



## **IMPLEMENTATION EXECUTIVE**

### **Minutes of the meeting held on 13 November 2008**

#### **In Attendance**

##### **Wiltshire County Council (WCC)**

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

##### **Kennet District Council (KDC)**

Mr Lionel Grundy – Leader  
Mr P Brown – Deputy Leader

##### **West Wiltshire District Council (WWDC)**

Mr Tony Phillips – Deputy Leader  
Mr Rod Eaton

##### **Salisbury District Council (SDC)**

Mr Steven Fear – Deputy Leader

Also in attendance: Mr J Johnson, Mr J Osborn, Mr A Molland, Mr C Newbury, Mr S Oldrieve, Mr A Roberts, Mr F Westmoreland

#### **124. Apologies**

Apologies were received from Mrs A Bucknell, Mr R Tonge and Mr P Sample.

#### **125. Minutes**

The minutes of the meetings held on 29 October 2008 were confirmed and signed as a correct record.

In response to Mr Noeken's enquiry about the SDC Leader's potential interest in relation to the Swimming Pool Site, the Monitoring Officer informed the IE that the member had been advised of the requirements regarding the declaration of interest.

## **126. Leader's Announcements**

The Leader reported that the Boundary Committee for England were planning to publish their Final Recommendations to the Electoral Commission on 14 November. From informal discussions it was understood that those recommendations would largely be consistent with Wiltshire County Council's original submission from April 2008. The Leader would issue a press release and communicate this to all members across the five authorities on 14 November, and would inform town and parish councils as soon as possible.

## **127. Members' Interests**

No interests were declared.

## **128. Public Participation**

Mr Francis Morland attended the meeting in respect of Min. No. 130 – Developing the Development Control Service and Min. No. 132 – West Wiltshire Non-HRA PFI Scheme.

## **129. Parishing of Salisbury**

The Implementation Executive considered two reports of the Chief Financial Officer and the Chief Executive WCC. The first report presented findings of the review of the cost to Wiltshire Council of transferring assets and services to the new city council and concluded that, based on current information, the proposed transfer was cost neutral. On the basis of this, the second report covered specific aspects of the proposed transfer of assets and liabilities to the new Salisbury City Council.

The Leader tabled a set of revised recommendations at the meeting.

Mr Fear expressed his support for the Leader's revised recommendations and thanked all members and officers who had been involved in the parishing process. He stressed that, in terms of the Guildhall and Market Squares, the issue of ownership was less important than ensuring continued use of these areas for community events. He therefore supported the revised recommendations. Mr Fear also referred to the capital reserve known as the "City Reserve" which was a fund specifically allocated to the City of Salisbury and therefore was not included in the District Council's budget. Because the new City Council would not possess any capital reserves on 1 April 2009, it was suggested that this fund should transfer to the new City Council.

The Leader commented on general concerns with regard to the affordability of key capital projects within the City of Salisbury, including Bourne Hill.

Mr Roberts, portfolio holder for Finance SDC, confirmed that the District Council's position on the funding of Bourne Hill had not changed but reported that alternative sites had been identified which might assist with the funding of Bourne Hill. The Leader asked for a further report on the funding of these key projects.

**Resolved:**

- a) To note the two reports and their conclusions.
- b) To transfer, subject to detailed staff consultation, the staff involved in the frontline services described in Appendix A of the report, by a TUPE-like process to the new Salisbury City Council on 1 April, 2009.
- c) To transfer plant currently owned by Salisbury District Council and utilised for the delivery of services identified in Appendix A to the new Salisbury City Council where it is not needed to ensure cost neutral service delivery by Wiltshire Council.
- d) To transfer the Churchill Gardens and Lush House car parks to the new Salisbury City Council and that this should be accompanied by appropriate covenants to ensure that future car park charges and enforcement policy remained consistent and not competitive with those developed by the new Wiltshire Council, and also to protect the Highway Authority's future operational needs.
- e) To agree that in relation to land known locally as the Guildhall and Market Squares:
- i. the range of work in hand which would affect these Squares, including the Salisbury Transport Study, the current Design Competition and the wider work on the Salisbury Vision be noted and that the various financial implications are complex and would require consideration by Wiltshire Council.
  - ii. that in line with the existing Transitional Orders, the Guildhall Square and Market Square should transfer initially to Wiltshire Council, the future of these Squares and their ownership could be a matter for early discussion between Wiltshire Council and Salisbury City Council.
  - iii. to recognise the vital role of these Squares in the City Centre and to agree that appropriate licenses and agreements would be granted to Salisbury City Council to ensure the continuation of the Charter Market, Charter Fairs and other community activities on The Guildhall and Market Squares.
- f) To agree in principle that the capital reserve known as the "City Reserve" be transferred to the new Salisbury City Council but that a further report be requested on the origin of this reserve.
- g) To request a further report on the funding of key capital projects within the City of Salisbury, including funding of the Bourne Hill project, the Salisbury Vision and the Market Square project.

