to the NHS - From Councillors Jon Hubbard (Melksham South Division) and Simon Killane (Malmesbury Division)**

The Chairman reported receipt of the following notice of motion submitted by Cllrs Jon Hubbard and Simon Killane:

‘Council welcomes the Government's pause for reflection on the proposed changes to the NHS.

Given the importance of this issue for the citizens of Wiltshire, Council resolves to communicate the following views as part of this reflection process:

- any moves to GP commissioning should avoid a fragmentation of service across Wiltshire and dysfunctional competition between consortia
- there should be no presumption in favour of market options or for taking the cheapest proposal for service provision and
- governance arrangements should include a presumption in favour of majority contributions from members of this Authority, in order to enhance democratic oversight of the NHS at local level.’

On being moved and seconded, the Chairman invited Cllr Hubbard to speak to his motion. Cllr Hubbard explained that users of the health service would be significantly affected. His motion sought to highlight various issues including the fragmentation of services as a result to changes to GP commissioning which would lead to a variance of services; cherry picking of more profitable services; viability of services and concerns over public accountability. For these reasons, Cllr Hubbard commented that the proposals should be challenged and questioned.

The Leader considered that the timing of the motion was wrong. Such proposals needed to be considered together with the Council's health partners. The Council had responded to the original Bill following talks with GP's. GP commissioning should be coterminous with our boundary. Procurement in the health service should be excellent on par with the Council to ensure both quality and value for money. The Health and Adult Social Care Scrutiny Select Committee could if it so wished consider the Bill and make recommendations accordingly.

Cllr Keith Humphries, Cabinet member for Health and Wellbeing explained that a series of briefings would be arranged for members to explain the range of services proposed to be provided. Cllr Hewitt, Chairman of the Health and Adult Social Care Scrutiny Select Committee explained that he did not agree with all parts of the motion. He explained that the Scrutiny Select Committee was working hard, most recently looking at proposals to reconfigure centres for heart surgery.

On being put to the vote, the motion was LOST and it was therefore

**Resolved:**

**That motion no. 18 above be NOT adopted.**

110. **Minutes of Cabinet and Committees**

The Chairman moved that Council receive and note the under mentioned minutes as listed in the separate Minutes Book and this was duly seconded by the Vice-Chairman.

Meeting	Date
Cabinet	22 March and 19 April 2011
Cabinet Capital Assets Committee	19 April 2011
Joint Overview and Scrutiny Select Committee	10 February 2011
Organisation and Resources Select	24 March 2011
Children's Services Select Committee	17 March 2011
Health and Adult Social Care Select Committee	10 March 2011
Environment Select Committee	2 March 2011
Licensing Committee	5 April 2011
Strategic Planning Committee April 2011	16 February, 16 March and 6 April 2011
Northern Area Planning Committee	16 February, 9 March, 30 March and 20 April 2011
Eastern Area Planning Committee	17 February, 31 March and 21 April 2011
Southern Area Planning Committee	10 February, 3 March, 24 March, 14 April and 5 May 2011
Western Area Planning Committee	2 March, 23 March, 13 April and 4 May 2011
Standards Committee	9 March 2011

Officer Appointments Committee	6 April 2011
Staffing Policy Committee	9 March and 5 April 2011
Audit Committee	23 March 2011
Wiltshire Pension Fund Committee	1 March 2011

The Chairman then invited questions from Councillors on points of information or clarification on the above mentioned minutes and gave the Chairmen of those meetings the opportunity to make any important announcements on the work of their respective Committees.

### Cabinet

#### Cabinet Members – Area of Responsibility

The Leader referred Councillors to the change to Cabinet members' area of responsibility details of which were circulated. One additional responsibility for the Deputy Leader, Cllr John Thomson related to equalities and diversity.

### Organisation and Resources Select Committee

Cllr Jeff Osborn, Chairman of the Select Committee reported that the Task Group on S.106 Agreements would be meeting on 18 May. He explained the need to keep an eye on the Agreements and that the best way of doing this was via the Area Boards. This had been done at Trowbridge although a response was still awaited.

### Children's Services Scrutiny Select Committee

The Task Group on Special Schools and SEN had recently met under the chairmanship of Cllr Graham Payne. It was estimated to take between 12-18 months to complete its work.

### Licensing Committee

Consultation was currently taking place on a revised consent street trading policy.

### Audit Committee

Cllr Caswill asked the Chairman of the Audit Committee, Cllr Roy While on when he became aware of losing the Chief Internal Auditor to which Cllr While replied.

## Wiltshire Pension Fund Committee

Cllr Tony Deane, Chairman of the Committee thanked Councillors for their loyal attendance at meetings and reminded them that a training session had been arranged for 9 June.

### **Resolved:**

**That the above mentioned minutes be received and noted.**

### 111. **Community Governance Reviews**

For details of interests declared in this item, please refer to minute no. 99 above.

