

Minutes

Meeting of: The Cabinet

Meeting held in: Committee Room 1, The Council House, Bourne Hill, Salisbury

Date: Wednesday 8 June 2005

Commencing at: 4.00 pm

Present:

Councillors K C Wren (Leader) J M Collier (Deputy Leader), Mrs M M A Peach (Planning and Economic Development), D W Brown & Mrs S A Willan, (Environment and Transport), J A Cole-Morgan & R Britton (Community and Housing) and D A Culver & F Westmoreland (Resources).

Apologies from Councillor Mrs Brown (Deputy Planning and Economic Development)

Councillor M Hewitt and L Randall were also in attendance and spoke on minute 567.

557. **Chairman's Announcements:** There were none

558. **Code of Conduct - Members & Officers' Interests:**
There were none.

559. **Minutes:**
The minutes of the last meeting were approved and signed by the Chairman.

560. **Public Question Time:**
Mr T West from Guilder Lane Salisbury, on behalf of the St Edmund's Community Association made a statement concerning shopping trolleys which

was presented under item 7 (attached as an **Annex** to the minutes).

561. **Forward Plan:**

The Leader presented his Forward Plan for the period 1 July 2005 – 31 October 2005 (previously circulated) that would be published on 14 June 2005 to become operational from 1 July 2005.

Agreed that the Leader's previously circulated Forward Plan be adopted for publication on 14 June 2005, subject to the following revisions -

1. add Social Inclusion update to July
2. defer Choice based lettings from July to September
3. remove HRA Business Plan from July to unknown as it appears that this is no longer required by Government Office
4. move crisis assessment centre to unknown
5. defer taxi policy from July to September .

562. **Call-in Decisions:**

No decisions from the last meeting had been called-in.

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Recommendations to Full Council on 27 June 2005

563. Corporate Plan (incorporating the Best Value Performance Plan):

The Cabinet considered the previously circulated report of David Crook, Policy Director, together with the Corporate Plan.

The views of the Scrutiny Panels were circulated under cover of letter dated 3 June 2005. As regards the Environment and Transport Scrutiny Panel, Councillor Brown explained that he could not accept bullet point one as the Plan refers to all kerbside collections and not just the black box scheme. Point two developing additional recycling centres on a phased basis in consultation with partners already happens and point three is not appropriate as this section deals with next year only.

Councillor Cole-Morgan suggested it would be helpful if it was possible to insert "date prepared on" for each chapter of the Plan. Councillor Cole-Morgan advised that the Community and Housing Risk Register should give an explanation of what Bed and Breakfast means and include the risks associated with the Five Rivers Leisure Centre. It was also noted in respect of the previously approved portfolio plan for Community and Housing that the wording under the community planning section actually related to grant funding and thus the community planning insert had been omitted.

Recommended

- (1) That the Plan be adopted, with the above changes to the risk register incorporated,
- (2) that the Council's Vision, Priorities and Core Values be reviewed, with any amendments to be included in the Corporate Plan for 2006/07
- (3) that in future years the Plan be much more succinct and plainly written.

564. Annual Accounts 2004/05:

The Cabinet Member for Resources, introduced the previously circulated report of the Head of Financial Services.

Recommended

That the Statement of Accounts for the financial year ended 31st March 2005 be approved.

Cabinet Decisions

All decisions set out in this section of the minutes will be implemented on or after 21st June 2005 (unless called in for consideration by the relevant Overview and Scrutiny Panel)

565. Shopping Trolleys:

The Cabinet Member for Environment & Transport introduced the previously circulated joint report of the Waste Management Officer and Head of Legal & Property Services. The Leader advised that the Cabinet was very keen to find a solution to this problem and was sympathetic to the points raised by Mr West.

