

CABINET CAPITAL ASSETS COMMITTEE

DRAFT MINUTES OF THE CABINET CAPITAL ASSETS COMMITTEE MEETING HELD ON 3 JULY 2017 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Baroness Scott of Bybrook OBE (Chairman), Cllr John Thomson (Vice Chairman), Cllr Richard Clewer, Cllr Laura Mayes, Cllr Toby Sturgis, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

Also Present:

Cllr Pauline Church, Cllr Darren Henry, Cllr Jerry Kunkler, Cllr Stewart Palmen, Cllr Tom Rounds and Cllr Philip Whalley

88 **Apologies and Substitutions**

There were no apologies received as all members of Cabinet were present.

89 **Minutes of the previous meeting**

The minutes of the meeting held on 14 March 2017 were presented.

Resolved

To approve as a correct record and sign the minutes of the meeting held on 14 March 2017

90 **Leader's Announcements**

There were no leaders announcements.

91 **Declarations of interest**

There were no declarations of interest.

92 **Public Participation and Questions from Councillors**

The Leader explained her approach to public participation and stated that she would take any representations under the item to which it related..

93 **Disposal of freehold interest of assets**

Councillor Toby Sturgis presented the report which asked the meeting to consider making a declare that freehold interest of the six assets could be sold by the Council.

Following representations from Fiona Watson, who had raised concerns and questions regarding the Halve site in Trowbridge, the meeting agreed that consideration of this site be deferred to enable officers to respond to the issues raised.

There being no further debate, the meeting;

Resolved

- 1. That members confirm that freehold interest of the five assets can be sold by the Council.**
- 2. To authorise the Associate Director for People and Business to dispose of freehold interest of the assets.**

Reason for Decision:

To confirm the freehold interests of the assets can be sold in order to generate capital receipts in support of the Council's capital programme.

94 Capital requirement for new and replacement waste containers - Waste Services

Councillor Bridget Wayman presented the report which sought agreement to the purchase of bins and boxes for waste and recycling and that, subject to there being sufficient capital within the capital programme, the required funding of £435,000 is allocated in advance of the review of the capital programme.

Resolved

To note the requirement for purchase of bins and boxes for waste and recycling;

That, subject to there being sufficient capital within the capital programme, the required funding of £435,000 be allocated in advance of the review of the capital programme.

Reason for Decision:

To enable the council to comply with its statutory duty to collect household waste and to maintain service delivery for residents.

95 School Capital Programme - Additional Projects Report

Councillor Laura Mayes presented the report which sought approval to the additional projects as outlined in the report.

Resolved

1. To approve the School Capital Projects at Appendix A
2. To authorise the Corporate Director for Children Services to invite and evaluate tenders for the projects described in this report, and, following consultation with the cabinet member, to award the contract for the project (subject to approval of any necessary statutory proposals) and to authorise, in consultation with the Head of Strategic Asset & FM (or the Asset Portfolio Manager (Estates), in accordance with the relevant scheme of sub-delegation (under paragraph 7 of Part 3B of Wiltshire Council's constitution)), the acquisition of all land (and the completion of any legal documentation) reasonably required in order to facilitate the Schools Capital Investment Programme.

Reason for Decision:

The Council has a statutory duty to provide sufficient school places, both in mainstream and in Special schools to meet the demand arising across Wiltshire, whether from demographic or population change, strategic housing development growth and the Army Re-Basing programme. The Council also has Landlord responsibilities for the effective management and maintenance of the schools (for which the Council is responsible) estate and the approval of an additional replacement accommodation project will ensure effective use of resources.

96 **East Wing Planning Application submission**

Councillor Toby Sturgis presented the report which provided an update on progress and seek Cabinet's support for the submission of an outline planning application in relation to the redevelopment of the East Wing site in Trowbridge.

Resolved

- (i) **Note the work completed to progress the redevelopment of the East Wing site.**
- (ii) **Support the submission of an outline planning application for a mixed-use development on the East Wing site.**

Reason for Decision:

To provide an update on progress and seek Cabinet's support for the submission of an outline planning application in relation to the redevelopment of the East Wing site.

97 **Urgent items**

There were no urgent items.

98 **Exclusion of the Press and Public**

Resolved

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following items of business because it is likely that if members of the public were present there would disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Reason for taking the item in private:

Paragraph 3 – information relating to the financial information or business affairs of any particular person (including the authority holding that information)

No representations have been received as to why this item should not be held in private.

99 **Porton Science Park – Phase 1 Incubation Centre**

Councillor Chuck Berry presented the report which brought to members' attention unexpected additional requirements which have emerged in the course of delivery, and sought approval to allocate additional budget for the completion of the construction of the asset and early operational costs, which will be recovered by the council using the mechanisms described in the report.

