

COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL held at COUNTY HALL, TROWBRIDGE
ON TUESDAY 1 DECEMBER 2009

PRESENT: Cllr R Hall (Chairman), Cllr D Allen, Cllr RA Beattie, Cllr R Berry, Cllr J Brady, Cllr R Britton, Cllr PA Brown, Cllr R Brown, Cllr A Bucknell, Cllr J Burton, Cllr T Carbin, Cllr N Carter, Cllr CJ Caswill, Cllr E Clark, Cllr LM Conley, Cllr M Connolly, Cllr C Crisp, Cllr M Cuthbert-Murray, Cllr BE Dalton, Cllr PR Darby, Cllr A Davis, Cllr P Davis, Cllr MF De Rhé-Philipe, Cllr T Deane, Cllr C Devine, Cllr M Douglas, Cllr WJ Douglas, Cllr PA Dow, Cllr P Doyle, Cllr R Eaton, Cllr N Fogg, Cllr P Fuller, Cllr R Gamble, Cllr J Green, Cllr LH Grundy, Cllr R Hawker, Cllr A Hill, Cllr TCF Howard, Cllr J Hubbard, Cllr C Humphries, Cllr KM Humphries, Cllr P Hutton, Cllr TR James, Cllr G Jeans, Cllr D Jenkins, Cllr JP Johnson, Cllr S Killane, Cllr J Knight, Cllr J Kunkler, Cllr J Lay, Cllr A Macrae, Cllr H Marshall, Cllr L Mayes, Cllr I McLennan, Cllr JM Milton, Cllr F Morland, Cllr W Moss, Cllr C Newbury, Cllr J Noeken, Cllr JG Ody, Cllr S Oldrieve, Cllr J Osborn, Cllr H Osborn, Cllr M Packard, Cllr S Parker, Cllr GD Payne, Cllr S Petty, Cllr N Phillips, Cllr L Randall, Cllr P Ridout, Cllr W Roberts, Cllr JH Rooke, Cllr PWL Sample, Cllr JA Scott, Cllr CJ Seed, Cllr C Soden, Cllr T Sturgis, Cllr JPSS Thomson, Cllr R Tonge, Cllr AJ Trotman, Cllr B Wayman, Cllr IC West, Cllr F Westmoreland, Cllr S Wheeler, Cllr R While, Cllr C Williams, Cllr G Wright.

'Home or Homeless'

This meeting was preceded by the showing of a DVD on homelessness – 'Home or Homeless' introduced by Richard White from Wiltshire College.

70. Apologies for Absence

Apologies for absence were received from Cllrs Richard Clewer, Peter Colmer, Mark Griffiths, Mollie Groom, Mike Hewitt, Ricky Rogers and John Smale.

71. Declarations of Interests

Cllr Payne and Cllr Jerry Kunkler declared personal interests in respect of the Statement of Licensing Policy item as referred to in minute no.76.

Cllrs Ernie Clark, Trevor Carbin, Simon Killane and John Hubbard declared personal interests on the item Parish Election Costs by virtue of their membership of parish councils as referred to in minute no. 81.

Cllr Simon Killane declared a personal interest in the notice of motion on Fair Trade by virtue of his membership of the Malmesbury Fair Trade Steering Committee as referred to in minute no. 84.

Cllr Steve Oldrieve declared a personal interest on the notice of motion on Fair Trade by virtue of his membership of the Trowbridge Fair Trade Steering Committee as referred to in minute no. 84

72. Minutes of Previous Meeting

The minutes of the last ordinary meeting held on 15 September 2009 and extraordinary meeting held on 10 November 2009 were presented.

Resolved:

That the minutes of the last ordinary meeting held on 15 September 2009 be approved as a correct record and signed by the Chairman.

That the minutes of the extraordinary meeting held on 10 November 2009 be approved as a correct record and signed by the Chairman subject to the following amendments:

- **List of attendees – ‘Cllr J Jeans’ be replaced with ‘Cllr G Jeans’**
- **Minute No. 64 – South Wiltshire Core Strategy Submission Document**

Tenth paragraph, second line – after the words ‘Old Sarum’ insert ‘airfield’ and delete the words ‘land at the airfield in’

73. Chairman’s Announcements

(a) Wiltshire and Swindon Team Success

The Chairman reported that a team of six individuals comprising three Wiltshire Council representatives, Swindon Borough Council, Wiltshire NHS and Wiltshire Police were recently entered for an Office for Public Management challenge event in London.

