

Minutes

Special Meeting of : The Cabinet
Meeting held in : The Alamein Suite City Hall, Salisbury
Date : Monday 23 July 2007
Commencing at : 6.00 pm

Present:

Councillor P W L Sample (Leader)
Councillor S R Fear (Deputy Leader) (in the Chair for minute 40 below)

Councillors P M Clegg (Planning), P D Edge (Economic Development and Tourism), Mrs H McKeown (Transport), A C R Roberts (Finance) J C Robertson (Environment), A A P Thorpe (Resources) and I R Tomes (Housing)

Apologies: Councillor B E Dalton (Community Initiatives), who has recently suffered a bereavement.

The Leader on behalf of the whole Cabinet expressed the Cabinet's sympathy to Councillor Dalton at this time.

35. Declarations of Interest:

The Leader, Councillor Sample, declared a personal and prejudicial interest under urgent business in respect of the item "The Appropriation of Lands at Bourne Hill".

36. Minutes of Last Meeting:

The minutes of the ordinary meeting held on 11 July 2007 were approved as a correct record and signed by the Chairman.

37. Public Question and Statement Time:

Victoria Morton Chair of the Salisbury Town Green Group submitted a statement attached as **Annex A** to these minutes. She went on to express her concern at the Cabinet's decision to consider this matter as urgent business as it had limited the public's opportunity to comment to Cabinet on it.

The Leader thanked Mrs Morton for the statement and advised that the points would be addressed during consideration of the relevant agenda item before Cabinet.

Mr Rodell advised of his wish to withdraw his previously submitted questions.

The Leader advised that he would take Mr Rodell's questions because time had been taken to provide answers and so that they could be available in time for the Council meeting on 25 July. The questions and replies are attached as **Annex B** to these minutes.



Awarded in:
Housing Services
Waste and Recycling Services



Mr Snow and Mr and Mrs Warrander's questions together with the Leader's replies are attached as **Annex C** to these minutes.

The Leader concluded the public question / statement time by saying that in view of the large number of public questions and statements and the importance of the agenda before the meeting, he would allow all ten questions/statements to be answered in full (in the order they were submitted), and that it was likely the 15 minutes allotted would be insufficient to allow supplementary questions. By allowing all questions to be put and answered now, meant they could be reported to Full Council on Wednesday night.

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Recommendation to the Council

(The recommendation set out below will be considered at the Special Council on 25 July 2007)

38. Office Project Bourne Hill:

The Cabinet considered the previously circulated report of the Acting Chief Executive and in so doing received the Monitoring Officer's report as urgent business, (previously circulated to all members) regarding the consultation process and all related papers circulated under cover letter of 23 July 2007.

Resolved to Recommend to the Full Council on 25 July 2007:

That the Acting Chief Executive's report be noted and that in light of the magnitude of the Council decision involved, the report be submitted without recommendation for consideration by Full Council on 25 July 2007.

Note – this decision was carried unanimously.

The leader then referred to the recent consultation process that had been undertaken and advised that flawed though it was, it had been important to do it. The Leader advised that it would be for the Council to give whatever weight it feels it should to the results, taking into account the Monitoring Officer's report, the previous consultations undertaken, representations received, and the media coverage the project had been subject to. He added that the views of all councillors were important and consequently he welcomed a full debate at Full Council on this matter where a decision could be taken to ensure the best solution for the District Council and local residents.

Finally, in resolving issues with the contractor, Bluestone, he hoped that the Company could work with the Council in a positive and responsible way to ensure a satisfactory conclusion which would enhance the reputation of the Council as well as the Company with other local authorities and statutory bodies. With this aim, a meeting had been arranged with the Management Team of Bluestone this Thursday, to which representatives of the Conservatives and Independent Group were welcome to join the Leader and Deputy Leader and Portfolio Holder.

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Cabinet Decisions

39. Flooding Situation:

The Chairman agreed to this matter being considered as urgent business in view of the serious situation nationally and to ensure that Salisbury District was as prepared as possible. Debbie Dixon, Policy Director, gave a presentation on this matter attached as an **Annex D** to these minutes. There was a full discussion on this issue and the Cabinet gave its support to the Flood Steering Group and commended it on its work to date. Councillor Mike Hewitt of the Steering Group advised that the Council had done everything it reasonably could to mitigate the flood risks in the area. However, the Leader advised that in view of the importance of this matter, he would like the Council Chairman to consider allowing a debate on this issue under urgent business at the special council meeting on 25 July 2007.