Agreed: that

- (1) To note the report.
- (2) City Centre Management, Environmental Services and the retailers continue working together to minimise the number of trolleys abandoned.
- (3) retailers be supported in developing and maintaining a satisfactory scheme for the collection of abandoned trolleys.
- (4) a survey of the corrals be undertaken to assess the current usage and whether modifications would enable the overall number to be reduced to release parking spaces.
- (5) Tesco and Sainsburys be notified that the proposed repairs and remedial work to the trolley corrals must return all corrals to a satisfactory condition by 1st August 2005.
- (6) Tesco and Sainsburys be reminded of their obligation under Section 5.6 of the 2003 Agreement to maintain and keep the trolley corrals in good condition and additionally ensure that all future repairs and remedial works that may be necessary are undertaken within an acceptable period.
- (7) Tesco be notified that the trolley hotline must be fully operational by 1st August 2005.
- (8) the retailers be given to the 1st August 2005 to complete all agreed remedial works and / or actions.
- (9) the council maintains a position that will not impair its ability to use its powers to enforce regulations as and when necessary, particularly if (in its opinion) a retailer(s) are not taking all reasonable measures to maintain control of their shopping trolleys.

(10) Environmental Services, City Centre Management and the council's Marketing Team work in partnership with retailers and Wiltshire Wildlife Rescue to prepare and run an awareness campaign.

- (11) That a further progress report be presented to Cabinet in October 2005.
- (12) To defer any decision on the Agreement until consideration of the further progress report in October 2005
- (13) That the Head of Legal and Property Services investigate the increased powers available to the Council in respect of litter control etc and report back to Cabinet on how they can be used to help resolve this issue.

566. Hackney Carriage Fare Increase:

The Deputy Cabinet Member for Environment & Transport introduced the previously circulated report of the Hackney Carriage Licensing Officer.

Agreed: that approval be given to the proposed fare increase to the taxi tariff (with effect from 1 September 2005) as set out in the amended schedule dated 3 June 2005 circulated at the meeting and attached as an annex to these minutes.

567. Flood Alleviation Schemes:

The Deputy Cabinet Member for Environment & Transport introduced the previously circulated report of the Senior Environmental Health Officer. Councillor Hewitt as Chairman of the Salisbury District Flood Steering Group informed the Cabinet of progress on the various schemes, including Harnham which is at its pre-feasibility stage.

Agreed: that

- (1) the position statement of the Flooding Steering Group be noted.
- (2) the re-evaluation of the consultant's report for the Upper Till be approved.
- (3) a contribution, not exceeding £25,000 towards the Tisbury Flood Alleviation Scheme being constructed by The Environment Agency be approved.
- (4) the investigation into the flooding mechanisms in Landford be approved.
- (5) the sharing of information with The Environment Agency in respect of the flood defence scheme designed for Teffont

- be authorised and further development work on the scheme in consultation with the Environment Agency be approved:
- (6) a report be received from the steering group once more detailed preparations for the Harnham scheme are undertaken
 - (7) that the Flood Steering Group and the Officers supporting it be thanked for the excellent work undertaken since the Group's inception..

568. Stock Options – Consideration of Break Points Leading up to Ballot of Tenants:

The Cabinet Member for Community & Housing advised that at the Improving Council Housing Stock Board meeting on the 18th April 2005 it was agreed that the proposed date of the ballot with tenants would take place in October 2006 and that the three review dates would be in November 2005 following detailed consultation with tenants, in April 2006 following a financial review of the transfer option, and finally in July 2006 following a stage 1 formal consultation with tenants.

Agreed that above decisions be confirmed.

569. Discounted Parking Charges for Commuters not Served by Park & Ride:

The Cabinet Member for Environment & Transport introduced the previously circulated report of the Head of Forward Planning and Transportation.

Agreed: that

- (1) a discounted season ticket scheme be introduced for commuters emanating from pre-defined post-code areas to the south-east of Salisbury
- (2) the initial charge level for the discounted season tickets be set at £650 per annum, subject to annual review
- (3) any additional clerical support required to administer the scheme be sought from internal resources rather than appoint an additional member of staff at this stage.

570. The Planning Delivery Grant 2005/06:

The Cabinet Member for Planning & Economic Development introduced the previously circulated joint report of the Head of Development Services and Head of Forward Planning & Transportation. It was noted that in paragraph 5.5 of the report, the average

increase in income should read 13.5% not 3.5% as stated. The Cabinet expressed thanks to the Parish Councils for supporting the District Council, thereby helping it to secure the grant.