Resolved

To agree to the allocation of an additional £0.5 m capital budget for completion of the build programme and £0.285m revenue to cover the operational running costs and capital financing costs until the scheme is fully operational and can cover its costs.

To delegate authority to the Associate Director, Economic Development and Planning, in consultation with the Leader of the Council, and the Cabinet Member for Economic Development and Housing, and Associate Director of Finance to bring the project to build and open the first phase of Porton Science Park to completion, within the tolerances and parameters set out in this report

Reason for decision:

To achieve delivery of the Porton Science Park project, by ensuring the successful completion and hand over of the first phase of the development.

To ensure the successful transition of existing Tetricus tenants into the Incubation Centre

(Duration of meeting: 11.20 am - 12.00 pm)

These decisions were published, earlier, on the 6 July 2017 and will come into force on 14 July 2017

The Officer who has produced these minutes is Will Oulton of Democratic Services, direct line 01225 713935, e-mail william.oulton@wiltshire.gov.uk

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Questions from Fiona Watson on behalf Questions raised of the Halve Residents Association

To Councillor Toby Sturgis – Cabinet member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste

Question

1. Why was the majority of this shared parking space parcelled into the sale of The Clinic when the Council knew of its importance to users of the Social Centre? Who made this decision and what criteria did they use to make this decision? The Council should have received money from the Health Authority for this transfer of such an important asset. Did this asset disposal go through the Asset Committee at the time? If not, why not?

Answer

The Clinic, including the parking spaces, were transferred to the Health Authority in 1974 under a statutory transfer, the terms of which the Council had little influence. There is no express right in the Council's deeds or prescriptive right that can be obtained for these parking spaces.

The boundary delineated by the fence is the site boundary in accordance with the plans on the Land Registry Titles, although the Council will measure the width on the ground between the wall and the fence to ensure it is correct.

Question

2. Why was this application not objected to by the Council? On completion of the fence, why wasn't the positioning challenged? Why wasn't the failure to provide a walkway/pedestrian access also not challenged? When ASB became an issue why didn't the Council challenge the design of the fence?

Answer

The Council as landowner did not object as there is no reason for a valid objection on the planning policy grounds to be raised. As set out in the response to Q1 above, the boundary delineated by the fence is the site boundary in accordance with the Land Registry Titles, although the Council will measure the width between the wall and the fence to ensure it is correct. Access to the Council's site has been retained, as set out by the Land Registry titles.

Question

3. Why weren't repairs to the building made good at the time of the thefts/vandalism?

Answer

The management of Void buildings is closely monitored by the Council. Appropriate measures are put in place according to the nature of the asset, having consideration to the limited revenue funds available to the Council.

Question

4. Why weren't even basic security measures taken to prevent further ASB?

Answer

See response to question 3

Question

5. Why wasn't the Social Centre maintained adequately?

Answer

See response to question 3

Question

6. We would like to understand what changed to make the Council (Town and County) no longer support this facility?

Answer

The property was previously run and managed by the Trowbridge Guild. It is believed that the maintenance cost may have been a reason for the Guild terminating the service but the Guild should be able to provide a more comprehensive response. The service / facility was not provided / operated directly by Wiltshire Council.

Question

7. Why have the Council decided to dispose of the Social Centre precisely at the time to be most advantageous to the owner of The Clinic, especially as it was their actions that have significantly contributed to the demise of the site and loss of value?

Answer

The Council has previously been approached by a number of local community groups such as The Marching Band, Men's Shed and a homeless charity. After initial interest in taking a Community Asset Transfer, all of those organisations declined to take their interest further. Accordingly, officers submitted a report to the Council's Cabinet Capital Asset Committee to seek authority to sell the building for best consideration, as required by the Local Government Act 1972, which would generate a capital receipt.

Question

8. What is the expected cost of demolition of the Social centre?

Answer

The current cost of demolition has not been determined. A quote was obtained in 2014 but it did not include removal of asbestos. There is no agreement at this point that the Council will demolish the building prior to disposal.

Question

9. If disposal is agreed what is the process? We believe assets are offered to neighbouring landowners prior to open market sale to see if additional value can be extracted. If this is the case, who decides which landowners are contacted?

Answer

The precise details of the disposal process depends on the individual property but all adjoining owners would be given an opportunity to submit an offer, but the Council would be obliged to achieve best consideration for the disposal of the asset. Accordingly in this instance, officers would contact the adjoining owners on all sides of the property to ascertain the level of interest.

Question

10. What, if any, restrictions can be imposed on the purchaser with regard to development? For example, can planning conditions be imposed at this point?

Answer

The Council is not looking to impose any restrictions on development and with the statutory planning process being the process to determine planning and development matters.

Question

11. What will happen to any profits of the sale of this site and those in nearby St Thomas' passage?

Answer

All capital receipts from the sale of property contribute towards the Council's capital programme.

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