

**Minutes of the Meeting of the Executive held on Thursday 31st August 2006
in the Council Chamber, Council Offices, Monkton Park, Chippenham
commencing at 7.00p.m.**

Present: Councillor C. O’Gorman, Leader in the Chair

Councillors A. L. Davis, H. M. Dixon, S. K. Doubell, D. J. E. Evans,
R. J. Henning, D. M. Moore, G. Offord and O. J. Thomas.

Non-Executive Councillors Present: Councillors S. Meadowcroft, S. Meadows,
T. R. Sturgis and S. R. Walls

Officers Present: D. Burbidge (Chief Executive), D. Ashton (Interim Chief Accountant), L. Bell (Community & Environment Strategic Manager), H. Braid (Policy & Democratic Services Officer), A. Davies (Planning Services Strategic Manager), N. Fenwick (Customer Services Strategic Manager), M. Gilmour (Principal Community Partnerships Officer), P. Jeremiah (Legal Services Team Leader), W. Oulton (Policy & Democratic Services Officer), S. Pangbourne (Strategic Manager Corporate Services), S. Parker (Community Partnership Officer), C. Pescod (Development Control Team Leader) and Jo Stirling (Principal Housing Enabling Officer).

E31. Apologies for Absence

An apology for absence had been received from Councillor P. G. Allnatt.

E32. Public Question Time/Receipt of Petitions

No public questions or petitions had been submitted.

E33. Questions from Non-Executive Councillors

No questions had been submitted.



E34. Minutes

The Minutes of the meetings of the Executive held on 13th July 2006 (circulated with the agenda) were considered.

Resolved that the Minutes of the meeting of the Executive held on 13th July 2006 be confirmed and signed as a correct record.

E35. Declarations of Interest

None.

E36. Leader's Announcements

The Leader reminded Members of the Member Policy Day to be held on Thursday 7th September 2006. The Leader informed the meeting that the day would provide all Members with the opportunity to review the Corporate Plan to identify priorities and to focus upon resource planning and performance for the next three years. The Leader encouraged all Members to attend this important event.

E37. Ombudsman's Report - Enforcement Complaint

Consideration was given to Report No.7 (circulated with the agenda) which informed the Executive of recommendations made by the Local Government Ombudsman in respect of a complaint made as to the way in which the Council dealt with an enforcement issue.

Issues discussed during consideration of this item included:

- The issue of the demolition of boundary walls within conservation areas will be addressed at the next planning training session.

Recommended to Council

- (1) **A payment of £500.00 be made to the complainant, to be funded through the Planning Services Appeals Budget.**
- (2) **That Officers:**
 - (i) **Continue to consult specialist Conservation / Urban Design Staff on planning applications.**
 - (ii) **Record officer site visits.**
 - (iii) **Record the effects of development in conservation areas on decision notices and delegated / committee reports.**
 - (iv) **Ensure that the description of any applications includes reference to the demolition of walls and similar structures.**

- (v) **Communicate decisions on enforcement cases to third parties, at the earliest opportunity.**

E38. Corporate Plan Progress Update

Consideration was given to Report No.8 (circulated with the agenda) which provided an update and exceptions report on the delivery and performance of the Corporate Plan for the period April to June 2006.

Issues discussed during consideration of this item included:

- That the amendments proposed by the Overview & Scrutiny Committee were not clearly identified in the appendix to the report.

Resolved that the exceptions reporting for the delivery and performance of actions under the priority areas in the Corporate Plan for April to June 2006 be noted.

E39. Revenue Budget Monitor June 2006

Consideration was given to Report No.9 (circulated with the agenda) which presented the first revenue budget monitor for the 2006/07 financial year, showing the financial position at the end of June 2006.

Issues discussed during consideration of this item included:

- The 20% target in respect of green waste collection had already been achieved and requests for the service were still being received. This level of uptake should also assist in meeting the Council's composting target.

