

## WEST WILTSHIRE DISTRICT COUNCIL

### MINUTES

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

Held on: **WEDNESDAY 11 MAY 2005**

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

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

Also present: Tony Frost – Chairman of the Standards Committee

Officers: Chief Executive (AP), Corporate Directors (TD, IG, PW), Head of Finance (IJ), Head of Human Resources (SL), Legal and Democratic Services Manager (SB), Policy & Communications Manager (PM), Policy & Scrutiny Officer (ML), Press Officer (LK) and Member Support Team Leader (YR), Member Support Officer (MS)

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#### 297. **APOLOGIES**

All Members were present at this meeting.

#### **ANNUAL COUNCIL BUSINESS**

#### 298. **CHAIRMAN'S REPORT**

##### **Councillor Tony Phillips OBE**

Having informed the authority of his long service as a Councillor the Chairman paid tribute to this achievement. Prior to this meeting, Members had joined her in celebrating such a significant milestone with a presentation of a cake and certificate to honour Cllr Phillips. At the meeting, she presented Cllr Phillips with a watch in recognition of his service and in thanks for the contribution he had made to this Council since its formation in 1974.

Cllr Phillips thanked Members for this honour saying he had enjoyed every minute of it.

Tributes and congratulations were made to Cllr Phillips from various other Members – Cllrs Chivers on behalf of the Lib dem group and Cllrs Farkas, Manasseh, Payne, Syme and James.

### **Chairman's Review**

The Chairman referred to the various engagements she said she had had the honour of attending as Chairman of Council. She said that she had loved every minute of it.

She thanked Members and Officers for their support. In particular, she thanked Cllr Farkas (her Vice-Chairman last year) and Cllr Viles (her current Vice-Chairman). She also thanked Andrew Pate, Simon Best, Jo Tilley, Louise Knox and Member Support for the invaluable support they had given her.

### **299. ELECTION OF CHAIRMAN 2005/06**

Nominations were sought for the position of Chairman of Council for 2005/06.

**Cllr Batchelor** was proposed by Cllr Content and seconded by Cllr Cox

**Cllr Viles** was proposed by Cllr Payne and seconded by Cllr Fortescue

Cllr John Clegg sought an assurance that those nominated would have the time necessary to devote to the duties of Chairman of Council and be available to officers as and when required. Both candidates said they would.

There being no other nominations, a vote was taken and Cllr Batchelor was duly elected Chairman of Council. This vote was the subject of a recorded vote which was recorded as follows:

#### **For Councillor Batchelor (23)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme.

#### **For Councillor Viles (20)**

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

#### **Abstention (1)**

Councillor Clark

Councillor Batchelor having been elected, signed the declaration of acceptance of office book witnessed by the Chief Executive.

**RESOLVED:**

**That Councillor Paul Batchelor be elected Chairman of West Wiltshire District Council for 2005/06.**

**Councillor Batchelor in the Chair**

**300. APPOINTMENT OF VICE-CHAIRMAN 2005/06**

Nominations were sought for the position of Vice-Chairman of Council.

**Cllr Oakman** was nominated by Cllr Syme and seconded by Cllr Newbury

**Cllr Conley** was nominated by Cllr Viles and seconded by Cllr Mounde

There being no other nominations, a vote was taken which resulted in Cllr Oakman being elected Vice-Chairman. This vote was the subject of a recorded vote, recorded as follows:

**For Councillor Oakman (24)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Clark, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

**For Councillor Conley (20)**

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

**Abstentions (Nil)**

Councillor Oakman having been appointed, signed the declaration of acceptance of office book witnessed by the Chief Executive.

**RESOLVED:**

**That Councillor Vic Oakman be appointed Vice-Chairman of West Wiltshire District Council for 2005/06.**

**301. MINUTES**

**RESOLVED:**

**That the minutes of the Seminar meeting and ordinary meeting both held on 6 April 2005 were approved as a correct record and signed by the Chairman.**

### **302. ANNOUNCEMENTS**

No announcements were made.

### **303. TO CONFIRM THE CONSTITUTION**

In accordance with Section 4.5.2 of the Council's Constitution, Council was asked to confirm the Constitution.

#### **motion**

A proposal was moved by Cllr Payne and seconded by Cllr Bower to confirm the Constitution.