Agreed: that

- (1) the award of £517,573.59 of Planning Delivery Grant for the Development Control Service 2005/2006 be noted;
- (2) the expenditure of this sum be apportioned as contained in Annex 1 of the report be approved (subject in respect of the allocation to parish councils, to replacing the link to e-government with the term "planning support") with minor variations delegated to the HDS;
- (3) the over complement posts (Senior Planning Officer and Planning Officer) presently funded by the PDG be accepted onto the permanent establishment, funded by the increase in planning fees and the year on allocation of PDG be re-utilised.
- (4) the principle of employing a full or part time arboriculturalist to deal with the impending High Hedges legislation be noted and if the demand for a further post materialises then a further report be brought to cabinet for authorisation
- (5) the fee for dealing with applications under the high hedges legislation, be levied at £500.
- (6) The Head of Development Services and his Unit be congratulated for their excellent achievement that has led to securing the Planning Delivery Grant award.

571. Revised Local Development Scheme:

The Cabinet Member for Planning & Economic Development introduced the previously circulated report of the Head of Forward Planning & Transportation. The views of the Planning & Economic Development OSP, which supported adoption were previously circulated.

Agreed: that

- (1) subject in respect of paragraph 5.14, to the insertion of the word "currently" before "prepared by the South Wiltshire Strategic Alliance, the revised Local Development Scheme be adopted;
- (2) that a letter from the Leader be sent to the Government Office South West (GOSW),

expressing disquiet at the operational level involvement of GOSW in the production of the District Council's new local development framework.

572. Consultation on the Second Local Transport Plan – Response from Salisbury District Council:

The Cabinet Member for Environment & Transport introduced the previously circulated report of the Head of Forward Planning & Transportation. The views of the Environment & Transport Overview & Scrutiny Panel, circulated with the letter of 3 June were also noted.

Members considered the report in tandem with the document entitled Provisional Wiltshire Local Transport Plan 2006/07 – 2010/11 which was circulated to members several weeks ago.

Agreed: that the suggested responses to the specific questions asked in the document *Provisional Wiltshire Local Transport Plan 2006/07 – 2010/11: Consultation Issues Paper – April 2005* set out in Appendix 1 to the report be endorsed, subject to the following amendments in response to the Scrutiny Panel's comments

Response to Question 9 - final sentence "anecdotal evidence seems to suggest that this is not the case however" to be deleted

Response to Question 14 - an additional sentence be added so that the response now reads "Better education about the health and environmental benefits of cycling and walking. More investment in the infrastructure needed to improve rural and urban cycle networks. Better, segregated facilities and restricting motor vehicles from using minor routes, particularly those designated as (for example) part of the Wiltshire Cycleway"

- (1) Additionally, Wiltshire County Council be requested to take into account the need to include within its provisional Local Transport Plan the following matters –
 - the maintenance and continued development of the Salisbury Transport Plan. Measures such as the creation of additional residents' parking zones and other parking restrictions, the expansion of park and ride sites and improved cycling

and walking facilities all of which are likely to be required;

- the improvement of rural transport;
- traffic reduction in sensitive parts of Salisbury and the larger settlements of the District;
- reducing traffic associated with the school run;
- the improvement of A36 Southampton Road; and
- providing alternative measures to improve traffic, environmental conditions and safety on the A36 through the Wylve Valley villages.

573. Wick Lane Downton – Draft Development Brief:

The Cabinet Member for Planning & Economic Development introduced the previously circulated report of the Forward Planning Officer together with the Development Brief. The Southern Area Committee at its meeting held on 19 May 2005 (extract minute previously circulated) considered the report and supported the Brief.

Agreed: that

- (1) the proposed changes as set out in the report and in the revised Development Brief be accepted and the Brief be adopted as the Supplementary Planning Guidance
- (2) in the summary of consultation responses for this and future briefs, it be made clear whether or not the name and address have been supplied.

Note - the Officers will write to Councillor Westmoreland in respect of the referral of Development Briefs to the Design Forum.

