

Minutes

Meeting of : The Cabinet
Meeting held in : The Alamein Suite City Hall, Salisbury
Date : Wednesday 28 February 2007
Commencing at : 5.00 pm

Present:

Councillors R Britton (Leader)
F Westmoreland (Deputy Leader)

Councillors Mrs P J Brown and P V H Paisey (Planning and Economic Development), D W Brown and Mrs S A Willan (Environment and Transport), J A Cole-Morgan and J R L Nettle (Community and Housing) and D A Culver and J Rodell (Resources)

With the Chairman's permission Councillors Hewitt and Mrs Chettleburgh spoke on minute 945 and Councillor Hooper spoke on minute 944.

937 Declarations of Interest:

Councillor Nettle declared a Personal interest in item 7, as he was present at the City Area Committee when Members considered the Old Sarum report in a consultee capacity.

Councillor Culver declared a Personal interest in item 7, as he was present at the City Area Committee when Members considered the Old Sarum report in a consultee capacity.

Councillor Paisey declared a Personal interest in item 7, as he was present at the City Area Committee when Members considered the Old Sarum report in a consultee capacity.

Councillor Paisey also declared a personal and prejudicial interest in item 10 as he had participated in hospital strategy meetings on this and left the meeting during consideration thereof.

Councillor Willan declared a personal and prejudicial interest in item 10 as she had participated in hospital strategy meetings on this and left the meeting during consideration thereof.

Councillor Mrs Brown declared a Personal interest in item 7, as she was present at the City Area Committee when Members considered the Old Sarum report in a consultee capacity.

Councillor Mrs Brown also declared a Personal and Prejudicial interest in item 17 in view of her capacity as a director on the CCM board and left the meeting during consideration thereof.

Councillor Britton declared a personal interest in item 9 as he was a local resident.

938 Minutes of Last Meeting:

The minutes of the meeting held on 31 January 2007 were approved as a correct record and signed by the Chairman.

939 Public Question and Statement Time:

At the start of the relevant agenda items questions/statements were made concerning the following -
Item 7. Old Sarum Airfield Conservation Area



Awarded in:
Housing Services
Waste and Recycling Services



Ms Maynard on behalf of Megastream Ltd, trading as the Old Sarum Flying Club spoke in support of the recommendations.

Mr Geraint Jones of the Pegasus Planning Group spoke on his wish to see the business park excluded from conservation area designation.

Mr Clifford Jones spoke briefly in support of the recommendation.

Note an equal amount of time was allocated for those wishing to speak in support and against the proposal. No other persons either present or through prior notification wished to speak.

Item 8. Review of Phase Two Housing Allocations Tisbury.

Mr Fry of C.G. Fry and Son spoke in support of the recommendation.

Mr Darby of St Modwen Properties sought a further delay to enable him more time to produce a development brief for the Station Works Site. Mr Darby also expressed his concern at not being able to have access to the exempt Cabinet report on this item. The Leader advised that the reasons for this had been explained to Mr Darby prior to the meeting and added that an exempt report could not be partially released to a third party - it either remained exempt or became universally available as a public document.

Mr Mather of the Tisbury Action Group spoke in support of Mr Darby's request.

Mr Caldwell advised that he had submitted an offer to St Modwen Properties to allow him to relocate his business onto the Station Works Site.

Mr Medley Vice Chairman of Tisbury Parish Council also supported Mr Darby's request.

940 Forward Plan:

The Leader presented his Forward Plan for the period 1 March 2007 – 30 June 2007 (previously circulated) to be published and become operational from 1 March 2007.

Agreed - that the Leader's Forward Plan 1 March 2007 to 30 June 2007, be adopted for publication as revised below (annex a attached incorporates the revisions).

1. Land Disposal at Chatham Close (inclusion for March)
2. Interim Planned Maintenance report (inclusion for March)
3. Bemerton Heath Neighbourhood Centre HRA (inclusion for March)
4. Housing Rent Write Offs (inclusion for March)
5. Salisbury Vision Project Manager (inclusion for March)
6. Revised Fraud Prosecution Policy (defer from March to September)
7. Service Charge Review Council housing (inclusion for April)
8. Land Disposal Donhead St Mary (inclusion for April)
9. Disabled Facilities Grant Consultation (inclusion for April)
10. HRA Assets (inclusion for June)
11. Full Planned Maintenance Programme (inclusion for June)
12. Housing Management Unit Restructuring (inclusion for June)
13. Older Persons Housing Strategy (defer from June to July)

941 Call-in Decisions:

There were none.