Resolved - that the Briefing note produced by Debbie Dixon be circulated to all District Councillors and to all Parish and Town Councils in the District.

40. Urgent Business:

Appropriation of Lands at Bourne Hill:

The Deputy Leader of the Cabinet agreed to take the above item as urgent business in view of the need for a decision to be taken before the next scheduled meeting.

The Deputy Leader, referred to the outcome of the consultation process and to the views of the Salisbury Town Green Group.

The Cabinet Member for Resources then explained the background to the proposal.

Resolved: that the following actions be approved:

- (1) Secret Garden: appropriate in the event that the Project continues as planned or in a modified form which involves construction related activities on any part of the Secret Garden;
- (2) The Strip: appropriate in the event that the Project continues as planned; and
- (3) The Adjoining Land: appropriate in the event that the Project continues as planned or in a modified form which involves construction related activities on any part of the Secret Garden and in either such case a report to be brought back to Members following completion of the Project or a modified Project for Members to review appropriation.

*The meeting concluded at 7.05 pm
Number of public present 75*



Chair: Victoria Morton, 2 Marlborough Rd,
Secretary: Sue Wright, 25 Victoria Rd,

Salisbury, SP1 3TH, 01722 349831
Salisbury, SP1 3NF, 01722 337258

Statement to Salisbury District Council Cabinet Meeting 23 July 2007

1. Salisbury 'Town Green' Group is a new group formed by residents of the St Edmunds area to protect the open green spaces in that area of the city.
2. One of our immediate aims is the official registration as village green of the open green space in the Bourne Hill area (some of which is currently temporarily enclosed by SDC).
3. This statement relates to item 6 on the agenda, Appropriation of lands at Bourne Hill.
4. We are opposed to all three appropriation orders being considered this evening.
5. An application has been made to Wiltshire County Council to register this land as Village Green under the Countryside and Rights of Way Act 2000.
6. Once land has been registered, no more than 250m² of village green can be appropriated without an application to the Secretary of State.
7. These appropriation orders therefore appear to hold in contempt the County Council's process in dealing with this Village Green application.
8. In any case, we not believe that these orders are necessary.
9. The Council should not be continuing to using this sort of method to attempt to stifle local opposition to a deeply unpopular project.
10. It is regrettable that officers have so far refused to meet us to discuss our village green application.
11. It would be far better for the District Council to seek dialogue with local people.
12. We are convinced that that such an approach could allow a modified project (option B) to proceed without the need for appropriation orders.

Contact Victoria or Sue for more info.
Sue's mobile: 07762 820602

Questions for Cabinet Meeting on Monday 23rd July 2007

Questions from John Rodell, 21 Windsor Road, Durrington, Salisbury.

Questions to: The Leader of the Council, Councillor Sample

During the lead up to the Local Government Elections it was stated in election literature that '**A Liberal Democrat Council will scrap conservative plans to waste £15.4M on offices for bureaucrats**'. Councillor Sample also said in letters to the Journal and statements to the press that he had been told by the acting Chief Executive of the Council that the cost of cancellation of the offices was a 'Six figure sum'. Information gained by others under the Freedom of Information Act and now in the public domain show that Councillor Sample knew that the true cost of cancellation was several Million Pounds and not hundreds of thousands as he stated.

Question 1 – having been elected on a promise to cancel the project not on a promise to consult, and already knowing the costs and impact on council services of cancellation why did the administration not simply cancel as promised which is what the public expected them to do?

The consultation document sent to all households in the District on the 2nd July gave three options for the public to consider and vote on.

Question 2 – Who prepared the final consultation document (not the earlier drafts) and did it receive the full and unequivocal support of members of the Senior Management Team of the Council who may have been consulted on its final form and content. That is from the Acting Chief Executive, the Chief Financial Officer and Head of Legal Services before it was sent out? Where any concerns expressed on the accuracy of the content or of material omissions from the document?

Option B of the consultation document was to Modify the Design which stated under Money Matters 'We also asked our independent experts to look at the financial impact of modifying the current design' etc. and then went on to say that 'Our experts advise that local government rules would allow us to charge all of the costs to borrowing, and there would be no impact on the revenue account arising from the construction of a modified extension'.

Question 3 - Who were the independent experts who looked at the financial impact of modifying the current design? Is it the same as those who prepared the Financial Review that forms part of the report before you tonight?