574. New Forest National Park – Exercise of Planning Functions:

Agreed: - this matter be deferred until the July meeting to give the Southern Area Committee the opportunity to respond to the recommendations contained in the subsequently circulated supplementary report.

575. Revenue and Capital Outturn 2004/05:

The Cabinet Member for Resources introduced the previously circulated report of the Head of Financial Services.

Agreed

- (1) the outturn of revenue and capital 2004/2005 and main variations be noted.
- (2) A further report be requested on the implications of the outturn on the medium term financial strategy and 2006/07 budget setting process.
- (3) The following areas be referred to the next quarterly performance monitoring report:

Five Rivers Leisure Centre
Environmental Services
Land Charges

576. **Wiltshire's Compact Code of Practice:**
The Cabinet Member for Community & Housing introduced the previously circulated report of the Principal Community Development Officer.

Agreed: that

- (1) subject to the inclusion where appropriate of a statement aimed at encouraging the involvement of young people, all four Codes of Practice be adopted as supplementary detail to the Wiltshire Compact already adopted
- (2) the Principal Community Development Officer be thanked for the commitment shown in ensuring completion of this important work.

577. **Business Continuity and Disaster Recovery:**
The Cabinet Member for Resources introduced the previously circulated report of the Policy Director, David Crook.

Agreed: that

- (1) the action to date be noted.
- (2) a further report on progress be produced in 6 months.
- (3) the importance of the Business Continuity and Disaster Recovery process be recognised and the process of renewal be supported.

578. **Building Capacity - Agency Staff:**
The Leader of the Cabinet introduced the previously circulated report of the Policy Director, David Crook.

Agreed: that

- (1) the reduction in agency costs be noted.
- (2) the establishment of a permanent post as identified in section 4 of the report, and the consequent employment of a further employee be approved.
- (3) a further report on the employment of a temporary employee be presented to Cabinet after 6 months of employment and
- (4) a report on the employment of a member of staff to work at the Depot be produced by the Head of Environmental Services for the September Cabinet meeting.

579. **Urgent Business: Outside Body Representation**

The Chairman agreed to the above item being considered under urgent business in view of the need to make changes to the Council's representation at the earliest opportunity.

Councillor Cole-Morgan advised that he had been the Council's representative on the Salisbury Trust for the Homeless for the last two years and that he was finding it difficult to meet the time commitments of the position. Councillor Cole-Morgan suggested that Councillor Mrs Warrander, who has a relevant professional background and has indicated her interest in the position, would make a most suitable representative

Agreed: that Councillor Mrs Warrander replace Councillor Cole-Morgan as the Council's representative on the Salisbury Trust for the Homeless with immediate effect.

580. **Exempt Information:**

In view of the confidential nature of the matters to be considered, it was:

Agreed: that the Press and Public be excluded from the meeting during consideration of those matters defined as 'Exempt' under the Access to Information Act 1985 as specified below: Paragraph 1 namely: 'Information relating to a particular employee of the Authority

**Summary of Exempt Matters
Staffing Issues**

The meeting concluded at 6.10 pm

Statement from Mr A West from Guilder Lane, Salisbury to the Cabinet meeting held on 8 June 2005

AGENDA ITEM 7 – SHOPPING TROLLEYS

A solution to the problem of dumped supermarket trolleys is now in the fifth year of discussion having started officially at the end of 2001.

The two main problems to consider are:

- (1) The poor image of dumped trolleys in our city and rivers
- (2) The resulting danger to wildlife

Both of these issues can have a detrimental effect on tourism – Show Photographs.

The photographs show the horrendous consequences of not leaving trolleys securely locked in official trolley bays. All the methods currently being implemented are just part of a clean up operation. The council must not accept these as a final solution but just interim measures. Pressure must be applied to Tesco to install an effective system to control their trolleys, they have the resources and the technology. The locking system they are using is useless the design couldn't be more ineffective. Trolleys I have examined dumped in city streets all have coins removed.