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Recommendations to the Council

(The recommendations set out below will be considered by the Council on 26 March 2007)

942 Wiltshire Community Strategy – Local Area Agreement:

The Leader introduced the previously circulated report of the Head of Community Initiatives.

Recommended – to Full Council on 26 March 2007 - that

- (1) subject to the caveats contained in 2 below, the Council be a signatory to the Wiltshire Local Area Agreement for year one of the three year period of the agreement. The Council reserves the right to review this decision next year and will only give further support to the LAA if it is satisfied that Housing and particularly the matter of affordable housing and Cultural issues have been fully recognised, preferably as discrete blocks. The Council also wishes to express its concern at the lack of provision for vulnerable adults.
- (2) council's support of the LAA is subject to the following caveats :
 - a. the Council's first priority is to ensure that sufficient local resources are set aside to meet local priorities as set out in the Portfolio Plans for 2007/8 and agreed by Full Council. Commitment to activities in the LAA will therefore be dependent upon those activities being consistent with our existing objectives.
 - b. Council will play a full part in supporting jointly agreed priorities and outcomes where it perceives there to be a benefit to the communities and residents of South Wiltshire.
 - c. Council also believes that local priorities will be best met if activities and outcomes are focused at a district level unless the issues are homogenous across the county or there are economic reasons for issues being addressed at county level. Where appropriate, action will be taken jointly with partners through district local strategic partnerships.
- (3) The Acting Chief Executive and Leader of the Council be given delegated authority to agree any outstanding matters.
- (4) to note the Acting Chief Executive and Leader of the Council have signed the agreement subject to Council ratification on 26 March.

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Cabinet Decisions

All decisions set out in this section of the minutes will be implemented on or after 13 March 2007 (unless called in for consideration by the relevant Overview and Scrutiny Panel)

943 Old Sarum Airfield Conservation Area Appraisal and Sustainability Appraisal:

The Cabinet Member for Planning and Economic Development introduced the previously circulated report of the Principal Conservation Officer.

Agreed:

- (1) to note :
 - (a) the Atkins Heritage assessment for Old Sarum Airfield;
 - (b) the Sustainability Appraisal; and
 - (c) the outcome of the public consultation exercise, as summarised in the tables in Appendices 3 and 4 of the report; and
- (2) to designate a conservation area at Old Sarum Airfield, with the boundaries as shown in Appendix 2 of the report; and
- (3) to instruct Officers to prepare a management plan for the designated conservation area.

944 Review of Phase 2 Housing Allocations – Assessment of Marketing of Station Works Site Tisbury and Release of allocated site at Hindon Lane Tisbury:

The Cabinet Member for Planning and Economic Development introduced the previously circulated report of the Principal Planning Officer (Forward Planning).

Agreed –

- (1) the full content of the report be noted: and
- (2) the release of the allocated site identified within the second phase of the adopted Salisbury District Local Plan at Hindon Lane, Tisbury for development to meet the district housing requirement be confirmed

945 Draft Masterplan and Development Brief for Land at Porton Down:

The Deputy Cabinet Member for Planning and Economic Development introduced the previously circulated report of the Principal Planning Officer (Forward Planning).

Agreed –

- (1) the consultation responses and proposed changes set out in Appendix 1 be noted:
- (2) the list of local highway issues set out in the table at section 6.2 of the report be noted and brought to the attention of the organisations listed for appropriate action
- (3) in respect of 2 above, officers together with relevant agencies, identify immediately steps to minimise the impact of current and future traffic levels. Officers also investigate the implications of the housing and education impact of this development: and
- (4) the amended Porton Down Masterplan (Appendix B of the report) and Porton BioScience and Technology Centre Development Brief (Appendix C of the report) be welcomed and adopted as Supplementary Planning Guidance.