Resolved that the report be noted.

E40. Capital Budget Monitor 2006/07

Consideration was given to Report No.10 (circulated with the agenda) which reported upon expenditure to date against the Council's approved Capital Programme for 2006/07.

Resolved that

- (1) The report and figures be noted.
- (2) The amendments to the Capital Programme be approved.
- (3) The changes to the Capital Risk Assessment be noted.

E41. Budget & Strategic Planning Working Group

Consideration was given to Report No.11 (circulated with the agenda) which sought agreement to the terms of reference and membership of the Budget & Strategic Planning Working Group, in accordance with the decision of Council.

Issues discussed during consideration of this item included:

- It will be helpful for Members to be aware of the anticipated dates and times for meetings of the Working Group, to ensure that they can meet the commitment required.
- The Working Group will not meet prior to the Member Policy Day on 7th September.

Resolved that

- (1) The terms of reference of the Budget & Strategic Planning Working Group (attached at Appendix 1 to these Minutes) be approved.
- (2) The Overview & Scrutiny Committee be requested to appoint a Member to the Budget & Strategic Planning Working Group in accordance with the decision of Council.
- (3) The Group Leaders be asked to appoint Members to the Working Group as detailed in the terms of reference.

E42. Regulation of Investigatory Powers Act 2000 - Revised Policy

Consideration was given to Report No.12 (circulated with the agenda) which sought approval for a revised policy and procedures on the exercise of the Council's powers under the Regulation of Investigatory Powers Act 2000 and to confirm the designation of appropriate officers in connection with the accessing of communication data under the Act.

Issues discussed during consideration of this item included:

- An annual reporting mechanism will be established to inform Members of how often the Council's powers under the Regulation of Investigatory Powers Act 2000 have been used.

Resolved

- (1) The revised policy and guidelines for the exercise of the Council's powers under the Regulation of Investigatory Powers Act 2000 be approved.

- (2) The appropriate Team Leader be authorised to act as 'Designated Person' in respect of the necessary authorisations for accessing communications data (including cancellations and renewals of such authorisations) in accordance with the requirements of the Regulation of Investigatory Powers Act 2000, and the Codes made thereunder, except where 3 below applies.
- (3) In cases where the Team Leader is directly involved in the operation of a particular investigation, any such authorisations are to be granted, renewed or cancelled by the appropriate Strategic Manager for the Team concerned, (except in the case where urgent action is required and the appropriate Strategic Manager is not available, in which case another Strategic Manager may authorise).
- (4) The Investigations Officer be designated as the Council's Single Point of Contact Officer for the purposes of accessing communications data under RIPA.
- (5) Authority be delegated to the Chief Executive to designate the Council's Single Point of Contact from time to time as the need arises.

E43. District-Wide and Community Area Awards Scheme

Consideration was given to Report No.13 (circulated with the agenda) which presented recommendations made by the Chippenham Area (3) Committee regarding the Community Area Award and District-Wide Award schemes and to set out the implications of accepting these recommendations and present alternative options.

Resolved that

- (1) A District-Wide Awards Working Group be established to guide the Lead Member, with a representative from each Area Committee being invited to join the Group.
- (2) Any revenue funding remaining in the Area Committee Community Area Awards budget following the last dates publicised for funding distribution, should be vired to the District Wide Award Scheme for distribution.
- (3) The Community Area Awards funding criteria which specifies that applicants may not apply for both capital and revenue funding for the same project be kept unchanged.

- (4) The Community Area Award funding criteria be re-visited by Members in January 2007, as part of the normal Member panel process which meets to review funding criteria.
- (5) It be noted that an options paper regarding the District-Wide Award Scheme will form a future agenda item.

E44. Review of Area Committees

Consideration was given to Report No.14 (circulated with the agenda) which sought views in respect of the Council's Area Committees in response to a Notice of Motion.

