

**THESE MINUTES WILL BE PRESENTED TO THE NEXT CABINET COMMITTEE  
ON 5 DECEMBER 2007 FOR APPROVAL AS A CORRECT RECORD**

**WEST WILTSHIRE DISTRICT COUNCIL**

**MINUTES**

Minutes of the: **Cabinet**

Held on: **Wednesday 7 November 2007**

Held at: **Council Chamber, Bradley Road, Trowbridge**

Present:

Councillors: Payne (Leader), Conley, Davis, Eaton, Fortescue, March, Parks ,  
Phillips OBE, While and Wiltshire

Also present: Cllrs Carbin, Jenkins, Martindale, Newbury, H Osborn & J  
Osborn,

Officers: Chief Executive (AP), Head of Legal & Democratic (NM),  
Corporate Director (IG), Head of Finance (IJ), Management  
Accountant (AB), Leisure Manager (LMB), Member Support  
Officer (KH) and Member Support Team Leader (PD)

**149. Apologies**

Apologies were received from Cllr Mounde. Cllr Parks is standing in for Cllr Mounde and has temporarily been appointed as the Portfolio Holder for Economy.

**150. Minutes**

The minutes of the meetings held on 3 October 2007 were approved as a correct record and signed by the Leader.

**151. Declarations of Interest**

Personal interest – Member may be affected by loss of significant allowances

Personal interest – Member may be affected by loss of significant allowances, also Member serves on the County Council.

Cllrs Conley, Eaton, Fortescue, March, Parks, Payne, Phillips OBE, and Wiltshire  
Cllrs Davis & While

## **152. Recommendations from Scrutiny Committee**

- Cllr J Osborn presented the recommendations from the Scrutiny Committee regarding local democracy week and youth

The Community Portfolio Holder said that he was working to improve engagement with the wider population including schools and action groups.

### **RESOLVED**

- To encourage greater take-up by young people in democratic processes of the council.
- To improve outreach and open up the council to all age groups with particular reference to local democracy week in 2008

## **153. Announcements from the Leader**

As anticipated some WWDC staff are applying for new jobs elsewhere. He was working with the Chief Executive to manage this and to ensure that service provision within the District Council was not affected by the departures of key staff. So far the numbers are limited but this an area of real concern for the future as we strive to maintain business as usual in the run up to the potential Local Government Reorganisation.

## **154. Local Government Re-organisation – Judicial Review**

The Chief Executive presented a report for Cabinet to decide whether to redirect the Council's legal efforts and resources, from a separate judicial review, to support for the Shrewsbury and Atcham and Congleton appeal.

He drew attention to some key points:

- If a unitary authority is created this Council's Corporate Plan and its priorities and strategies will no longer exist. The new unitary will most likely have different priorities and plans. The extent of the differences cannot be accurately predicted at this stage. The West Wiltshire Community Strategy will be similarly affected.
- The Mori Poll WWDC carried out showed that 78% of the public did not support a Unitary Council.

The Head of Legal and Democratic gave the latest update from the Congleton Judicial Review: There are 8 Councils who have promised to support the appeal, and based on this support Congleton have already lodged their appeal.

A debate ensued and the key points made were:

- The Barrister who is leading the appeal feels that the initial judgement was an ill conceived result and feels so strongly about the injustice he has reduced his fee.
- The over all cost of the appeal to West Wiltshire will be dramatically reduced by the councils who are supporting the appeal sharing costs.
- Congleton's appeal is strong and has similar principles to the Judicial Review lodged by 3 of the 4 Wiltshire Districts.
- Concerns were raised about the timescales involved in our own Judicial Review and whether supporting the Congleton Appeal was delaying our own actions. As time progresses the Districts powers will diminish as County/Unitary will be taking over.
- It was pointed out however, that Congleton's appeal is much further down the line than we are, and if their appeal is successful, those principles will apply to all the Councils involved and WWDC would not potentially need to go through with a separate Judicial Review.
- It was pointed out that WWDC will not be spending more on this process than had already been discussed. The proposal is to use these funds differently, in other words to support the appeal.
- The creation of a Unitary Council is wholly anti democratic, and the general consensus is that WWDC should continue to fight the Secretary of State's decision.

## **RESOLVED**

### **That Cabinet**

- **Agrees that the Council's own judicial review proceedings be put on hold and a financial contribution of up to a maximum of £30,000 be made towards the costs of an appeal by Shrewsbury and Congleton against the High Court judgment.**
- **Agrees that if necessary an appropriate agreement to make the contribution is entered into with Shrewsbury and Congleton Borough Councils and delegated authority be given to the Head of Legal and Democratic Services, in consultation with the Portfolio Holder for Change and Integration, to conclude such an agreement.**
- **Refers these issues to Council on 21 November 2007 and will only proceed with support if there is a majority at Council**

**155. Service and resource planning – response to Local Government Re-organisation (Key Decision)**

Cllr Eaton presented the report summarising revised priorities for services and projects in the of Local Government Reorganisation (LGR) in April 2009. It identifies what work will continue, what work will be modified and what work will be stopped.

The report focused on the planned work of the Council, as set out in the Corporate Plan and Service and Resource Plans for 2007-08 and proposed for 2008-09.

The Leader thanked officers for a first-rate report.