946 Salisbury District Hospital Development Brief:

The Cabinet Member for Planning and Economic Development introduced the previously circulated report of the Principal Planning Officer (Forward Planning).

Agreed – that

- (1) taking into account the changes resulting from the consultation exercise, the Salisbury District Hospital Development Brief be adopted as Supplementary Planning Guidance to the Salisbury District Local Plan; and
- (2) changes to some diagrams within the document be delegated to officers to make as agreed with the Corporate Editor.

947 Revised Media Protocol:

The Deputy Cabinet Member for Resources introduced the previously circulated report of the Head of Marketing, Economic Development and Tourism.

Agreed – that

- (1) the amendments to the council's media protocol outlined in the report be agreed, subject in respect of the City Area Committee, to it being made clear that the Committee Chairman can only speak to the media on behalf of the committee if they have secured that committee's full support to do so; and
- (2) the corporate communications manager be requested to implement those changes and re-issue the document to all officers and all councillors.

948 Rent Deposit Scheme and Rent in Advance:

The Cabinet Member for Community and Housing introduced the previously circulated report of the Head of Strategic Housing Services.

Agreed – that

- (1) the rent deposit scheme be withdrawn and a rent deposit guarantee scheme be introduced;
- (2) whilst considering each case on its merits, the council should seek to recover rent in advance payments issued to tenants by the end of their tenancy period;
- (3) any balance outstanding 21 days after the end of the tenancy be referred to the council's Debt Recover Agent;
- (4) the incentive payments be as set out in paragraph 6 of the report; and
- (5) the revised costs of the scheme as set out in paragraph 7 of the report be approved.

949 Disposal of Land at Newton Lane, Whiteparish for Affordable Housing:

The Cabinet Member for Community and Housing introduced the previously circulated report of the Head of Strategic Housing Services.

Agreed – that

- (1) the sale of the land be agreed outlined on the plan attached to the report, to Wiltshire Rural Housing Association for the sum £80,000 or a sum equivalent to or £8,000 per plot, whichever is the greater, with a covenant that all dwellings built on the land are affordable homes in perpetuity; and
- (2) the sale is also conditional on WRHA achieving a planning application permission further to an application which has first been approved by the Head of Strategic Housing in consultation with the Head of Legal and Property

950 Local Development Scheme:

The Cabinet Member for Planning and Economic Development introduced the previously circulated report of the Team Leader Forward Planning and Conservation.

Agreed – that

- (1) the revised Local Development Scheme be adopted and formally submitted to the Government for approval.
- (2) should the Government wish to see any further, minor revisions, these be delegated to the Head of Forward Planning and Transportation unless he considers them significant enough to merit further consideration by the Cabinet.

951 Future Use of the Guildhall:

The Cabinet Member for Community and Housing introduced the previously circulated report of the Head of Community Initiatives.

Agreed – that

- (1) the Council's Agent be appointed to act for the Council to explore the demand for the building in the marketplace, and seek expressions of interest by way of a very open brief so as not to fetter interest and creativity of use.
- (2) That the Guildhall Square should be included in the brief, on the understanding that any proposals are worked up in close liaison with the Salisbury vision group.
- (3) Legal and Property Services work with Housing Services to prepare a 10 year building maintenance property programme and an annual budget for future repairs and maintenance.

Further decisions in respect of this item were dealt with in exempt business.

952 Café Licences Administration in Salisbury:

The Cabinet Member for Resources introduced the previously circulated report of the Head of Legal and Property Services.

Agreed – that

- (1) The Head of Legal and Property Services be authorised to renegotiate the existing arrangements with SCCMC Ltd in the form of a formal service level agreement on the following terms and conditions:
 - the term is for a period of one year ending on 31.03.2008 with an option to renew for another year at the discretion of the Head of Legal and Property Services in consultation with the Portfolio Holder for Resources
 - SCCMC Ltd shall be entitled to charge commission at such a % rate as the Head of Legal and Property Services shall be advised as is an appropriate market rate by the Council's retained valuers Humberts

But otherwise on such terms and conditions as the Head of Legal and Property shall determine.