The Table at the top of Page 3 to the Financial Review clearly shows that the Annual Recurring revenue effect of Option B is between £699K and £744K – or the equivalent of an increase of 13 and 14% on the Council Tax.

Question 4 – The public is now being asked to believe that the cost has changed from nothing to circa £700K in a few short weeks. Has the annual recurring Revenue cost of Option B changed significantly in the opinion of the independent experts since the consultation was prepared and sent out to the public?

Question 5 – who provided the information that there was no impact on the revenue account arising from the construction of a modified extension? I intend to ask for the release of this information under the Freedom of Information Act; will you make the documents available?

The Financial Review by Butlers states on Page 2 paragraph 4 ' that the cost of Option C to proceed with the original project has, as a result of the delays imposed by the administration, increased in price by £0.8M and as a result the scheme will no longer be self financing and will impact on the Council Tax. It also shows that all options now have an impact on Annual Recurring Revenue with the continuation of the existing project being the most cost effective. Butlers also state on page 7 of their report that 'any impact on the council tax will take away funds from existing services since the council is likely to be limited to an increase of 5% through capping'.

Question 6 – the administration must have gone into the election understanding the impact of the promises they made to the electorate and will have considered the inevitable negative impact on services. Will the leader of the Council please state which services are likely to be affected by the increases in annual recurring revenue costs created by the Bourne Hill consultation and whatever decision the cabinet makes on option A, B or C?

Response to Questions to Cabinet from John Rodell

Question 1

I make no apology for my administration taking the earliest possible opportunity to demonstrate our commitment to informing and involving the public in important areas of public life in Salisbury and South Wiltshire. It is our intent to create a clear break with our sense of the previous administration's failure to either consult or listen.

Question 2

The basic draft of the document was prepared by officers, and finalised by the Leader and deputy Leader.

Question 3

I confirm that the independent experts referred to in the leaflet are the same as set out in appendices A & B to tonight's report.

Question 4

The figures available to the Cabinet were made available to Butlers, our financial advisors. I think it needs to be understood that the recurring revenue costs are something of a moveable feast because they would depend on the nature and scale of the modified scheme.

Question 5

Since Mr Rodell is intending to use the Freedom of Information Act to seek the document he raises in his questions, it would be inappropriate for me to comment. I do, however, assure Mr Rodell that we will apply the terms of the Act in dealing with any request.

Question 6

Clearly, I cannot give a detailed answer to Mr Rodell's question, because I do not know what decision the Council will make on the 25th. I assure him, however, that if there is any impact on the Council's revenue account we will deal with this within the Medium Term Financial Strategy, and will inform and involve the public in that process.

Questions for Cabinet Meeting – July 23rd, 2007 on the Bourne Hill Project and Leader's responses

**From Sheila Warrander, 1 Netheravon Road, Salisbury
To Paul Sample, The Leader of the Council**

The purpose of this question is to get to the root of how Salisbury District Council came to issue such a politically biased and flawed consultation.

Question - Is it correct that the document was originally drafted by the Acting Chief Executive?

Answer - Yes

Question - Is it true that the draft was considerably changed by the political signators of the covering letter that went with the consultation?

Answer- *The Leader and Deputy Leader made amendments to the draft document.*

Question - Was the amended copy approved by the acting Chief Executive and the Council's Legal Officer?

Answer - *The Council's Legal Officer was not asked to approve the amended copy. The final draft was agreed by the Acting Chief Executive, Leader and Deputy Leader at a meeting on 21 June. There was no indication from the Acting Chief Executive at the meeting that there was a legal problem with the content of the document. We will review procedures for any future consultations to ensure that all legislation and codes of practice are met.*

**From William Snow, 128 Bouverie Avenue South, Salisbury
For Paul Sample, Leader of the Council**

In the Advertiser of July 11th, 2007 the Leader is quoted as saying that:

Question - The public consultation should have been done by the previous administration before signing the contracts."

Answer - *Since March 2004 significant changes have been made to the project and design. There has therefore been a deficiency in consultation.*

Question - Would the Leader provide information about the public consultations on the project which took place in March, April, May and June of 2004 which, as advised in the legal implications of today's Cabinet paper para. 7.1, took place at a formative stage in the project when the cost of any change would have been minimal?

Answer - *This information is freely available and already a matter of public record with reports and minutes having previously been published.*

Question - Would he also provide information on the number of times the Bourne Hill project has been featured from 2004 in the Citizen magazine which goes to every household in the District?