At the Chairman's invitation, Cllr John Noeken, Cabinet member for Resources presented a report which informed Council of the current pressures and recommended a policy for dealing with the requests for boundary reviews.

The Council was required to undertake Governance reviews ie to keep under review the boundaries and seating arrangements of parishes and parish wards within the County. Some parishes had requested a review of their boundaries. The report advised that as over 50% of the electorate would already have new parish arrangements in place for the 2013 elections, no further work should be undertaken on a countywide governance review until at least after that time.

A debate ensued and although there was sympathy with the rationale, it was considered that there were various anomalies mainly as a result of development which should be addressed with a number of Councillors citing examples in their respective areas. Cllr John Noeken gave an undertaking to look at these anomalies and address the ones which could be done relatively quickly at the earliest opportunity.

### **Resolved:**

- (a) That Council agrees that no Governance Reviews be undertaken until at least after the 2013 elections. Minor alterations which could be considered under the Local Government Act 1972 Act be investigated.**
- (b) That exceptionally, the apparent anomaly with regard to the Warminster Copheap and Wylve Town ward continue to be investigated with the successor body to the Boundary Committee of the Electoral Commission.**

112. **Polling Station Review**

Cllr John Noeken, Cabinet member for Resources presented a report which explained that the Council was required by the Electoral Administration Act 2006 to undertake a polling station review every four years from 2007. Council was advised that a review would be commenced shortly.

Council was asked to establish a small working party to work with officers to act as a sounding board on proposals prior to them being presented to Council for consideration. A discussion ensued on the composition of the working party and it was agreed that Group Leaders be asked to agree the size and membership of the working party.

**Resolved:**

**That a small working party, size and composition to be agreed with Group Leaders be established to work with officers to act as a sounding board prior to submission of a Polling Station Review scheme for consideration by Council at a later date.**

113. **Parliamentary Boundary Review**

Cllr John Noeken, Cabinet member for Resources presented a report on the Parliamentary Boundary Review.

The independent Boundary Commission for England (BCE) had begun work on redrawing the map of parliamentary constituencies following the enactment of the Parliamentary Voting System and Constituencies Act 2011. It was not clear at this stage how or when consultation would be carried out, but the purpose of this report was to enable Council to consider the process it wishes to use to respond to any such consultation.

**Resolved:**

**To establish a small working party to consider any proposals emerging from the Boundary Commission for England and undertake any detailed work required to formulate a draft response to the Commission to be agreed at a future meeting of Council. Membership of the working party to be agreed with Group Leaders.**

114. **Annual Report of the Standards Committee**

At the invitation of the Chairman, Mrs Isabel McCord, Chairman of the Standards Committee presented the Annual Report of the Standards Committee for the period 2010/11.

Mrs McCord explained that it had been a busy year for the Standards Committee with its main work being dealing with complaints against elected

members into alleged breaches of the Code of Conduct. It had also determined applications for dispensations and been instrumental in reviewing the Constitution on the Council's behalf. The Committee had also been examining the implications of the Localism Bill with particular reference to proposals to abolish the national standards regime. She thanked members of the Standards Committee and the Focus Group on the Review of the Constitution and officers for their continued hard work and support. She looked forward to 2011/12 and all the challenges it would bring.

Mrs McCord responded to questions.

**Resolved:**

**That the Annual Report of the Standards Committee for 2010/11 be received and noted.**

115. **Annual Report from the Corporate Parenting Panel**

Cllr Sheila Parker, Portfolio Holder for Vulnerable Children and Chairman of the Corporate Parenting Panel presented the Annual Report of the Corporate Parenting Panel for the period 2010/11.

Cllr Parker explained the work of the Panel, highlighted achievements and the challenges it faced. New style meetings of the Panel would be launched in June to include less formal workshops. In keeping with Councillors' role as corporate parents, she urged all Councillors to participate in the workshops and to attend the Total Respect training course on 2 June.

**Resolved:**

**That Council receive and note the Annual Report of the Corporate Parenting Panel for the period 2010/11.**

116. **Wiltshire Police Authority**

The minutes of the Wiltshire Police Authority meetings held on 10 February and 7 April 2011 and the report of the Police Authority were received and noted. No questions on these documents had been received from Councillors.

117. **Wiltshire and Swindon Fire Authority Minutes**

The minutes of the Wiltshire and Swindon Fire Authority meetings held on 17 and 21 February 2011 were received and noted. No questions had been raised by Councillors.

## Appendices

Appendix 1 – List of Area Boards (minute no. 105(c ) refers

Appendix 2 – Membership of Committees (minute no. 105(e) refers

Appendix 3 – Councillors' questions and responses (minute no. 108 refers)

(Duration of meeting: 10.30am – 3.45pm  
Including adjournment for lunch 12.30pm – 1.30pm)

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024, e-mail

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