### **130. Developing the Development Control Service**

The Implementation Executive considered the report of the Service Director, Development which provided further information as requested by the IE on 23 September.

Mr Morland addressed the IE and spoke of his concern regarding the proposal to restrict the call-in of planning applications to unitary councillors and not to provide a similar provision for town and parish councils. He also expressed the view that it was not necessary to have one Scheme of Delegation for the whole county but that local variances could be permitted to allow different call-in policies and regarded the call-in period of 21 days as too short. A copy of his statement was circulated at the meeting.

Mr Sturgis, one of the lead IE members on Development Control, responded on behalf of the IE and supported the proposals for the future Development Control service as outlined in the officer report. In particular, he regarded the call-in period of 21 days as sufficient, especially in the light that Government provides a minimum of 14 days.

Further elaborating on this, the Leader also supported the proposals as per the report and stressed that unitary councillors could proactively seek views from their town and parish councils within 21 days, and that retaining different area arrangements would run contrary to the idea of having unitary arrangements. However, a full review on the Development Control service would be undertaken within two years. She also reported that as soon as the new Development Control service was agreed, information on the new service should be communicated to members, officers, town and parish councils and applicants, and meet and greets be arranged to provide for clarity on the new service.

Mr Newbury, County Councillor for Westbury Ham and Dilton, suggested that paragraph 1 (b) of the Scheme of Delegation (Appendix 1 of the report) was ambiguous and that it should be deleted or clarified to reflect which applications were actually eligible for member call-ins.

The Chairman of the Joint Overview & Scrutiny Transition Board (JOSTB), the Chairman of the JOSTB Development Control Task Group and the Service Director, Development stressed that the proposals for the future Development Control service derived from collaborative work among members and officers across the five authorities.

Mrs Swabey, County Councillor for the Whorwellsdown Hundred division, had submitted a number of questions to the Implementation Executive which were circulated at the meeting, together with the responses.

#### **Resolved:**

**a) To adopt the timing, roles and responsibilities of the strategic and area planning committees in accordance with the proposals outlined in paragraphs 12-15 of the report.**

**b) To agree that there be no mechanism for referrals from the Area Committees to the Strategic Planning Committee, thus ensuring that non-strategic decisions would be made locally, enabling the public to know where the**

decision would be made and that division members would, however, be able to call-in applications in their division to the appropriate committee as outlined in paragraph 16 of the report.

c) To adopt the Scheme of Delegation as set out in Appendix 1 of the report for decisions on planning applications made by the new Council (as set out in paragraphs 18-20 in the report):-

- i. subject to an amendment to reflect that householder applications under paragraph 1 (b) of the Scheme of Delegation can be called-in, and this amendment to be confirmed by the IE lead members on Development Control, and
- ii. noting that this means that only division members could ask for applications to proceed to determination by way of committee with parish and town councils making requests through their local division member as set out in paragraph 25 of the report.

d) To apply the now amended Scheme of Delegation for the interim period between 1 April and the appointment of area planning committees in June 2009.

e) To prepare a revised county-wide Statement of Community Involvement to set out a consistent protocol for pre-application discussions and community involvement on planning applications as outlined in paragraph 24 of the report.

f) To carry out further officer work to explore opportunities to establish additional design panels, similar to the one operating in Salisbury, after April 2009 as outlined in paragraph 30 of the report.

g) To develop an appropriate process to communicate the details of the new service and the process to members, officers, town and parish councils and applicants.

h) To note that a full review on the Development Control service would be undertaken within two years of the new authority coming into being.

### **Reason for Proposal:**

The IE considered a report on the development control service on 23 September. Members asked for additional information on the membership of the proposed committees and clarification on a number of operational matters.

### **131. Membership of Area Planning Committees**

The Implementation Executive considered the report of the Head of Democratic and Members' Services which outlined the options available in constituting area planning committees and the legal requirements in appointing members to serve on them, both in the interim period from 1 April until the elections in June 2009, and for the new Council.

