



IMPLEMENTATION EXECUTIVE (Special Meeting)

Minutes of the meeting held on 2 June 2008

In Attendance

Wiltshire County Council

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

Kennet District Council

Mr Lionel Grundy – Leader
Mr Philip Brown – Deputy Leader

North Wiltshire District Council

Mr Dick Tonge - Leader
Mrs Allison Bucknell – Deputy Leader

Salisbury District Council

Mr Paul Sample – Leader
Mr Steven Fear – Deputy Leader

West Wiltshire District Council

Mr Tony Phillips – Deputy Leader
Mr Rod Eaton

Also in attendance: Mrs EA Chettleburgh, Mr BE Dalton, Dr JM English, Mr M Hewitt, Mr WR Moss and Mr A Roberts.

44. Apologies

No apologies were received.

45. Members' Interests

Mr Fear and Mr Noeken declared personal interests in respect of Min. No. 47 – Bourne Hill Office Project insofar as they were also Members of Salisbury District Council. Mr Fear explained that although he had expressed an opinion on this issue in the past, any decision that he came to at this meeting would be based on the information he received at the meeting and not based on any previous position that he had taken on this matter.

Mrs Douglas declared a personal interest in the same matter. Mrs Douglas lived close to the site but not sufficiently close to have a financial interest in the matter but she had expressed a view in the past on the Office project. She emphasised however that she had an open mind on this issue.

Mr Sample confirmed that he had sought and received advice from the County Council's Monitoring Officer in relation to any potential interest he had in this matter. Mr Sample was of the view that unless the Swimming Pool site was discussed he had no interest to declare in this matter.

46. Public Participation

A question from Mr Christopher Browne was circulated at the meeting to which the Leader undertook to respond in writing.

47. Bourne Hill Office Project

The Implementation Executive considered the joint report of the Chief Executives of the County Council and Salisbury District Council.

The Chief Executive of the District Council introduced the report and emphasised that on the basis of advice the District Council had received from Counsel, the Implementation Executive had no power to direct the District Council in relation to this contract. She also updated the IE on advice received from DCLG which confirmed this view and from the District Auditor which suggested that to recommend any other option other than to proceed with the contract for the current scheme, would be deemed unreasonable.

Members of the IE expressed some concern that despite the requests made at the last meeting of the IE no financial information in relation to the likely additional costs arising from a deferral or a termination of the contract were available. This information was fundamental to the process of considering any alternative options.

The Chief Executive of the District Council confirmed that as requested negotiations were opened with the contractor but no response had been received as to these likely additional costs.

Salisbury District Council members emphasised that the matter under discussion was not a new contract but a variation to an existing contract that pre-dated the existence of the IE.

The Leader emphasised that the County Council had not sought alternative legal advice as this would prove costly and eventually even if that advice was contrary to that received by the district council, she would not have recommended challenging that advice. The IE therefore had to accept the advice received by the district council.

The County Council's Chief Financial Officer clarified a number of financial issues in particular over the impairment costs and the abortive capital costs and how these might be dealt with for accounting purposes.

The Leader introduced a motion for discussion which in summary suggested that the IE should not seek to delay the current contract for the reasons summarised within the conclusion to the report and because of the legal advice received by the district council that the IE had no power to change or end the contract. In addition the information was not available to the IE in order for it to be able to consider any viable alternatives.

Members commented on the motion and following some minor amendments it was moved and seconded.

Resolved:

The Implementation Executive

1. for the reasons summarised in the conclusion to the joint report, resolves not to seek a delay in the current contract while other options can be explored fully, but requests full co-operation from Salisbury District Council (SDC) in order to make the project work in the interests of the people of Wiltshire;
2. notes the SDC legal advice that the IE lacked the power to change or end the contract (and SDC will remain the client until 31 March 2009) and also lacks the information necessary in order to consider viable alternatives;
3. regrets that SDC chose to press on with the Bourne Hill Office Project while Government was actively considering local government re-organisation in Wiltshire;
4. notes that on any broad comparison the current project at Bourne Hill does not represent value for money in terms of likely cost per work space and does not provide any solution to the accommodation for 150 SDC employees who will not be housed at Bourne Hill;
5. requests SDC to invite membership of the Project Board from Officers of the five Councils; and

6. requests reassurances from SDC that no further variations to the contract will be considered without the full involvement and agreement of the IE and that any variation proposed by the IE will receive reasonable consideration by the district council.

(NB. Mr Fear and Mr Sample both wished to be recorded as abstaining from this decision)

Reason for Proposal: The Implementation Executive resolved on 22nd May 2008 to receive further information to assist with the decision on whether to continue with the current scheme for building offices at Bourne Hill, Salisbury. This report considers the scheme in relation to the needs of the Unitary Authority and looks at the option to stop the scheme. The financial estimates provided in this report are preliminary and may not represent the outturn cost; however they provide a basis for comparison of the options. This project is about to reach a significant milestone on 3 June 2008, when the Deed of Variation to build the revised scheme is to be authorised.

The meeting closed at 5.06pm.