The Chairman referred to items to be considered later on in the agenda which if adopted, would require changes to the Constitution, namely item 15 – Notice of Motion relating to the Leader of the Council (minute no 311 refers) and item 17 – Review of Overview Function (minute no. 313 refers).

Cllr Newbury had circulated details of proposals he would be making on three items on the agenda including this item. Concern was expressed by some Members that the material circulated by Cllr Newbury had not been attributed. Relating to this item, he moved an amendment as follows:

#### **amendment**

To confirm the Constitution, in accordance with Section 4.5.2, subject to any changes to be made later in the meeting at Item 15 and/or Item 17.

Concern was expressed by Cllr Barker that Council was being asked to confirm a Constitution which was known to be flawed and was concerned at the threat of Members being reported to the Standards Board if they did not vote in favour of confirming it in accordance with advice given to the Legal & Democratic Services Manager by Andrew Arden QC.

Having moved and seconded the proposal to confirm the Constitution, Cllrs Payne and Bower explained that the Conservative group was in favour of confirming the Constitution. However, it could not support the additional wording given in the amendment – “subject to any changes to be made later in the meeting at Item 15 and/or Item 17”. They felt that any changes to the Constitution should in the first instance be considered by the Standards Committee. The Legal and Democratic Services Manager explained that the amendment was unnecessary as the ability to incorporate changes was a principal of administrative law.

The amendment as detailed above was put to the vote and CARRIED and a recorded vote having been requested, was recorded as follows:

#### **For the Amendment (23)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

### **Against the Amendment (21)**

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

### **Abstentions (Nil)**

The amendment then became the substantive motion to which no further amendments were made.

Cllr Payne expressed deep concern that by not voting in favour of the amendment or abstaining from voting, would effectively mean that they were voting against confirming the Constitution which was not the intention but would nevertheless, open themselves to being reported to the Standards Board.

In the circumstances, Cllr Payne explained that his group, the Conservative group would not be present when the vote was taken on the substantive motion. All Conservative group Members left the meeting at this point prior to the vote being taken on the substantive motion.

The substantive motion was put to the vote and CARRIED and a recorded vote having been requested, was recorded as follows:

### **For the Substantive Motion (25)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Clark, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Phillips OBE, Repton, Rosier and Syme

### **Against the Substantive Motion (Nil)**

### **Abstentions (Nil)**

In voting for the substantive motion above, the following Members wished to record that they had expressed concerns and reservations in doing so:

Councillor Barker, Chivers, Farkas, James, Oakman and Phillips OBE.

The following Members (the Conservative group) were not present when the vote was taken on the above substantive motion:

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

### **RESOLVED:**

**To confirm the Constitution, in accordance with Section 4.5.2, subject to any changes to be made later in the meeting at Item 15 and/or Item 17.**

The following Members (the Conservative group) returned to the meeting at this point:

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

#### **304. ALLOCATION OF SEATS ON COMMITTEES**

The Legal and Democratic Services Manager presented a report which invited Council to note the allocation of seats on the politically balanced Committees. There had been no change to the political balance of the Council since the last report to Council.

The tables presented gave details of the allocation of seats based on the existing structure comprising the Planning Committee, External Overview Committee and Internal Overview Committee as well as that proposed later on in the agenda under item 17 – Review of Overview Function (minute no 313 refers) which if approved would result in the amalgamation of the two Overview Committees into one Scrutiny Committee.

Council was reminded that it had taken the decision on 23 February 2005 that the Licensing Committee would not be politically balanced. The Health and Overview Committee with only one District Council representative was no longer subject to rules on political balance.

For Council's information, the Legal and Democratic Services Manager circulated details of tables showing the allocation of seats to political groups on a single Scrutiny Committee ranging from a membership of between 14 to 22.

Cllrs Newbury and Syme proposed and seconded respectively the following motion:

- (a) To allocate seats on the Council's committees on the basis of the table at paragraph 3 (b) of the report (presented) (but noting that in the third column "15 (13.82)" should be corrected to read "14 (13.82)" and in the fifth column "2(2.18)" should read "3 (2.18)", subject to any changes which may need to be made later in the meeting in considering item 17 (minute no 313 refers).
- (b) To request Group Leaders to notify to the Legal and Democratic Services Manager the appointments to the Committee places allocated to their groups.
- (c) To appoint the following members to the Licensing Committee for 2005/06:

Councillors Brice, Burnan, Carbin, John Clegg, Marion Clegg, Cox, Davis, Manasseh, March, Mudge, Phillips OBE, Repton and Viles.