**RESOLVED**

**That Cabinet**

- **Consider and endorse the Councils priorities and key projects for the next 18 months.**
- **Continues to keep under review the work that is scheduled to be continued, modified or stopped.**

**Key Decision Box**

Statement of reason for key decision	The decision relates to the Corporate Plan and identifies the priorities and key projects that will be taken forward in the period up to vesting day (1 April 2009).
Options considered and rejected	Consultation has taken place with portfolio holders, corporate team, and service managers on all the options available to deal with existing and planned projects and work, taking into account the implications of Local Government Reorganisation.
Date of implementation	22 November 2007

## 156. Castle Place Multi Storey Car Park (Key Decision)

The Leader, Cllr Payne set out the latest position with regard to the redevelopment of Castle Place Shopping Centre and the multi-storey car park (MSCP) and the need for the Council to consider urgent improvement works to the MSCP.

### RESOLVED

#### That Cabinet

- **Agrees and supports the process as outlined in this report for maintenance and improvement works to the MSCP**
- **Instructs officers to work with DC Leisure on minimising the temporary negative impact on the operation of the leisure centre whilst works are underway**
- **Agrees that the final specification and timing for the works is delegated to the Head of Property and Commercial Services in consultation with the Leader.**
- **Requests officers to prepare a further report for consideration by Cabinet, which addresses options for taking forward the redevelopment of this area using the Councils powers and influence, including consideration of Compulsory Purchase.**

#### Key decision box

Statement of reason for key Decision	Expenditure to improve and maintain an important town centre facility and asset.
Options considered and rejected	The Council has worked on an option for the private sector to lead on this work as part of a major regeneration of this area. Unfortunately this work has suffered from numerous setbacks and delays and now requires direct action by the Council.
Date of implementation	Works to the car park will not proceed until the new calendar year. Survey work, which is not specifically subject to the key decision, will start as soon as practically possible but will not be within five days of the meeting of Cabinet.

### 157. Financial Monitoring 2007 - 08

Cllr While presented the report to inform members of the Council's financial position for the period ending 30 September 2007.

#### RESOLVED:

That Cabinet

- Notes the current financial position and the likely out-turn.
- Agrees that the projected surplus is put towards financing next years budget and/or the multi storey car park repair costs.

### 158. Budget Framework Update (Including Short Term Financial Plan) (Key Decision)

Cllr While presented the latest update of the Financial Plan, the impact on resourcing the Corporate Plan and outline budget framework for 2008/2009.

#### RESOLVED

That Cabinet:

- Notes the current position.
- Recommends to Council the reduction in the general fund revenue reserve from £1.3m to £1.1m and the use of the £200,000 surplus to complete the funding of the urgent health and safety related repair and improvement works to the Multi-storey car park in Trowbridge.
- Agrees the Short Term Financial Plan.

#### Key Decision Box

Statement of reason for key decision	significant to council services reduction in revenue reserves change to policies
Options considered and rejected	Outlined in report
Date of implementation	1 December 2007

**159. Concessionary Fares – New Scheme Arrangements 1 April 2008 (Key Decision)**

Cllr While informed members on the introduction of the national bus pass concession from 1 April 2008.

**RESOLVED**

**That Cabinet**

- **Agrees that the Council continues with the provision of taxi vouchers and rail cards and with the existing local arrangements for bus travel in West Wiltshire following the move to a national bus pass.**
- **Approves the increase in lost bus pass charge from £3 to £5 with effect from 1 April 2008.**

**Key decision box**

Statement of reason for key decision	The decision may change council policy on concessionary travel within West Wiltshire.
Options considered and rejected	As the bus pass is a legislative requirement this option cannot be rejected. All other options are up for consideration.
Date of implementation	Any changed to coincide with the new national scheme coming into effect from 1 April 2008.

**160. Update on Local Government Re-organisation**

Cllr Eaton recommended that the Vanguard presentation taking place on 8<sup>th</sup> November was well worth attending.

The Leader of County has written to the Government requesting two representatives from each District Council for the Transition Cabinet. This reflects the position we have argued for and results from our negotiation.

County will have at least one extra seat and will as a result of Government requirements take the leadership of the Transition Cabinet.

Our Chief Executive wrote to Keith Robinson, Chief Executive of the County Council, regarding this councils concerns about aspects of the emerging project planning for the creation of a Unitary Council This has prompted a very positive response.

**161. Cabinet Forward Workplan**

The latest version of the Cabinet Forward Work Plan was presented.

**RESOLVED:**

**That the Cabinet Forward Work Plan be approved.**

**162. Date of Next Meeting**

The next meeting of Cabinet was scheduled for Wednesday 5 December at 7.00pm in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge.

**163. Exclusion of the Press and Public**

**RESOLVED**

**That under Section 100A(4) of the Local Government Act 1972 the public including the press be excluded from the meeting during this item of business as it is likely, in the view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public and press were present during the item there would be disclosure to them of exempt information, as defined in paragraph 3 of Schedule 12A to the said Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public. Paragraph 3 refers to 'Information relating to the financial or business affairs of any particular person (including the authority holding that information)'**

**164. Leisure & Community Partnership (Key Decision)**

Cllrs While & Wiltshire presented the report.

**RESOLVED**

**That Cabinet supports the implementation of the Leisure & Community Partnership (LCP) within the existing management contract with DC Leisure (DCLM).**



### Key decision box

Statement of reason for key decision	Amendment to the existing leisure facilities management contract with DCLM.
Options considered and rejected	KPMG undertook an objective assessment of the LCP model which highlighted all options and recommended the LCP as a viable means of delivering the service. CMT also support the implementation of the LCP.
Date of implementation	21 <sup>st</sup> November 2007

(7.00 – 9.15pm)

These minutes were prepared by Karen Hart, Member Support Officer, who can be contacted on Tel:01225 776655 ext. 242 or by e-mail: [khart@westwiltshire.gov.uk](mailto:khart@westwiltshire.gov.uk)

**THESE MINUTES WERE PUBLISHED ON 13 NOVEMBER 2007**