The scale of the problem is difficult to assess from the confusing figures shown in 3.1.1 included in the total figure are units collected from the trolley corrals last thing at night, but 3.2.2 does state that 66% of all trolleys collected are from the Castle Street Tesco. When the next report comes to Cabinet can these details be more refined to just show the number of abandoned trolleys and who they belonged to. The report only shows at 3.1.2 the nine trolleys removed by Wildlife Rescue from the rivers in March, up to date figures show an increase in the problem. In April there were 19 removed with one fatality, a heron drowned with its head trapped between the bars, at Petersfinger. In May 14 were removed. As the danger to wildlife has been at the forefront of discussions it had been assumed that Tesco would have employed a company briefed on the problem, trained equipped and insured to remove trolleys from the rivers but this is not the case, for Tesco 's cost overrides wildlife safety. It transpires that if requested they could apparently send somebody once a week. Wildlife rescues work is to protect animals from these dangers and preserve the wildlife that makes the water-meadows around our city so attractive to residents and wealth generating visitors. The spring and early summer is a critical period for water birds, the swan population in particular has been depleted in recent times. Will the trolley collection company be searching along all the footpaths adjacent to rivers where there is no vehicle access like the Churchill Gardens, Elizabeth Gardens, Town Path and the Avon Path, I feel it is very unlikely especially during the cold dark winter months. This service offers no long term solution. Add to this the detrimental effect trolleys left in our city centre have, at worst they are left eight hours. To the vast majority of responsible citizens this is unacceptable. You have a responsibility to tackle the cause not just clean up the consequences. If you do not it will continue seven days a week for evermore.

The impression given by CCM is that Tesco have shown great concern for the problems and are doing everything in their power to rectify them, the reality is:

- (1) they have employed an untrained and ill equipped collection company.
- (2) They have failed since agreeing on 27 January 2005 to establish their trolley 'hotline'.
- (3) They have failed, despite assurances, to fit all of their trolley fleet with locks. About thirty large double seated family trolleys which they took delivery of nearly a year ago are still without locks.
- (4) They have failed to carry out regular maintenance on their broken locks and remove them from use.
- (5) They have failed to provide proper signage and maintain the trolley corrals which was part of the legal agreement they signed. **ALSO**
- (6) On 27 January 2005 CCM as part of the package of measures to remedy the problems, agreed to lead a campaign to raise public awareness to the problem to

date nothing has happened. They haven't even contacted Wildlife Rescue to see how they could help with the problem.

AGREEMENT – I stand by what I originally said about the legal agreement. In section 4 your solicitor is splitting hairs. At the Cabinet meeting in April 2002 Councillor Collier questioned what would we do if any supermarket failed to fit coin operated locks, making it quite clear that was their chosen option, it was agreed to request help from the Environment Agency who had been successful in bringing a prosecution against Tesco in September 2001. Since the last Cabinet meeting when this was discussed in March 2005 I obtained copies of correspondence between Environmental Services and Legal Services which led to Legal Services writing the Agreement. Under the heading 'Maintenance', Environmental Services advised that the supermarkets should be responsible for maintaining the trolley bays and infrastructure. The word infrastructure was not included, this was another serious omission because this refers to the trolleys and locks.

This Agreement has failed to consider the whole problem and option 5.3 should be implemented to avoid enormous weekly costs when the Clean Neighbourhood and Environment Act 2005 is enforceable the supermarkets will have to cooperate.

The Clean Neighbourhood and Environment Act 2005 received royal assent on 7 April 2005. It is expected to come into force in April 2006, I have been informed that the most opposition to the section that deals with abandoned trolleys came from Tesco. The Act will provide Councils with the legal powers to recover their costs when abandoned trolleys are collected anywhere outside of the designated collection points. Can we be assured that this council plans to implement this part of the Act and will notice be given well in advance of the implementation date to all retailers in Salisbury who use trolleys, to enable them to prepare well in advance to avoid more wildlife injuries and deaths next spring.

As the number of trolleys removed from the Rivers is unacceptably high the Environment Agency have again been asked to look at the problem. Is this the time for Salisbury District Council to officially request help from the Environment Agency to deal with this problem?