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

**For the motion (24)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Clark, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

**Against the motion (20)**

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

**Abstentions (Nil)**

**RESOLVED:**

**(a) To allocate seats on the Council's committees as follows:**

<b>Committee</b>	<b>Total No. of Places</b>	<b>Con 43.18%</b>	<b>Lib Dem 40.91%</b>	<b>Lab 6.82%</b>	<b>Ind 4.55%</b>	<b>WWIG 4.55%</b>
<b>Allocation of places to comply with Rule 2</b>	<b>32</b>	<b>14 (13.82)</b>	<b>13 (13.09)</b>	<b>3 (2.18)</b>	<b>1 (1.46)</b>	<b>1 (1.46)</b>
<b>External Overview</b>	<b>7</b>	<b>3 (3.02)</b>	<b>3 (2.86)</b>	<b>1 (0.48)</b>	<b>0 (0.32)</b>	<b>0 (0.32)</b>
<b>Internal Overview</b>	<b>7</b>	<b>3 (3.02)</b>	<b>3 (2.86)</b>	<b>1 (0.48)</b>	<b>0 (0.32)</b>	<b>0 (0.32)</b>
<b>Planning</b>	<b>18</b>	<b>8 (7.77)</b>	<b>7 (7.36)</b>	<b>1 (1.23)</b>	<b>1 (0.82)</b>	<b>1 (0.82)</b>

Please refer to minute no. 313 relating to the review of the overview function.

**(b) To request the Group Leaders to notify the Legal and Democratic Services Manager the appointments to the committee places allocated to their groups.**

**(c) To appoint the following Members to the Licensing Committee for 2005/06:**

**Councillors Brice, Burnan OBE, Carbin, John Clegg, Marion Clegg, Cox, Davis, Manasseh, March, Mudge, Phillips OBE, Repton and Viles.**

**305. APPOINTMENT OF CHAIRMEN/VICE-CHAIRMEN OF COMMITTEES**

Council was asked to appoint Chairmen and Vice-Chairmen of the Licensing Committee, Planning Committee and Standards Committee. It was noted that

the Chairman and Vice-Chairman of the proposed Scrutiny Committee would be considered later in the meeting (minute no. 313 refers).

### **Licensing Committee - Chairman**

Councillors Brice and March were nominated. On being put to the vote, Councillor Brice had the majority of votes and was therefore elected Chairman of the Licensing Committee. This was the subject of a recorded vote, recorded as follows:

#### **For Councillor Brice ( 23)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

#### **For Councillor March (19)**

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

#### **Abstention (1)**

Councillor Phillips OBE

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

#### **RESOLVED:**

**That Councillor Brice be elected Chairman of the Licensing Committee for 2005/06.**

### **Licensing Committee - Vice-Chairman**

Councillors Manasseh and Marion Clegg were nominated. On being put to the vote, Councillor Manasseh had the majority of votes and was therefore elected Vice-Chairman of the Licensing Committee. This was the subject of a recorded vote, recorded as follows:

#### **For Councillor Manasseh (23)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

#### **For Councillor Marion Clegg (19)**



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

**Abstentions (2)**

Councillors Clark and Phillips OBE

**RESOLVED:**

**That Councillor Manasseh be elected Vice-Chairman of the Licensing Committee for 2005/06.**

**Planning Committee - Chairman**

Councillors Burnan OBE and Newbury were nominated. On being put to the vote, Councillor Newbury had the majority of votes and was therefore elected Chairman of the Planning Committee. This was the subject of a recorded vote, recorded as follows:

**For Councillor Newbury ( 24)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Clark, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier, Syme

**For Councillor Burnan OBE ( 20)**

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

**RESOLVED:**

**That Councillor Newbury be elected Chairman of the Planning Committee for 2005/06.**

**Planning Committee – Vice-Chairman**

Councillors Hawker and Rosier were nominated. On being put to the vote, Councillor Rosier had the majority of votes and was therefore elected Vice-Chairman of the Planning Committee. This was the subject of a recorded vote, recorded as follows:

**For Councillor Hawker ( 21)**

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

### **Councillor Rosier (23)**

Councillor Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

#### **RESOLVED:**

**That Councillor Rosier be elected Vice-Chairman of the Planning Committee for 2005/06.**

### **Standards Committee – Chairman**

On being proposed and seconded and put to the vote, Mr Tony Frost was re-elected as Chairman.