- (2) Should the Council and SCCMC Ltd not be able to reach agreement in accordance with (1) above on or before 31.03.2007 the Head of Legal and Property Services be authorised to end the existing arrangements with SCCMC Ltd to take effect on 29.04.2007 and the administrative arrangements are brought back in house to be carried out by Legal and Property Services.

953 JCF Recommendation - position following Housing Stock Ballot:

The Cabinet Member for Community and Housing referred to the previously circulated recommendation from the Forum meeting held on 26 January 2007.

Agreed – that consideration of these recommendations be deferred until the HRA business plan has been completed and the affect of the ballot has consequently been determined.

954 Changes to Planning Obligations Systems and Introduction of a Planning Gain Supplement:

The Cabinet Member for Planning and Economic Development introduced the previously circulated report of the Head of Forward Planning and Transportation and referred to the views of the Planning Scrutiny Panel which met on 26 February.

Agreed – that the council makes robust representations on the consultation as follows:

- (1) The council strongly opposes the introduction of this overly bureaucratic system, which removes local control and will result in a reduction of money available for community facilities in this district;
- (2) The council wishes to see more information on the interpretation of the principles to be included in planning obligations;
- (3) If the system is to be imposed then the council consider that payment should be made directly to the local authority;
- (4) The council would wish to see the promotion of the LDF and SPD as the streamlined system for simplifying planning gain; and
- (5) That the uncertainties outlined in section 9 of the report be addressed.

- (6) the detailed responses to questions 1 – 12 that form Appendix 1 to the report be endorsed, and be forwarded to the DCLG as the council's response to this consultation exercise, together with the covering statement attached as Appendix B to these minutes.

955 Urgent Business - Use of Existing Name and Address Data for Other Council Related Purposes:

The Leader agreed to the above item being considered under exempt business in view of the need to determine the issue before the next meeting.

The Leader introduced the previously circulated report of the Head of Democratic Services.

Agreed that Cabinet minute 785 of 3 May 2006, be amended to be replaced by the following - The Cabinet adopt options 4.2.3, 4.2.4 and 4.2.5 in the Cabinet report of 3 May 2006, without reference to the Information Commissioner, but to be actioned only in circumstances where in the opinion of the Chief Executive, in consultation with the relevant portfolio holder, the Council has a legitimate reason for using council tax information in a particular way and so long as it will not result in genuine unfairness or unwarranted detriment to individuals.

956 Exempt Information:

In view of the confidential or sensitive nature of the matters to be considered, the Cabinet will consider excluding the press and public from the meeting during consideration of agenda items 16, 22 and 23 on the grounds that they may involve the likely disclosure of 'exempt information' as defined in Part 1 of Schedule 12A inserted into the Local Government Act 1972 by the Local Government (Access to Information) Act 1985 and that the public interest against disclosing the information outweighs the public interest in favour of disclosure as explained below:

Paragraph 12 namely: `Any instructions to Counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with
(a) "any legal proceedings by or against the authority; or
(b) the determination of any matter affecting the authority
(whether, in either case, proceedings have been commenced or are in contemplation)'

Paragraph 7 namely: `Information relating to the financial or business affairs of any particular person (other than the authority)

Paragraph 8 namely: the amount of any expenditure proposed to be incurred by the authority under any particular contract.

Summary of Exempt Matters

Old Sarum Airfield Conservation Area Appraisal and Sustainability Appraisal

Release of Allocated Land at Hindon Lane Tisbury

Future Use of the Guildhall Square

*The meeting concluded at 8.15 pm
Number of public present 60*

SALISBURY DISTRICT COUNCIL : FORWARD PLAN MARCH 2007 – JUNE 2007

- (1) Note those items marked in bold form part of the Budget and Policy framework and therefore at least 8 weeks must be allowed for consultation, prior to a decision being taken.
- (2) Any Person who wishes to make representations to the Cabinet about the matter in respect of which the decision is to be made should contact Stewart Agland by at least the day before the meeting or via Sagland@salisbury.gov.uk or Stewart Agland, Head of Democratic Services, The Council House, Bourne Hill, Salisbury, SP1 3UZ or telephone 01722 434253