Answer - *Researching this information is not a good use of officer time and as The Citizen is a public document, the questioner could obtain this information himself*

Question - Is he not aware that these voluntary consultations, approved by the 4 Ps. involved interested parties, including local residents, also statutory consultees and that changes were made as a result?

Answer - *In some cases minimal changes were made, and not all comments were taken on board at that time. Planning permission was refused by the local area committee and local widespread opposition in the St Edmund and Milford Ward was completely ignored.*

**From Michael Warrander, 1 Netheravon Road, Salisbury
To Paul Sample, Leader of the Council**

Given that the Liberal Democrat candidates in the recent election were all made aware before the election by Council officers of the financial penalties of cancelling the office project and possible bankruptcy nevertheless they all continued their misleading campaign.

Question - Can the Leader of the Council therefore assure me that the Administration will now fulfil its duty to Council tax payers and pursue that option which has least impact on Council Tax payers throughout the District, no effect on revenue reserves and produces the best annual savings in future running costs?

Answer - Council Tax is one consideration, however Members will make their up minds based on all the information provided, the representations that they have received and the officer's advice that has been given up until the Council meeting on Wednesday night.

Question - Does the Leader agree that any alternative will put at risk many of the services currently provided to the citizens of the District?

Answer - I am aware of the difficult situation we are presented with in all three options. It requires taking a difficult decision at full Council this Wednesday. Councillors will make up their minds at that meeting.

Cabinet Briefing Paper - 23 July 2007

Written by: Debbie Dixon and Matti Raudsepp

SHORT BRIEFING NOTE ON FLOODING**1. Are there any areas under threat?**

- There are currently no flood warnings in place for the district
- We have no reason to expect any flood warnings to be put in place at this time
- The above does not, and cannot, account for any unexpected and localised exceptional weather, which could cause a flash flood situation.

2. The rivers and water meadows in the area

There are 4 rivers, which feed into the city (Nadder, Wylde, Avon and Bourne) all of which perform differently in response to rainfall. With high rainfalls and saturated catchments then any of the rivers can start to flood. However, the magnitude of the flooding and the arrival and length of the flood peak can vary considerably.

The existence of water meadows around Salisbury is actually a flood defence. If the water meadows flood every year then they are doing their job. It does not mean that Salisbury is more likely to flood.

3. Flood emergency response measures

Flooding can very often be anticipated, either through local knowledge or Environment Agency automated river level monitoring. The Environment Agency, who are the key organisation with the remit to prevent and warn against floods, have recently remodelled the Salisbury flood area with advanced software, refined flow estimates and more accurate ground data. The use of laser-based equipment now measures ground levels to a much greater accuracy than previously. During periods of poor weather specific council staff routinely check rivers and other watercourses known to be at risk. When levels reach a critical level a warning would be issued on the EA website, but also directly to the council 24 hours a day. Well-developed connections exist between the council, Wiltshire County Council, and the Environment Agency, with councils working under a mutual aid agreement in these circumstances. Links exist to the Emergency Services through the normal emergency planning procedures that exist at district and county levels. This would include the management of any temporary accommodation needs that may arise from a major flooding incident. Reciprocal arrangements in terms of staff and facilities are in place with neighbouring councils to alleviate problems when large numbers of people are affected.

The council does not have any specific statutory responsibilities to prevent flooding, but has for many years provided sandbags to homes at risk. Whilst Environmental Services maintains filled sandbags and stocks of empty bags, and has the ability to distribute these 24 hours a day, it is also the responsibility of homeowners who live in areas at risk from flooding to make sure that they are protected.

The council does not maintain a stock of boats, as in the event that such equipment is needed the control of the situation will have escalated to the Emergency Services. The Fire Brigade do however have access to boats for flooding incidents. It is also worth noting that once an emergency situation has been downscaled and the Emergency Services are no longer required, it is often councils who lead the clean up operation. Cabinet may be aware that a number of councils are in discussion with the Department of Communities and Local Government about financial support following flooding. It is understood that Doncaster, Hull, Rotherham and Sheffield have been promised support of £13m.

4. Staff call-out arrangements

Calls to the council due to flooding emergencies should go through the council's 24-hour emergency control centre telephone number. The out of hours number for Salisbury District Council (given out if a member of the public rings the SDC switchboard after 5pm) is 01722 411676. Officers staff this phone line 24 hours a day and are experienced in dealing with issues as they arise and contacting relevant officers at home.