#### **RESOLVED:**

**That Mr Tony Frost be elected Chairman of the Standards Committee for 2005/06.**

### **Standards Committee – Vice-Chairman**

On being proposed and seconded and put to the vote, Mr Keith West was re-appointed as Vice-Chairman.

#### **RESOLVED:**

**That Mr Keith West be appointed Vice-Chairman of the Standards Committee for 2005/06.**

## **306. REPRESENTATIVES ON OUTSIDE BODIES**

The Leader, Councillor Phillips OBE reported that following consultation with Group Leaders, he had in accordance with paragraph 6.5.6 of the Constitution, made appointments to outside bodies, details of which were circulated at the meeting.

#### **RESOLVED:**

**That the appointments as made by the Leader be noted.**

## **307. OVERVIEW COMMITTEES – REPORTING BACK AND WORK PROGRAMMES 2005/06**

**External Overview Committee**

Cllr Hames, former Chairman of the External Overview Committee presented a report detailing the work carried out by the Committee during 2004/05 and details of subjects it would like to be considered during 2005/06. Cllr Hames thanked Members and officers for the support they had given him.

### **Internal Overview Committee**

Cllr Syme, former Chairman of the Internal Overview Committee similarly presented a report detailing the work carried out by the Internal Overview Committee during 2004/05 and its work plan for 2005/06. Cllr Syme thanked Members and officers for their support and particularly thanked his Vice-Chairman, Cllr March for chairing the meetings of the Committee during his recent illness.

In respect of both Committees, the proposal to amalgamate both Overview Committees into one Scrutiny Committee was noted. If this proposal was approved under a later item in the agenda (minute no. 313 refers), it was noted that the first meeting of the Scrutiny Committee would review both work plans with a view to amalgamating them into one for the Scrutiny Committee.

### **RESOLVED:**

- (a) That the reports detailing the work of the External Overview and Internal Overview Committees during 2004/05 be noted.**
- (b) That the work plans for the External Overview and Internal Overview Committees for 2005/06 be approved.**

## **ORDINARY COUNCIL BUSINESS**

### **308. DECLARATIONS OF INTEREST**

Cllr March declared an interest in the item Revised Health Scrutiny arrangements as he was a member of the Patient and Public Involvement Forum.

### **309. OPEN FORUM**

No open forum presentations were made.

### **310. QUESTIONS**

No formal questions had been received.

### **311. NOTICES OF MOTION**

#### **(a) Motion previously considered**

The following notice of motion was presented to the Council meeting on 23

February 2005 and referred to the Internal Overview Committee for consideration and report back to Council:

### **Reports to Members- Cllr Clark**

“This Council notes with great concern that in presenting a report to members, before a Planning Committee meeting, using material provided by the applicants agents, this authority is vulnerable to criticism.

This Council requires Internal Overview Committee to: -

- 1 Investigate this instance and comment upon any reputational and/or procedural risks or damage identified; and
- 2 Investigate as to whether other similar instances have occurred and comment similarly; and
- 3 Inform Council of what steps have been taken to ensure that any risks/damage have been managed and that any mistakes or poor procedures identified cannot occur again”.

The Internal Overview considered the motion at its meeting on 13 April and resolved as follows:

That where supporting information accompanying planning applications is quoted in reports to the Planning Committee, the source of the quotation be acknowledged.

That the Development Control Manager in conjunction with the Member Support Team Leader produces a note for the Members’ Information Sheet about information submitted in support of planning applications and how this information is presented in reports to the Planning Committee.

### **RESOLVED:**

**That the decision of the Internal Overview Committee be noted.**

### **(b) New Motions**

The following new motions had been submitted for the Council’s consideration:

### **(i) Trowbridge Magistrates Court – Cllrs Payne and Clark**

“That this authority being mindful of the status of Trowbridge as the County Town, gives its full support for the provision of a magistrates court as part of the Vision for Trowbridge process”.

The motion was moved and seconded and it was

### **RESOLVED:**

**That the above notice of motion be referred to Cabinet for consideration and report back to Council.**

**(ii) Minority Group Motion: Leader of the Council – Cllrs Osborn & Content**

“This Council resolves :-

- (a) to dismiss the Leader in accordance with paragraph 6.3.2 of the Constitution so that a new administration may be formed; and
- (b) to recognise that the dismissal of the Leader is the only mechanism by which the Constitution permits a change in Administration between District Council Elections.
- (c) to thank Councillor Phillips OBE for his hard work and to commend him for the respect he has commanded in the way he has carried out his role as Leader”.