The Wiltshire Council representatives were Matti Raudsepp, Policy Officer; Lynn Gaskin, Service Director for Community Safety and Sarah Thomas, Project Manager on the Family Intervention Project. The Chairman congratulated the team on being placed runners up and achieving the Silver award with excellent feedback.

(b) Wiltshire Council Civic Carol Service

The Chairman reminded Councillors of the Council's Civic Carol Service which would be held on 16 December 2009 at St James' Parish Church, Trowbridge at 7.00pm and would be conducted by the Bishop of Ramsbury.

Councillors were also welcome to join the annual staff Carol Service which would be held in the Council Chamber at 1.00pm that day. Musicians from the Wiltshire Rural Music School would be providing the musical accompaniment for that celebration.

(c) Dr Keith Robinson

The Chairman explained that this would be the last meeting attended by the Chief Executive, Dr Keith Robinson before he leaves the authority in February 2010. The Chairman referred to Dr Robinson's distinguished career in local government. He was appointed Chief Education Officer in Wiltshire in 1993 where he demonstrated a passion for education and providing the best possible services for Children in the County. Dr Robinson was then appointed Chief Executive in 1996 during which his management of the Council had been significant. Wiltshire's standing nationally had been recognised through many initiatives he had introduced. The Chairman also referred to Dr Robinson's pleasant, relaxed style, coupled with his wisdom and guidance which had been valued by Councillors and Officers and would be greatly missed. On behalf of Councillors and officers, the Chairman thanked Dr Robinson for all he had done for Wiltshire and wished him and his family the Council's best wishes for the future.

The Leader paid tribute to the exemplary work of Dr Robinson and said that it had been a pleasure and great privilege to work with him and that he was a man of tremendous academic ability and great integrity. He had led on many changes with his greatest achievement being his handling of the transition to One Council and would be missed by Councillors, staff and stakeholders.

Other group leaders or their representatives joined in paying tribute to the work of Dr Robinson and in wishing him well for the future.

Dr Robinson thanked everyone for their kind words and commented that he had been very lucky with the people he had worked with in Wiltshire which included Councillors, Directors, staff and voluntary and statutory stakeholders. He also thanked his PA, Mrs Jean Potter and her team.

74. Petitions

No petitions had been received.

75. Public Participation

The Chairman reported that that the under mentioned speakers had indicated they wished to address the meeting on the following items with both choosing to speak immediately before the respective item:

Mr Tom Hill - Notice of Motion on Fair trade – as referred to in minute no. 84.
Mr Mike Prior - Adoption of County Flag – as referred to in minute no. 85.

Mr Bill Bailey from Limpley Stoke Parish Council addressed the meeting on the subject of concerns regarding traffic calming measures in Limpley Stoke previously raised at the Bradford on Avon Area Board on 8 July 2009. Cllr Dick Tonge, Cabinet member for Highways and Transport responded.

76. Licensing Act 2003 – Statement of Licensing Policy

Declarations of interest

During discussion of this item, the following interests were declared:

Cllr Graham Payne – Personal interest - in so far as the Policy related to the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 where they related to Hackney Carriage and Private Hire Vehicles.

Cllr Jerry Kunkler – Personal interest – by virtue of him being a licensee.

Cllr Bill Moss, Chairman of the Licensing Committee presented the recommendation of the Licensing Committee dated 5 November 2009 in respect of adoption of a Statement of Licensing Policy. The report considered by the Licensing Committee in arriving at its recommendation was presented for Council's information together with the recommended Policy.

Cllr Keith Humphries, Cabinet member for Health and Wellbeing explained the background to the drawing up of the Policy and the inherent safeguards and explained that a briefing note would be circulated to Councillors.

During discussion of this item, an amendment was moved that the Policy be in force for one year only after which a review of the Policy be undertaken; to ask the relevant Select Committee to consider late night issues which could give rise to anti-social behaviour and being proactive on preventative actions, comparing with policies of other authorities and lobbying the Government to develop a national policy. On being put the vote, the amendment was LOST.

The Leader explained that the report presented included a proposal to consult responsible authorities and interested parties on how the Policy was working after twelve months and she would be prepared to make this more explicit by proposing that the Policy be reviewed after one year. She also commented that Select Committees were able to scrutinise any function.

Resolved:

That Council approves the Statement of Licensing Policy under the Licensing Act 2003 as presented and that it be reviewed after one year of operation.

77. Licensing Functions – Amendments to the Constitution

Cllr Bill Moss, Chairman of the Licensing Committee presented a report which detailed the recommendations of the Licensing Committee dated 5 November 2009 concerning amendments to the constitution in respect of the licensing functions.