From there appropriate staff can be called to organise any required response. It should be stressed that flooding can often be anticipated allowing time for preparation, although the extent to which the council can prevent damage to property in severe circumstances will be limited.

Should the Environment Agency issue a 'Flood Warning' the council would implement the Local

Incident Plan (LIP) and set up the Incident Room at the Churchfields Depot. This type of warning suggests that there would be a threat to homes, businesses and main roads. Should a 'Severe Flood Warning' be issued the Council would initiate the Major Incident Plan (MIP) which would suggest that there is imminent danger to life and property. This may lead to Emergency Services taking over responsibility with the council acting in a support capacity.

On previous occasions the council has chosen to take a proactive role in affected areas through the provision of food supplies, sandbags and a mobile information point. This proactive approach is led by the Flood Working Group, currently chaired by Councillor Colin Mills.

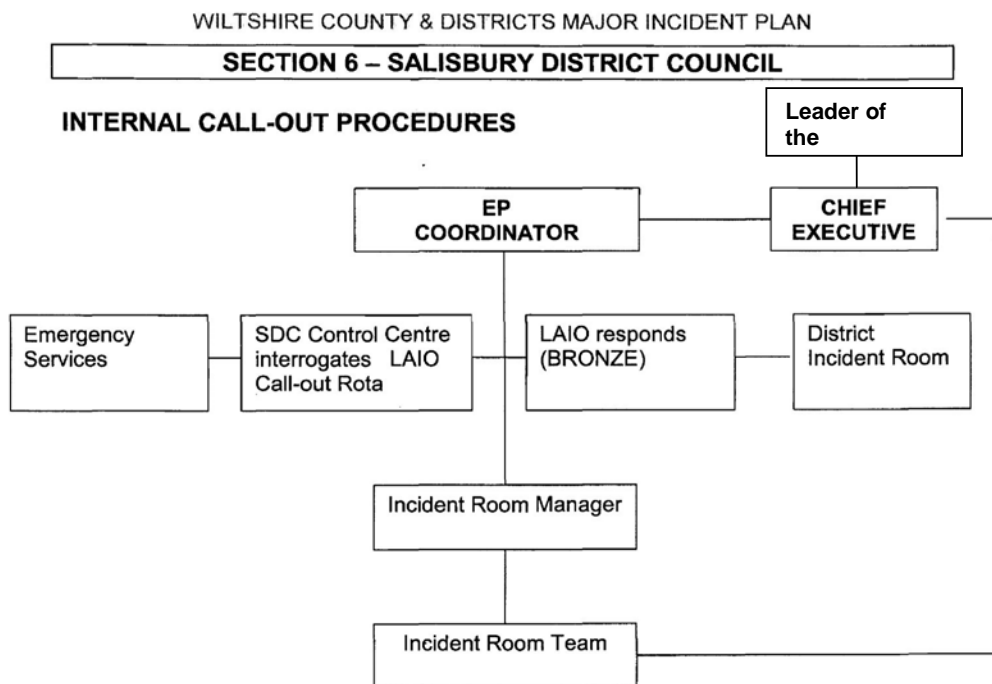
Environmental Services can provide operational staff and vehicles 24 hours a day in the event of an emergency. This may be to deliver sandbags or to assist in flood management in some other way. This is separate and complimentary to the role of the emergency services.

A copy of the current arrangements -appendix 1 (extracted from the Emergency Plan) details contact from the Emergency Services and the call out of officers. The Chief Executive would contact the Leader and the relevant Portfolio Holders in the case of an emergency. The telephone numbers of the Management Team and Emergency Planning Co-ordinator for use in an emergency are included as appendix 2.

5. Information for the public

An item has been placed on the website and a press release issued with a view to reassuring the public about the current situation and reinforcing emergency contact arrangements.

Extract from Emergency Plan



KEY

LAIO - Local Authority Incident Officer
 EP - Emergency Planning

Emergency contact numbers:

David Crook: 01672 564378 (home)
 07836 364942 (mobile)
 Debbie Dixon: 01202 707020 (home)
 07879 661098 (mobile)
 Pam Fox: 0208 9089173 (home)
 07881 502244 (mobile)

Stephen Thorne 01722 504176 (home)
 (Emergency Planning Co-ordinator) 07768 418903 (mobile)