The motion was moved and seconded.

The Chairman explained that as this was a minority group motion and related to a matter only exercisable by the Council, the motion would be debated and dealt with at this meeting. The motion was therefore opened up for debate.

Cllr Bower said he was unable to understand how Cllr Phillips could be thanked for all his hard work as stated in the motion which at the same time also sought to remove him as Leader. He considered that Cllr Phillips had done an outstanding job under difficult circumstances. He was also concerned that this matter had resulted in great cost to the Council both in terms of the cost of external legal advice and in officer time.

Cllr Bower referred to the Council's many achievements under the leadership of Cllr Phillips and posed a number of questions seeking clarification for the reasons for the motion. He also sought details over what decisions made by the current administration, those supporting the motion had disagreed with and why they had not voiced any such concerns at the time those decisions were being made. He also enquired as to what improvements beyond those already made, those supporting the motion would like to make.

Several Members from the Conservative group, namely Cllrs Marion Clegg, Payne, Mounde, While, Fortescue and Viles spoke against the motion and referred to the invaluable contribution Cllr Phillips had made to the Council as Leader.

A proposal was moved that the motion be put to the vote in accordance with paragraph 16.2.7 of the Constitution. 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 being put to the vote (22)**

Councillors Barker, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

**Against the motion being put to the vote (21)**

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

\* Cllr Phillips expressed concern that he had not been able to respond to the notice of motion.

**Abstention (1)**

Councillor Batchelor

The Chairman allowed Cllr Phillips to respond at this point.

Cllr Phillips referred to the many roles he had as Leader of Council, including Vice-Chairman of South West Regional Assembly. He hoped he would still be able to contribute to the authority in some capacity.

The notice of motion as detailed above was therefore put to the vote. 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 notice of motion (23)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

**Against the notice of motion (21)**

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

It was therefore

**RESOLVED: That**

**“this Council resolves :-**

**(a) to dismiss the Leader in accordance with paragraph 6.3.2 of the Constitution so that a new administration may be formed; and**

**(b) to recognise that the dismissal of the Leader is the only mechanism by which the Constitution permits a change in Administration between District Council Elections.**

(c) **to thank Councillor Phillips OBE for his hard work and to commend him for the respect he has commanded in the way he has carried out his role as Leader”.**

Cllr Phillips left the meeting at this point.

**(iii) Minority Group Motion: Amendments to the Constitution – Cllrs Newbury & Osborn**

“ To amend the Council’s Constitution as follows at this meeting

6.1.2 to read:

‘ The Leader will be elected at the Annual Council Meeting. If the post becomes vacant, the full Council will elect a new Leader at the earliest opportunity.’

6.2 to be deleted and subsequent paragraphs renumbered accordingly.”

The motion was moved and seconded. In moving the motion, Cllr Newbury

amended it to include the following:

“and to elect Cllr Sarah Content as the Leader at this meeting.”

Cllr Mounde was concerned that such a notice of motion would further destabilise the Constitution. He moved an amendment which was seconded to add the words “subject to the agreement of the Standards Committee”.

It was noted that the Legal and Democratic Services Manager had recently offered to brief Group Leaders or their appointed representative on the legal and constitutional implications over a challenge to the leadership and if successful, the appointment of a new Leader. This had been taken up by some Group Leaders who had either attended themselves or sent a representative.

The Legal and Democratic Services Manager explained that it would be more prudent to call a special meeting of the Council which could be arranged to meet as soon as possible and as early as the following week to deal with the appointment of a new Leader. His advice was that this would be the safest course of action to take. However, should Members disregard this advice and wish to appoint a new Leader at this meeting, Counsel’s advice was that it should be a named Leader. The amendment from Cllr Newbury in naming the Leader to be appointed satisfied Counsel’s advice in this respect. The Legal and Democratic Services Manager added that he would be asking Council to incorporate a provision in any new Constitution to prevent such changes in the future without seeking the opinion of the Standards Committee

The amendment from Cllr Mounde was put to the vote and LOST and a recorded vote having been requested, was recorded as follows:

**For the amendment (19)**

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

**Against the amendment (23)**

Councillors Barker, Batchelor, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

**Abstentions (Nil)**

Note: Cllrs Phillips and Fortescue were not present when the above vote was taken.