It had been considered that some miscellaneous licensing functions were not adequately covered in the constitution and the amendments recommended would provide greater clarity.

Resolved:

- (a) That Council approves the amendments to the constitution with respect to the licensing functions as detailed in Appendix 1 of the report presented.**
- (b) That the terms of reference of the Licensing Committee be revised as follows:**

‘To deal with all of the Council’s responsibilities under the Licensing Act 2003 and Gambling Act 2005, and all other licensing functions carried out by the Public Protection Service that naturally fall within the jurisdiction of the Committee where legislation permits’

78. Councillors’ Questions

The Chairman reported receipt of questions from Cllr Ian West and Cllr Chris Caswill, details of which together with responses from the relevant Cabinet members were tabled.

Supplementary questions were made by Cllr Chris Caswill summarised as follows:

Question to Cllr Sturgis in respect of signing up to the 10:10 climate change Campaign – on improving data on energy consumption. Cllr Sturgis replied that following the transition to One Council there was a lot of data to capture but that early savings would be made.

Question to Cllr Sturgis in respect of the administration’s plans for household collection being made known before the General Election. Cllr Sturgis replied that he did not propose to give a view before the public consultation exercise on the various options being considered.

Question to Cllr Noeken in respect of the number of unfilled vacancies asking if it was sustainable to not know the number of unfilled vacancies. Cllr Noeken confirmed that the number of unfilled vacancies currently stood at just 1% although this figure fluctuated frequently.

79. Executive Business

The Leader confirmed that there were no reports from Cabinet members other than what appeared on the agenda for this meeting. The Cabinet Forward Workplan for the period December 2009 to March 2010 was presented for Council's information.

The Chairman presented the minutes of the following meetings which were received and noted.

80. Minutes of Meetings

(a) The Chairman moved that Council receives and notes the minutes of the following meetings and this was seconded by the Vice-Chairman.

Cabinet	- 22/09/09, 20/10/09 & 24/11/09
Overview and Scrutiny Management and Resources Select Committee	- 24/09/09
Health and Social Care Select Committee	- 17/09/09
Environment Select Committee	- 11/09/09, 03/11/09
Children's Services Select Committee	- 29/09/09
Eastern Area Planning Committee	- 15/10/09
Northern Area Planning Committee	- 02/09/09, 23/09/09, 14/10/09 and 04/11/09
Southern Area Planning Committee	- 17/09/09, 08/10/09 & 29/10/09
Western Area Planning Committee	- 26/08/09, 16/09/09, 01/10/09, 07/10/09 & 28/10/09
Licensing Committee	- 05/11/09
Audit Committee	- 30/09/09
Officer Appointments Committee	- 04/09/09 & 03-04/11/09
Staffing Policy Committee	- 09/09/09 & 11/11/09

Standards Committee	- 09/09/09 & 11/11/09
Strategic Planning Committee	- 22/09/09, 07/10/09 & 04/11/09
Wiltshire Pension Fund Committee	- 03/09/09 & 19/11/09

Resolved:

That the above mentioned minutes be received and noted.

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

(i) Minutes of Area Board – General Point

A Councillor questioned why the minutes of Area Boards were not also presented to Council. A discussion ensued on whether or not they should be presented and it was

Resolved:

That Group Leaders be asked to consider the issue of whether or not minutes of Area Board meetings should also be presented to Council and agree a way forward.

(ii) Cabinet 20/10/09 - Minute No. 64 – Review of Senior Management Structure

Councillor Jeff Osborn asked whether the redundancy procedure would be changed as for 1C4W.

The Leader explained that a report on severance arrangements and a report on honoraria would be considered by the Audit Committee and that it was necessary to review such policies to ensure they were both fair and robust.

(ii) Strategic Planning Committee

Councillor Andrew Davis, Chairman of the Strategic Planning Committee confirmed that the planning application in respect of the Visitors' Centre, Stonehenge would not be ready for consideration by the Committee on 16 December. However, that meeting would still go ahead to consider other business. The Stonehenge application was anticipated to be considered by the Committee in January 2010 and that meeting would be arranged in Amesbury.

81. Parish Election Costs

Declarations of Interests

The following Councillors declared a personal interest by virtue of their membership of the under mentioned parish councils:

Councillor Ernie Clark	-	Hilperton Parish Council
Councillor Trevor Carbin	-	Hilperton Parish Council
Councillor Simon Killane	-	Malmesbury Town Council
Councillor John Hubbard	-	Melksham Town Council

The Leader of Council presented the recommendation of Cabinet dated 24 November 2009 concerning the apportionment of costs in respect of parish council elections.