**Resolved:**

**a) To agree that, subject to the Transitional (No.2) Regulations being made in their present form, for the pre-election period, the requirement for area planning committees to reflect the political proportionality of the IE be waived, and that instead**

**(i) in West Wiltshire, North Wiltshire and Kennet District Council areas, the current members of the District Council Development Control Committees be asked to serve as co-opted members on the Area Planning Committee for their area with the existing terms of reference and geographic responsibility; and**

**(ii) Salisbury District Council be asked to nominate between 12 and 15 members of their current Area Committees, which have development control responsibilities, to be co-opted to serve on an Area Planning Committee with the existing terms of reference but with geographic responsibility for the whole of the Salisbury District Council area.**

**b) To note that a further report will be brought to the IE asking it to formally co-opt those members who have confirmed that they are willing to serve on the relevant planning committees during the pre-election period.**

**c) To agree that for preparation purposes the Area Planning Committees for the new Council will be politically proportional and that group leaders will be asked to ensure that wherever possible their nominations should be selected on a geographical basis.**

**(NB. No members of the Implementation Executive voted against the decision as set out at (a) (i) and (ii) above in relation to the arrangements during the pre-election period.)**

**Reasons for Proposal:**

To constitute planning committees for the interregnum period from April to June 2009 and for the new Council.

**132. West Wiltshire Non-HRA PFI Scheme**

The Implementation Executive considered the joint report of the Head of Procurement and Contract Management WCC and the Housing PFI Project Manager WWDC. The report highlighted progress made since the first report which the IE had considered on 27 August.

Mr Morland addressed the IE and spoke of his concern regarding the financial justification of the scheme and that he believed the implementation of the scheme would be costly and economically unviable. A copy of his statement was circulated at the meeting.

John Thomson, one of the IE lead members on housing, responded on behalf of the IE and confirmed his support for the scheme. In particular, he stressed the

profitability of the scheme and that DCLG would not approve a scheme which was not affordable or would not provide value for money. He also reported that the final decision would be subject to a detailed business case to a future meeting of the IE or the new council.

Members commented on the financial implications of the scheme and on alternative options potentially being available. The Head of Procurement and Contract Management confirmed that a number of options would be considered as part of the preparation of the final business case.

**Resolved:**

- a) To note the report and the progress made.**
- b) To endorse the progress towards closure of the project.**
- c) To request a further detailed report prior to submission of the final business case.**

**Reasons for Proposals:**

To update the IE on the progress towards the delivery of this project.

**133. Sustainable Communities Act 2007 – Update Report**

The Implementation Executive considered the report of the Corporate Adviser – Policy and Strategy which set out the next planned steps for responding to the LGA and Government who had issued a formal invitation to local authorities, to submit proposals for making communities more sustainable. Proposals would have to be submitted by 31 July 2009.

The IE had agreed on 23 September to delegate the task of setting up and running a panel for the whole County to advise local authorities to the Wiltshire Assembly. Non-elected community representatives would serve on this panel.

Mr Oldrieve, County Councillor for Trowbridge East, suggested that Area Boards should be involved in the process of submitting proposals for making communities more sustainable. The Chief Executive WCC responded that as the Boards got underway in the new council, their role would be considered. Meanwhile, local Community Partnerships were represented on the Panel.

**Resolved:**

- a) To note and comment on plans outlined in the report to respond to the Secretary of State's invitation to identify ways Government could change the way it does things to help make communities more sustainable.**
- b) To commission a process within principal councils to generate ideas that meet the criteria of the Act as government guidance suggests the panel of community representatives should not contain elected representatives.**

**c) To note that any ideas which are generated in this way will need to be shared with the Panel, and the Panel's comments reported to the IE when it makes its final selection of ideas to submit to the LGA and Government.**

**d) To note that it is intended to bring recommendations from the Panel via the Wiltshire Assembly to the IE for a decision in May 2009.**

**e) To undertake further work to clarify the potential role of Area Boards in the submission of proposals to Government.**

**Reason for Proposal:**

To keep the IE informed of progress on responding to the Sustainable Communities Act, and, in particular, to ensure that principal councils get fully involved in generating ideas under the Act, to assist in achieving the overall aim of creating Strong and Resilient Communities in Wiltshire. Also to clarify when the IE will be asked to choose proposals to submit to the national selection process.

**134. Review of Working with the Voluntary and Community Sector (VCS)**

The Implementation Executive considered the report of the Corporate Director, Community Services and the Service Director, Community Leadership & Governance. The report recommended moving ahead with the review of the VCS following a consultation exercise with the sector on a series of proposals.

The same report was considered by WCC Cabinet on 21 October. Cabinet recommended to IE that all existing commitments by the five councils to the VCS were honoured in the financial year 2009-10 pending full implementation of the review from April 2010.

**Resolved:**

**To agree that all existing commitments by the five councils to the VCS were honoured in the financial year 2009-10 pending full implementation of the review from April 2010.**

**135. Towards One Council – Progress Report**

The Implementation Executive considered the report of the Programme Director which outlined the main activity that had occurred since the last meeting.

**Resolved:**

**To note the Progress Report.**

**136. Outline Work Programme**

The Implementation Executive received the Outline Work Programme for future business.

**The meeting closed at 5.55pm.**