Issues discussed during consideration of this item included:

- Acknowledgement of the high level of work undertaken by Officers involved in the review.
- Whether the issue of the actual information / items that are considered at Area Committee meeting had been addressed by the review.

Recommended to Council that

- (1) **The Short Term recommendations in respect of the Area Committees (set out in Report No.14) be approved.**
- (2) **The Medium / Long Term recommendations in respect of the Area Committees (as set out in Report No.14) be reviewed and informed by the publication of the Local Government White Paper.**
- (3) **The Area Committees are retained and developed in line with the recommendations contained in Report No.14.**

E45. Request for Affordable Housing Grant to Provide Affordable Housing - Long Close, Chippenham

Consideration was given to Report No.15 (circulated with the agenda) which sought authorisation for an allocation of Affordable Housing Grant to enable Westlea Housing Association to provide 5 units of shared ownership housing at Long Close, Chippenham.

Resolved

- (1) A commitment of Affordable Housing Grant of £93,750 be authorised to enable the provision of 5 new affordable homes by Westlea Housing Association at Long Close, Chippenham.
- (2) Authority be delegated to the Legal Services Team Leader to agree a nominations agreement with Westlea Housing Association.

E46. Concessionary Travel

Consideration was given to Report No.16 (circulated with the agenda) which sought guidance on any changes desired for the Concessionary Travel Scheme to allow the scheme to be developed for the 2007/08 financial year.

Resolved that the Concessionary Travel Scheme be retained in its current form, that is a Bus Pass with no restrictions on time of travel, with cross-border travel allowed, and the option of £18 of tokens.

E47. Decriminalised Parking Enforcement Policy

Consideration was given to Report No.17 (circulated with the agenda) which sought agreement of a policy for enforcement under the Decriminalised Parking Enforcement Act, effective as of 4th September 2006.

Resolved

- (1) That the Decriminalised Parking Enforcement Policy (as at Appendix 2 to these Minutes) be adopted.
- (2) That authority be delegated to the Senior Parking Officer, in consultation with the Customer Services Strategic Manager and Lead Member for Car Parking, to make amendments to the policy from time to time.

E48. Decriminalised Parking Enforcement - Penalty Charge Notices

Consideration was given to Report No.18 (circulated with the agenda) which sought delegated authority for the issue, cancellation and enforcement of Penalty Charge Notices following the introduction of decriminalised parking enforcement.

Resolved that the delegations set out in Appendix 3 to these Minutes be approved.

E49. Single Non-Emergency Number - The Wiltshire 101 Partnership

Consideration was given to Report No.19 (circulated with the agenda) which provided an update on the progress being made by the Wiltshire 101 Partnership and sought endorsement to the proposals for the operational model for the Single Non-Emergency Number contact centre selected by the Partnership.

Resolved

- (1) The choice of operational model selected by the Wiltshire 101 Partnership, ie that a single organisation takes all calls on behalf of the Wiltshire 101 Partnership be endorsed.
- (2) Authority be delegated to the Customer Services Strategic Manager (or in his absence the Corporate Services Strategic Manager) to make agreements on behalf of North Wiltshire District Council on the Wiltshire 101 Partnership, in consultation with the Lead Member for Customer Focus.

E50. Spatial Planning Working Group - Terms of Reference

Consideration was given to Report No.20 (circulated with the agenda) which sought approval of Terms of Reference for the Spatial Planning Working Group.

Issues discussed during consideration of this item included:

- The Spatial Planning Team Leader will invite the most appropriate stakeholders to meetings of the Working Group. The stakeholders invited will vary dependent upon the issue being considered.
- The benefit of having expert stakeholders attend the working group meetings.

Resolved that the Terms of Reference for the Spatial Planning Working Group (as set out at Appendix 4 to these Minutes) be approved.

E51. Cricklade Country Way

Consideration was given to Report No.21 (circulated with the agenda) which provided an update on the grant award from the Living Landmarks Lottery for development work on the Cricklade Country Way project.