The costs of the Returning Officer in respect of parish elections fall to the Council to pay, although legislation gave the Council discretion to recover those costs from the parishes involved. The report considered by Cabinet was also presented as background information which detailed the various options considered together with their financial implications.

Resolved:

That the Council absorbs the cost of all parish elections including uncontested vacancies (ie where filled by co-option or an uncontested poll) but not polls consequent on parish meetings, subject to any hire costs incurred by this Council for the use of parish council property being waived.

82. Wiltshire Police Authority

The minutes of the Wiltshire Police Authority meeting held on 10 September 2009 and the Report of the Wiltshire Police Authority were received and noted. No questions had been raised by Councillors.

83. Wiltshire and Swindon Fire Authority

The minutes of the Wiltshire and Swindon Fire Authority meeting held on 23 September 2009 were received and noted. No questions had been raised by Members.

84. Notice of Motion No. 7 Fair Trade – submitted by Councillor Steve Oldrieve

Public Participation: Mr Tom Hill, representing the Wiltshire Fair Trade Coalition, addressed Council in support of the following motion.

Declarations of Interest

Councillor Killane declared a personal interest in this item by virtue of his membership of the Malmesbury Fair Trade Steering Committee.

Cllr Steve Oldrieve declared a personal interest by virtue of his membership of the Trowbridge Fair Trade Committee.

Council considered the following motion moved by Cllr Oldrieve and seconded by Cllr John Noeken:

'This Council resolves to:-

Include in the current review of the Corporate Plan, Procurement & Commissioning policies to ensure that we recognise the impacts associated with our own purchasing activities as well as those of its vendors. The Council is committed to addressing these impacts and integrating environmental, social and economic considerations into every stage of its procurement and commissioning processes and by specifying where appropriate, fair trade products .

- **As a minimum, comply with all relevant environmental and social legislation, UK and EC procurement regulations, including guidance, codes of practice and voluntary arrangements;**
- **To research and promote best practice in environmental and social procurement and commissioning;**
- **To consider environmental and social issues during vendor qualification and appraisal and where fair trade products are specified the internationally agreed definition of fair trade will apply. This defines fair trade as a trading partnership, based on dialogue, transparency and respect, that seeks greater equity in international trade. It contributes to sustainable development by offering better trading conditions to, and securing the rights of, marginalized producers and workers – especially in the south.**
- **To promote & support development of awareness of environmental and social procurement issues. This includes a commitment to work with vendors, members, council staff, the public, partners and other stakeholders to promote the concept and practice of fair trade across Wiltshire.**
- **Work with SME's, BME and local businesses to ensure they are able to compete for Council contracts and to strengthen the local economy'.**

Cllr Oldrieve explained the principles of fair trade and thanked Cllr John Noeken, Mike Swabey and Hannah Reid for their support in putting together a workable motion.

A discussion ensued on the issue of fair trade as opposed to 'fairtrade' and the appropriateness of the Council adopting such a motion. On being put to the vote, it was

Resolved:

That the above motion be ADOPTED.

85. Adoption of a County Flag for Wiltshire

Public Participation: Mr Prior, designer of one of the flags

Council considered a report regarding the formal adoption and registration of a County Flag for Wiltshire.

It was noted that in 2006 the Council had been approached by Mr Prior who was promoting the concept of a County Flag for Wiltshire with a view to the Council flying the flag at County Hall. This was supported at that time by the County Council and the Lord Lieutenant and following the securing of the relevant planning permission, the flag was raised on the County Hall flagpole in June 2007. This flag had never been registered with The Flag Institute as until recently, copyright had been retained by Mr Prior. The matter had now been raised again with a view to formal adoption and registration of a County Flag.

Within the last few months, a second design had been submitted by Mr Fear. Council was therefore asked to consider whether or not there should be a County Flag for Wiltshire and if so, whether it should be the flag previously supported by the County Council designed by Mr Prior or the alternative provided by Mr Fear. Swindon Borough Council would also be approached to see if it wished to support this Council's decision.

Details of both designs were presented for Council's consideration. Council noted that both Mr Prior and Mr Fear had been given the opportunity to provide supporting background information for their design and to address the meeting.

Resolved:

That Council adopts the design submitted by Mr Prior and that Swindon Borough Council be approached to seek its support with a view to adoption and formal registration with the Flag Institute as the County Flag for Wiltshire.

Appendix – Councillors' questions and responses

(11.00 am – 1.45 pm)

The officer who has produced these minutes is Yamina Rhouati, Democratic and Members' Services, direct line 01225 718024,
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