Decision Date		Key Decision Matter	Decision Taker	Consultation Arrangements	Information Relating to Decision
Mar 07	1.	Prudential Limits	Cabinet	TBC	Officer Report
	2.	Review Housing Service Charges	Cabinet	TBC	Officer Report
	3.	Publish Local Housing Need Survey	Cabinet	TBC	Officer Report
	4.	Fisherton Manor and Highbury Avenue School Sites - Concept Statement on Future Use	Cabinet	City Area (Planning) Committee	Officer Report
	5.	Proposed Introduction of a New Void Letting Scheme and Tenant's Reward Scheme	Cabinet	TBC	Officer Report
	6.	Land at Downton road and Proposed Land Swop of Community Land	Cabinet	TBC	Officer Report
	7.	CCTV Scrutiny Review and Response to Recommendations	Cabinet	Planning Scrutiny Panel	Officer Report
	8.	Land Disposal at Chatham Close	Cabinet	TBC	Officer Report
	9.	Interim Planned Maintenance Report	Cabinet	TBC	Officer Report

	10.	Bemerton Heath Neighbourhood Centre HRA	Cabinet	TBC	Officer Report
	11.	Housing Rent Write-Offs	Cabinet	TBC	Officer Report
	12.	Salisbury Vision Project Manager	Cabinet	TBC	Officer Report

Decision Date		Key Decision Matter	Decision Taker	Consultation Arrangements	Information Relating to Decision
Apr 07	1.	Scrutiny Review on Sustainable Rural Communities	Cabinet	Planning and Economic Development Scrutiny Panel	Scrutiny Review
	2.	Service Charge Review Council Housing	Cabinet	TBC	Officer Report
	3.	Land Disposal Donhead St Mary	Cabinet	TBC	Officer Report
	4.	Disabled Facilities Grant Consultation	Cabinet	TBC	Officer Report

Decision Date		Key Decision Matter	Decision Taker	Consultation Arrangements	Information Relating to Decision
May 07		<i>There are no Cabinet meetings in May</i>			

Decision Date		Key Decision Matter	Decision Taker	Consultation Arrangements	Information Relating to Decision
Jun 07	1.	Call off contract re Customer First partnership	Cabinet	TBC	Officer Report
	2.	CPA Revised Framework	Cabinet	TBC	Officer Report
	3.	Quarterly Performance Management Report	Cabinet	TBC	Officer Report
	4.	HRA Assets	Cabinet	TBC	Officer Report
	5.	Full Planned Maintenance Programme	Cabinet	TBC	Officer Report
	6.	Housing Management Unit Restructuring	Cabinet	TBC	Officer Report

Suggested Covering Statement

Salisbury District Council remains opposed in principle to the introduction of the Planning Gain Supplement. We remain sceptical that adoption of the new proposals would be better than the existing arrangements and anticipate that this will result in a loss of funds to this area. We are not convinced that the proposals are workable and effective. We would suggest that a better approach would be to reduce the variation in practice between different authorities, whilst maintaining flexible, site dependant contributions where developers can easily account for s106 contributions on the ground.

The current arrangements have worked well in Salisbury for a number of years. Considerable s 106 funds are recovered from developers to meet local infrastructure needs annually. This is undertaken in constructive and informed negotiation with developers and is a process that is becoming increasingly well understood. To meet growth aspirations within the district, it is vital that whatever process is in place does not add to the uncertainty regarding provision of infrastructure or reduce the funding available. The consultation document does not indicate the rate at which PGS would be levied nor the proportion which would be returned to the local authority area. It is not possible to know how much weight can be attached to the Pre-Budget speech which suggested that 70% would be returned for local infrastructure. Although this refers to returning funds to the local authority area it leaves open the question of which body would receive the funding.

Our strong view is that all capacity expansion needed to deal with the impact of new developments should be met from planning obligations that ensure contributions are received at times agreed with land owners to ensure that finance is available to enable the necessary infrastructure and services to be provided at the right time. The decision of whether it is best to provide such infrastructure on or off the site should be a matter for local determination. It is vital for the securing of proper public services, such as schools, recreational open space, libraries, public transport and other transport investment that a clear link remains between the local planning process and the planning and provision of these key local services