Resolved

- (1) The Cricklade Country Way outline Project Plan and Business Plan be approved.
- (2) The Assets, Design and Regeneration Team Leader be authorised to
 - (i) accept the Grant Offer from the Living Landmarks Lottery
 - (ii) undertake the appointment of key project personnel and consultants to progress the Cricklade Country Way Project .

- (3) Councillor S. R. Walls be appointed to the Project Board.
- (4) The Assets, Design and Regeneration Team Leader, in consultation with the Lead Member and Project Board, be authorised to submit by May 2007 the Stage 2 Living Landmarks Lottery application for c£15 million for the Cricklade Country Way project.
- (5) A capital budget bid of £50,000 for consecutive five years be made in the 2007/08 - 2012/13 financial years.

E52. Play Facilities Development and Management

Consideration was given to Report No.22 (circulated with the agenda) which addressed the issue of the devolution of and the immediate need to manage play facilities. The report provided options regarding the Council's policy and management of play facilities and recommended establishing a Play Space Strategy for the District.

Issues discussed during consideration of this item included:

- The proposals in respect of the play area adjacent to the former Malmesbury Outdoor Pool site were as a result of a Section 106 agreement with Westlea Housing Association.
- Clarification will be provided to Members as to the devolvement of public open spaces and Section 106 agreements.

Resolved

- (1) The Council's freehold interest in the play area adjacent to the former Malmesbury Outdoor Pool site be disposed of to Malmesbury Town Council for a consideration of £1.00, but otherwise subject to contract, which shall require the imposition of a covenant not to use the site for any purpose other than as a play area. The transfer to take effect on completion of the construction and laying out of the new play area and to include the payment to the Town Council of the commuted sum of £7,000 for future maintenance of the play area
- (2) Further discussions with Parish or Town Councils on devolution or disposal of any other play areas and open spaces be continued.

- (3) Authority be delegated to the Assets, Design and Regeneration Team Leader to implement the upgrading and maintenance of play areas subject to the provision of budgetary limits in the Capital Planned Preventative Maintenance programme and revenue maintenance funds.
- (4) Authority be delegated to the Asset, Design and Regeneration Team Leader to establish and submit a play space strategy for the district and to engage with other stakeholders and in consultation with the Lead Member(s) on the submission of a grant application to the Big Lottery Fund.
- (6) A report be made back to the Executive in April 2007 on the actions taken

E53. Exclusion of Press and Public

Resolved that in accordance with Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and public be excluded from the remainder of the meeting on the grounds that the following item of business involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 as follows and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Agenda item/Report name	Paragraph(s) of the Act / Schedule describing the exemption
Item 24 – Future of Public Conveniences	Paragraph 1 & 4

E54. Future of Public Conveniences

Consideration was given to Report No.24 (circulated with the agenda) which advised the Executive of the current position with regard to Public Conveniences and sought instruction as to the way forward.

Issues discussed during consideration of this item included:

- The need for a robust framework when devolving the public conveniences to Town and Parish Councils.
- Negotiations with Town and Parish Councils will be ongoing.
- The resource implications of the protracted negotiations.

Resolved

- (1) The seasonal closure of 5 public conveniences, as detailed in paragraph 3.2 (3) of Report No.24, be deferred and additional budget (approximately £18,000) be vired from elsewhere within the Revenue accounts or from reserves.
- (2) Negotiations with Wootton Bassett Town Council concerning the transfer of the Station Road facility, closure of Borough Fields and related issues be continued.
- (3) Wootton Bassett Town Council be asked to undertake a consultation exercise to justify the closure of Borough Fields.
- (4) A report be presented to the Executive meeting on 5th October 2006, providing an update as to the progress of negotiations with Town and Parish Councils in respect of devolving public conveniences.

The meeting commenced at 7.00pm and concluded at 7.50pm.

There were 2 members of the public present.

Signed:

Dated: