

Draft Minutes of the Meeting of the Executive held on Thursday 13th March 2008 in the Council Chamber, Council Offices, Monkton Park, Chippenham commencing at 7.00pm.

Present: Councillor R.L. Tonge in the Chair

Councillors R.M.H. Berry, V.H. Greenman, C.V. Ramsey, T.R. Sturgis and V.A. Vines.

Non-Executive Councillors Present:

Councillors C.J. Caswill, C. Crisp, S.K. Doubell, I.J. Henderson, and A. Phillips

Officers Present:

L. Bell (Deputy Chief Executive), S. Canter (Development Services Admin Manager), J. Millard (Assistant Spatial Plans Officer), S. McGregor (Section 151 Officer), J. Moore (Housing Enabling Officer), L. Pullin (Policy & Democratic Services Assistant) and L. Robertson (Head of Policy and Performance)

E186. Apologies for Absence

Apologies for absence were received from Councillors A.M. Bucknell, R.A. Causer and N.M. Phillips.

E187. Public Question Time/Receipt of Petitions

Public questions were received from Mr Gernonn regarding Agenda Item 17 – Affordable Housing Supplementary Planning Document (Revision). Written answers indicated in italics were circulated at the meeting.

1) Of the monies you propose to charge small developers, are you able to inform us where this money is to be allocated and for which purpose?

The £26,000 we receive on each odd dwelling subject to Policy H6 of the Local Plan 2011 is an off-site contribution towards affordable housing. In the first instance we will seek to invest the financial contributions in affordable housing schemes in the village from which the monies came. If this is not possible, as sites are not forthcoming, then the off-site contributions will be used to help fund affordable housing schemes in other rural locations throughout the district to satisfy some of the housing need in those areas. We have not received any financial contributions towards affordable housing as yet and we will be drawing up the financial contribution allocations procedure note, which will be publicly available, in the near future.

2) Why do you continually aim to discourage the development of rural infill sites, when the government policy is the opposite. Encouraging the development of all infill sites to delay the eventual encroachment into green field sites for as long as possible.

The aim of the adopted SPD and the revision is not to stop development in rural areas; the SPD is intended to provide the basis on which the Council can secure



affordable housing provision, in the form of either on-site dwellings or off-site financial contributions.

Regional policy, from the Wiltshire and Swindon Structure Plan and the Draft Regional Spatial Strategy states that development should be focused in the most sustainable locations; such locations are the larger urban settlements.

- 3) When all around us, people complain about local house prices, why do you do your best to get the house prices artificially increased.**

It is not the intention of the Council to exacerbate the problem of affordability; in fact it is the opposite. The difficulty is that there is a situation where landowners hold unrealistic expectations of land value. It is believed that the market will adjust to consider this policy and land values will alter accordingly. We believe that land values should begin to reflect matters such as affordable housing provision.

- 4) You seem to be aiming your cash grab at small developers once again. Those who can ill afford it. Developers very often take large financial risks to continue to earn a livelihood and income. Why not charge the fee to the vendors when they apply for outline planning. They are making huge amounts of money from the land with little or no risk or work. It is usually a cash windfall. Land prices have risen enormously over the last few years and therefore developers' income has lowered. Unlike yourselves, this is more often than not, developers only source of a pension.**

It is believed that the market has not had the opportunity to adjust, landowners and valuers must consider the impact of contributions such as Affordable Housing and Public Open Space in their valuation.

- 5) You seem to have identified a niche where you can implement unjust financial penalties on individuals for no specific reason. Do you seriously think Redrow Homes, Persimmon Homes or Barrett Homes would pay these fees if they developed a 'rural infill site'? I don't think their legal teams would entertain it. So why should the small developers.**

There is a very clear reason as to why such financial contributions are required and this is the need to provide 780 affordable homes per year in the District. Affordable Housing policy applies to all developments large or small and North Wiltshire District Council will seek to secure financial provision from developers of all sizes.

- 6) Is there a hidden agenda to this scheme? Is it not just an easy method of raising funds from the minority, with as little publication as possible, to support the inept and inadequate management of council funds.**

The agenda is clear and that is to provide Affordable Housing Policy in the District. Documents such as the Affordable Housing Supplementary Planning Document (SPD) are the tools by which this authority can deliver.

- 7) Why has this proposal been kept quiet? With the vast sums of money involved, shouldn't this be of public interest. Or maybe you are aware of the objections it would raise from the very people you are supposed to represent.**

Firstly, this authority represents everyone within the district and this includes small developers and also those that are struggling to afford their own home.

Secondly, It is worth noting that the District has had an affordable housing policy in rural areas that requires developers to provide 50% affordable dwellings on site, since

the adoption of the North Wiltshire Local Plan 2011 (Policy H6). The SPD adopted in August 2007 sought to expand on Policy (H6) by securing financial provision from single dwelling and odd number developments. This SPD, which is the current position, requires a 50% financial off-site contribution on single dwelling or odd number developments. The proposed revision of a flat fee of £26,000 in such cases represents a considerable reduction on the financial burden for developers.

Finally, both the original SPD adopted in August 2007 and the proposed revision, have been subject to public consultation in line with the Council's Statement of Community Involvement. This included:

- *Press releases.*
- *Notices in local newspapers,*
- *Publications on our website.*
- *Notification sent to all District Councillors, Town Councils and Parish Councils.*
- *Documents were available to view at a number of outlets, including libraries, information points and council offices.*

- 8) Why are your desperate measures of fund raising, aimed at small developers? Why not go for new build developments, 10 units or over. £ 5000.00 per unit. That would raise tens of thousands per year. If you could convince the major housing developers. Would they comply, I some how don't think so. So leave the small developer alone to earn a decent living. The price they have to pay for the smaller infill plots are at least 10 times the price the big developers pay per plot, when purchasing 2 or more acres. That's where your fund raising energy should be aimed.**

The adopted SPD and the proposed revision is not specifically directed at small developers, it is targeted at smaller developments which are typical in rural areas. It is designed to ensure that the councils secures affordable housing provision from such developments in order to go some way to meeting the need of 780 affordable homes per year in the District.

Mr Gernonn then asked a supplementary question:

Why can't the fees for affordable housing be sought from the vendors of the land?

The Portfolio Holder, Councillor R.M.H. Berry, responded to this question stating that the vendors would be paying because the provision of affordable housing drove down land values through market forces.

E188. Questions from Non-Executive Councillors

No questions from Non-Executive Councillors were received.

E189. Minutes

The Minutes of the meeting of the Executive held on 7th February 2008 (circulated with the Agenda) were considered.

Resolved that the Minutes of the Meeting of the Executive held on 7th February 2008 be confirmed and signed as a correct record.

E190. Declarations of Interest

The following declaration of interest was made:

Executive Members

Name	Item	Type	Nature	Action
Cllr V.A. Vines	Agenda Item 14 – Report of the Housing Advice Task Group	Personal	A Trustee Board Member of the Citizens Advice Bureau	Remained in the Chamber during the consideration of the item.

E191. Leader's Announcements

The Leader made the following announcements:

1. Urgent Item of Business

In accordance with Section 11(2)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 having regard to the special circumstances pertaining in this matter which is, the need for agreement and adoption of the Revised Parking Enforcement and Cancellation Policy to allow for publication on the NWDC website as from 31st March 2008 to adhere to the requirements within the Traffic Management Act 2004, I am of the opinion that, despite its non-inclusion on the Agenda, the matter of the Revised Parking Enforcement and Cancellation Policy should be considered as a matter of urgency.

The item will be considered after Agenda Item 18.

2. Change to Agenda Order

Agenda Item 17 (Affordable Housing Supplementary Planning Document) will be brought forward and considered as Agenda Item 7.

3. Calne Phase 3 Update

Planning permission for the first part of the project – the construction of shops and homes, has now been granted. Tenders have been invited, and will be returned by the end of March. Demolition of the existing buildings is planned to commence at the beginning of May. The complex legal contracts between the Council, Woolworths and Westlea are nearing completion. Proposals are being drawn up for the second and third part of the project- refurbishment of Phelps Parade and the new Square, and discussions are taking place with the developer of the fourth part- the construction of additional shops and homes.

E192. Revenue Budget Monitor 2007/08 – Month 10

Consideration was given to Report No. 7 (circulated with the Agenda) which set out the Revenue budget monitor for Month 10 of the 2007/08 financial year, showing the financial position at the end of January 2008 and the anticipated variations in income and expenditure that could affect the Council by the end of the financial year.

Resolved that the Executive:

- (1) Note the report forecast under spend of £534K; and
- (2) Authorise the Head of Finance and Resources to use unlimited virements to re-align budgets as a result of reorganisation within business areas and across the Council.

E193. Capital Budget Monitor 2007/08 – Month 10

Consideration was given to Report No. 8 (circulated with the Agenda) which informed the Executive of the latest position and forecast outturn on the 2007/08 capital programme and the changes to the Risk Assessment Table.

Resolved that the Executive:

- (1) Note the contents of the Report and the figures contained in Annex 1 in relation to the Capital Programme for 2007/08;
- (2) Note the information on Capital Schemes at Annex 2 to the Report;
- (3) Note the Capital Risk Assessment contained in Annex 3 to the Report; and
- (4) Note that the Capital programme is part of the ongoing consultation with Wiltshire County Council as a result of the Unitary proposal and that a further report containing proposals to cease certain projects will be presented to the Executive.

E194. The Council's Authorised Signatory List

Consideration was given to Report No. 9 (circulated with the Agenda) which requested that the Executive approve the revised list of approved Council signatories to its bank accounts and treasury management activities.

Resolved that the Executive authorise the changes to the signatories on the Council's bank accounts and treasury management activities, as detailed in paragraph 3.1, of the report so that the Council approved signatories will now be:

D. Burbidge – Chief Executive
L. Bell – Deputy Chief Executive
S. McGregor – Head of Finance and Resources
N. Hatton – Chief Financial Accountant
C. Thomas – Chief Management Accountant
P. Barnett – Head of ICT
P. Jeremiah – Monitoring Officer
E. Orchard – Head of Human Resources

In addition the following officers have approval for setting up treasury transactions that commits the Council prior to signing;

P. Mundy – Finance Officer
S. Manley – Systems Manager

E195. Corporate Plan Progress Update - 3rd Quarter 2007/08

Consideration was given to Report No. 10 (circulated with the Agenda) which provided an update and exceptions report on the delivery and performance of the Corporate Plan for the third quarter of 2007/08.

Resolved that the Executive note the third quarter exception reporting for delivery and performance of actions under the priority areas in the Corporate Plan.

E196. Applications to the Executive Capital Partnership Funding Scheme

Consideration was given to Report No. 11 (circulated with the Agenda) which sought approval of applications from the Executive Capital Partnership Funding Scheme from Box Parish Council and Life Education Wiltshire.

Resolved that the Executive:

- (1) Approve funding for the Box Pavilion project of £55,000 from the Executive Capital Partnership Funding Scheme, conditional on:
 - i) the balance of funding being in place; and
 - ii) appropriate recognition of the Council's funding contribution.
- (2) Approve funding for the Life Education Wiltshire project of £5,040 from the Executive Capital Partnership Funding Scheme, conditional on:

- i) the balance of funding being in place; and
- ii) appropriate recognition of the Council's funding contribution.

E197. Update on the Local Area Agreement for Wiltshire

Consideration was given to Report No. 12 (circulated with the Agenda) which presented the Executive with an update of the current progress of the Local Area Agreement (LAA) in 2008 and set out how the Council is involved in this process.

Resolved that the Executive note the process underway to develop the Local Area Agreement in 2008.

E198. Clean Neighbourhoods and Environment Act 2005: Responsibility For Stray Dogs Out of Hours

Consideration was given to Report No. 13 (circulated with the Agenda) which advised the Executive of the implications of Section 68 of the Clean Neighbourhoods and Environment Act 2005, which removes the requirement for the Police to deal with stray dogs out of hours and passes the duty to Local Authorities and requested approval for the method for dealing with stray dogs out of hours within North Wiltshire.

Resolved that the Executive delegate authority to the Environmental Health Manager to enter into an agreement with the Bath Cats and Dogs Home to provide a dog kennelling facility out of hours for the Council.

E199. Report of the Housing Advice Task Group

Consideration was given to Report No. 14 (circulated with the Agenda) which presented the findings of the Housing Advice Task Group, which was constituted by the Overview & Scrutiny Committee and detailed the recommendations made to the Executive.

Issues discussed during consideration of this item included:

- That the savings achieved by bring the Housing Advice service in-house were welcomed.

Resolved that:

- (1) A method of customer feedback is put in place to ensure the Housing Advice Service is tailored to the needs of customers;
- (2) Officers keep close links with partner organisations including Westlea Housing

Association and the Citizens Advice Bureau (CAB) to ensure a joined up customer service;

- (3) Officers implement new legislation and take steps to publicise changes if necessary;
- (4) Efforts are made to publicise the service (wherever it is administered) when taken on by the Unitary authority;
- (5) The Housing Advice Service be advertised in a way that will reach all customers;
- (6) Officers, look to work in partnership with the CAB where appropriate to administer the funding from the Legal Services Commission secured by the CAB;
- (7) When the service is reviewed, Officers should refer to the Department of Communities and Local Government's Best practice guide on homelessness prevention; and
- (8) Bearing in mind the changes in legislation brought about by the Homelessness Act 2002, housing advice is best administered in house in order to provide a strategic, co-ordinated, prevention based service.
- (9) Officers ensure that there are suitable provisions in place to measure the effectiveness of Best Value Performance Indicator (BVPI) 213.

E200. Cleansing & Amenities Improvement Plan – Quarterly Update

Consideration was given to Report No.15 (circulated on 7th March 2009) which updated the Executive on the improvements being undertaken by the Cleansing and Amenities Service Improvement Board.

Issues discussed during consideration of this item included:

- The Garden Waste Service in Pewsham;
- That Roadshows would be held in May to promote and provide education about recycling; and
- That a dedicated Human Resources was now in place to deal with all the issues at the depot including changes to contracts regarding working hours, etc.

Resolved that the Executive:

- (1) Endorse the work undertaken within Cleansing & Amenities and the improvements, which are

beginning to be implemented; and

- (2) Request that a future update report be submitted to the Executive in July 2008.

E201. Request for Affordable Housing Grant (AHG) to Provide Affordable Housing at Market Quarter in Chippenham

Consideration was given to Report No. 16 (circulated on 7th March 2008) which sought authorisation for an allocation of Affordable Housing Grant to enable Sovereign Housing Association to purchase 12 affordable Homes in Chippenham.

Resolved that the Executive:

- (1) Authorise the commitment of Affordable Housing Grant of £737,000 to enable the provision of 11 new affordable homes with Sovereign Housing Association at the Market Quarter; and
- (2) Delegate authority to the Legal Services Manager to agree a nomination agreement with Sovereign Housing Association.

Admin Note: Officers will gain clarification from the Proper Officer at Wiltshire County Council that commitment of these monies can proceed in the light of the Unitary and if necessary seek approval from the Implementation Executive.

E202. Affordable Housing Supplementary Planning Document (Revision)

Consideration was given to Report No. 17 (circulated on 7th March 2008) which presented a number of options to the Executive following the consideration of all the comments received during the consultation process on the Affordable Housing Supplementary Planning Document.

A written representation from Mr C.S. Ewins of Sherston Property Services was circulated at the meeting.

Issues discussed during consideration of this item included:

- That the financial contributions proposed on single or odd dwellings refer to those dwellings in rural areas;
- The possible need for training of the Members of the Development Control Committee;
- That although the proposed changes are different to those in the other Districts in Wiltshire, following the move to One Council for Wiltshire in April 2009 the policies would be harmonised in due course; and
- That the Council's priority is to allow more Affordable Housing.

Resolved that the Executive adopt the revision that requires a financial contribution of £26,000 on single or odd dwelling developments in rural areas, as outlined in Option 2 of the report subject to the following two exemptions:

- (i) Buildings that are not currently dwellings, but are to be converted to dwellings; and
- (ii) The sub-division of dwellings in to an increased number of dwellings.

E203. Delivering Good Governance in Local Government

Consideration was given to Report No. 18 (circulated on 7th March 2008) which set out for consideration and adoption a revised Local Code of Corporate Governance to ensure that Council complies with best practice in relation to issues of governance.

Resolved that the Executive:

- (1) Approves and adopts a revised “Local Code of Corporate Governance” and the arrangements for monitoring compliance with the Code as set out in the Report; and
- (2) Delegates authority to the Chief Executive to assign responsibility to a named Officer for:
 - (i) Overseeing the implementation and monitoring of the operation of the Code; and
 - (ii) Submitting an annual report to the Executive and Overview & Scrutiny Committee on compliance with the Code.

E204. Urgent Item - Revised Parking Enforcement and Cancellation Policy

Consideration was given to an Urgent Agenda Item (circulated on 12th March 2008) which sought the approval of the Executive to adopt an amended Enforcement and Cancellation Policy from the 31st March 2008.

Resolved that the Executive approve Option 1 as detailed below:

- (1) That the amended Enforcement and Cancellation Policy (as set out in Appendix 1 to the report) be adopted from 31st March 2008.
- (2) That delegated authority be granted to the Senior Parking Officer to make further amendments as necessary from time to time to ensure that the issue and cancellation of Penalty Charge Notices

continues to be in accordance with best practice and current legal advice.

E205. Exclusion of the Press and Public

To consider and, if appropriate, pass the following resolution:

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 20 – Update on Capital Project Overspends	Paragraph 3

E206. Update on Capital Project Overspends

Consideration was given to confidential Report No. 20 (circulated on 7th March 2008) which provided a financial update relating to the following capital Projects – Timber Street Bus Station Chippenham, Borough Parade Car Park, Chippenham; and the North Wiltshire Arts Centre, Corsham.

Issues discussed during consideration of this item included:

- That it was hoped that the claim against contractors would be successful.

Resolved that the Executive:

- (1) Note the Interim Financial Reports attached as Appendices to the Report.
- (2) Note the need to identify capital funding to cover the anticipated overspends.
- (3) Agree to allocate uncommitted capital sums for transport works (£100K) to part fund these overspends.

The meeting commenced at 7.00pm and concluded at 7.55pm.

There was one member of the public present.