On being asked, the Legal and Democratic Services Manager confirmed the advice that it would be better for the Leader not to be appointed at this meeting, but at a special meeting of Council to be held as soon as practicable.

The original notice of motion together with the added sentence as detailed above was put to the vote and CARRIED and a recorded vote having been requested, was recorded as follows:

**For the notice of motion (22)**

Councillors Barker, Blakemore, Brice, Brown, Bryant, Carbin, Chivers, Content, Cox, Cunliffe-Jones, Farkas, Hames, James, Lewis, Manasseh, Newbury, Oakman, Oldrieve, Osborn, Repton, Rosier and Syme

**Against the notice of motion (18)**

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

**Abstentions (2)**

Councillors Batchelor and Clark

Note: Cllrs Phillips and Fortescue were not present when the above vote was taken.

It was therefore

**RESOLVED:**

**To amend the Council's Constitution as follows at this meeting**

**6.1.2 to read:**



**‘ The Leader will be elected at the Annual Council Meeting. If the post becomes vacant, the full Council will elect a new Leader at the earliest opportunity.’**

**6.2 to be deleted and subsequent paragraphs renumbered accordingly**

**and to elect Cllr Sarah Content as the Leader at this meeting.**

**(iv) South West Regional Assembly – Cllr Clark**

“This council offers community leadership and attempts to give the people of West Wiltshire confidence in their future. It strives for high quality service, and value for money, despite a severe shortage of funds.

In our quest for financial efficiency we should therefore determine that membership of the South West Regional Assembly is not necessary, as membership of this unelected assembly conflicts with this need.

Accordingly, this council gives immediate notice to cease membership of the South West Regional Assembly and avoid further misuse of council tax funds that would be better spent locally”.

The motion was moved by Cllr Clark and was seconded and it was

**RESOLVED:**

**That the above motion be referred to Cabinet for consideration and report to Council.**

Note: The Committee adjourned at this point for a short break.

**312. URGENT BUSINESS**

There was no urgent business.

**313. REVIEW OF THE OVERVIEW FUNCTION**

Corporate Director, Ian Gallin, presented a report on the future of the structure and role of the overview function. He reminded Council that the proposal had been considered at two seminar meetings of Council in February and April this year, the findings of which were presented.

A broad range of information was available to members during discussions at the earlier seminar meetings of Council and a full discussion took place on this issue. Information available during the earlier considerations included evidence of best practice, the principles of effective scrutiny as developed by the Centre for Public Scrutiny and benchmarking data. The role and function of overview at West Wiltshire was considered in the context of this information.

The main issue for consideration by Council was whether to adopt the recommendation of the Seminar meeting of Council on 6 April to replace the two Overview Committees with one Scrutiny Committee. If Council is minded to

agree this recommendation, it would be asked to consider a number of additional recommendations which reflect the major changes and minor improvements as detailed in the report.

Such a change to the Council's committee structure, would require a change to the Council's Constitution which would be reviewed in any event. The necessary changes to the Constitution were considered by the Standards Committee on 27 April 2005 which was supportive of the recommended changes to the Overview function.

The two Overview Committees each had a membership of 7 and it was proposed to amalgamate this number to create a Scrutiny Committee of 14 Members. The Legal and Democratic Services Manager confirmed that based on this number there would not be a change to the overall political balance.

Cllr Newbury proposed the following motion which was seconded:

To agree:

- (a) to combine the functions of the two existing overview committees into a single committee called the Scrutiny Committee, and to agree that the size of the committee (to be decided from time to time) be between 12 and 22 Members;
- (b) that the size of the Scrutiny Committee for 2005/06 will be 17 Members (seven places allocated to the Liberal Democrat group, seven to the Conservative group and one each to the Labour, Independent and West Wiltshire Independent groups) in accordance with the table for a Committee of 17 circulated by the Legal & Democratic Services Manager
- (c) that meetings of the Scrutiny Committee will be held every six weeks, on dates to be agreed by it's Chairman;
- (d) That an Open Forum will be on the agenda of all Scrutiny Committee meetings and that part II items will appear on agendas when appropriate;
- (e) that 'Task and Finish' groups will be implemented by the Scrutiny Committee and will include the relevant portfolio holders;
- (f) to implement the minor improvements at Appendix A (of the report presented);
- (g) to authorise the Legal and Democratic Services Manager to make the consequential amendments to the Constitution needed to implement the above;
- (h) to proceed to elect a Chairman and Vice-Chairman of the Scrutiny Committee.

A discussion ensued on the size and political balance of the Scrutiny Committee. The Legal and Democratic Services Manager expressed concern

that Cllr Newbury appeared to be advising the Authority on matters of political balance when the legislation requires a report to be presented to the authority after any appropriate change. It was the duty of the Legal and Democratic Services Manager as Monitoring Officer under the current constitution to advise the Council on this issue.

Tables showing the allocation to political groups of a Scrutiny Committee based on membership from 17 to 22 were circulated. The Legal and Democratic Services Manager asked that the authority did not carry out political balance assessments in this manner in the future

An amendment was moved and seconded that the membership of the Scrutiny Committee be set at 16.

On being put to the vote, the amendment was LOST

The original motion as put forward by Cllr Newbury was then put to the vote and CARRIED.

**RESOLVED:**

\*That the motion detailed above (a) to (h) be agreed.

**VOTE TO CONTINUE**

**RESOLVED:**

**That the meeting continue.**

\* In accordance with paragraph (h) of the motion, now adopted, Council was asked to appoint a Chairman and Vice-Chairman of the Scrutiny Committee.

Cllr Phillips OBE in his absence was proposed and seconded Chairman of the Scrutiny Committee. Cllr Clark was proposed and seconded Vice-Chairman of the Scrutiny Committee taking a liberal democrat seat, but declined the nomination.

**RESOLVED:**

- (a) That Cllr Phillips be appointed Chairman of the Scrutiny Committee for 2005/06 if he was willing to take on the role.**
- (b) That the first meeting of the Scrutiny Committee be asked to appoint a Vice-Chairman.**

**314. REVISED HEALTH SCRUTINY ARRANGEMENTS**

A report was presented which outlined the new procedures with regard to health scrutiny, which had been adopted by Wiltshire County Council. The former system, consisting of three Area Health Panels reflecting the geography of the three Primary Care Trusts had been replaced by a new system of Task Groups

which reported directly to the County Health Overview and Scrutiny Committee. It was the County Council, which had overall responsibility for health scrutiny.

This Council has a co-opted member on the Health Overview and Scrutiny Committee. If an issue to be investigated is of local importance only, the Health Overview and Scrutiny Committee will ask the District Council to set up and run it's own Task Group, reporting it's findings back to the Committee

Council was asked to note the new arrangements and to make necessary changes to the Constitution to reflect this new arrangement.

**RESOLVED:**

**That Council**

- (a) notes the contents of the report;
- (b) welcomes the revised structure for health overview and scrutiny functions with the potential for the creation of dedicated Task Groups and;
- (c) note that the Task Groups may require resources and support from this District Council.

**315. APPOINTMENT OF 6 MEMBERS TO THE LOCAL JOINT CONSULTATIVE COMMITTEE**

**RESOLVED:**

That the following Members be appointed to the Employer's side of the Local Joint Consultative Committee for 2005/06:

**Cllrs Newbury, Phillips OBE, Repton, Burnan OBE, March and Cox.**

**316. URGENT BUSINESS – REPORTING BACK**

There was no urgent business to be reported back to Council.

**317. CABINET FORWARD WORK PLAN**

**RESOLVED:**

**That the Cabinet Forward Work Plan as presented be noted.**

**318. REPORTS OF MEETINGS**

<b>Meeting</b>	<b>Date</b>	<b>Minute no's</b>
Planning Committee	31/3/05	280-288

Planning Committee (Special)	7/4/05	289-293
Planning Committee	21/4/05	294 -
Cabinet	30/3/05	449-470
Cabinet	20/4/05	471 - 490
External Overview Committee	29/3/05	104 - 111
Internal Overview Committee	13/4/05	156 - 168
Standards Committee	23/3/05	117 - 126

**RESOLVED:**

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

**319. SUGGESTIONS FOR FUTURE BUSINESS**

Cllr John Clegg suggested that Council looks into making it a requirement to give 48 hours notice to make alterations to agenda and reports presented.

(7pm – 10.45pm)

These minutes were prepared by Yamina Rhouati, Member Support Team Leader who can be contacted on 01225 770322 or email [yrhouati@westwiltshire.gov.uk](mailto:yrhouati@westwiltshire.gov.uk)