

# Minutes

**Meeting of** : The Cabinet  
**Meeting held in** : The Alamein Suite City Hall, Salisbury  
**Date** : Wednesday 05 September 2007  
**Commencing at** : 6.00 pm

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**Present:**

Councillor P W L Sample (Leader)  
Councillor S R Fear (Deputy Leader) – in the chair for items 10, 11 and 12

Councillors P M Clegg (Planning), B E Dalton (Community Initiatives), 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)

**41. Declarations of Interest:**

Councillor P W L Sample declared personal and prejudicial interests in items 10, 11 and 12 and the questions posed by Mr Brain and Miss Sue Wright and left the meeting during discussion thereon.

Councillor I R Tomes declared a personal interest in respect of item 8.

Councillor S R Fear declared a personal interest in respect of item 18.

**42. Minutes of Last Meeting:**

The minutes of the special meeting held on 23 July 2007 were approved as a correct record and signed by the Chairman.

**43. Public Question and Statement Time:**

Councillor English spoke in respect of agenda 19, Management Arrangements in the lead up to the Creation of a new Wiltshire Council and made reference to the need for adequate member representation in this process, the inherent scrutiny arrangements and the general composition of the two internal District Council groups.

The roles of the respective groups were explained to Councillor English and the Leader advised that in addition to member representation on the internal district groups, the district council would also be represented on the county-wide transition board via the Leader of the Council, with the Deputy Leader as his substitute.

As regards scrutiny, Councillor Fear advised that this was something that the district council's own scrutiny panels would no doubt be considering if the unitary authority establishment progresses, however it should be noted that the DCLG consultation paper makes it clear that the primary responsibility for establishing scrutiny arrangements rests with Wiltshire County Council. Councillor English would receive a written response about the reasoning behind the composition of the LGR Transition Group and Business as Usual Group.



Awarded in:  
Housing Services  
Waste and Recycling Services



Mr Colin Brain of College Street, Salisbury asked a question relating to agenda item 12 attached as Annex 1 and Sue Wright, representing the Salisbury Town Green Group made a statement relating to agenda items 10, 11 and 12 attached as Annex 2

The answer to Mr Colin Brain's question is attached to the minutes as Annex 3.

In response to Miss Sue Wright's statement, the Deputy Leader said he would be happy to arrange a meeting with the Salisbury Town Green Group to explain fully the District Council's intentions and listen to the Group's views on the matter.

**44. Chairman's Announcements:**

The Chairman congratulated all the staff at the Five Rivers Leisure Centre together with the Head of Community Initiatives and the Portfolio Holder for Community Initiatives following the successful introduction of free swimming for children during the month of August and the restoration of Bank Holiday opening which had led to a dramatic increase in attendance compared to the same period last year. It was hoped that this initiative would result in a rise in the number regular customers. This arrangement had also been successfully applied in respect of Durrington Swimming Pool and he also thanked the staff for their efforts.

The Chairman advised that this would be Debbie Dixon's last Cabinet meeting before she left the council to take up her new post as Strategic Director for the Isle of Wight Unitary Council, and on behalf of the Cabinet wished her the very best for the future and he hoped to see her informally before she departed.

**45. Forward Plan:**

The Leader presented his Forward Plan for the period 1 October 2007 – 31 January 2008 (previously circulated) to be published and become operational from 1 October 2007.

**Resolved:** that the Leader's Forward Plan 1 October 2007 to 31 January 2008 be adopted.

**46. 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 24 September 2007)*

### **47. Formation of a New Parish Council for Salisbury:**

The Cabinet considered the previously circulated report of the Head of Legal and Property Services. Councillor Fear reported on the outcome of the Chartered Trustees' discussion the previous evening. The Trustees very much preferred to see the continuation of Salisbury District Council and supported the judicial review, however if a Unitary Authority is created they would support the creation of a Parish Council for Salisbury City as a way of maintaining a local voice in the area.

Councillor Robertson asked that whenever possible the words "City Council" be used to avoid confusion. This suggestion received widespread support.

Councillor Fear emphasised that such a Council would be needed if a Wiltshire Unitary Authority was established, so that as much devolution as possible could be sought.

#### **Recommended to the Full Council on 24 September 2007:**

- (1) to carry out a review into the creation of a district council led parish council for Salisbury City with a view to it being established at the same time as the new single authority for Wiltshire comes into being assuming that date is no earlier than April/May 2009;
- (2) subject to 1 above,
  - the carrying out of the review be delegated to City Area [Community] Committee
  - the establishment of a steering group to oversee implementation of the review be approved

### **48. Statutory Determinations for Capital and Treasury Management Performance 2006/07:**

Councillor Roberts introduced the report of the Head of Financial Services (previously circulated).

#### **Recommended to the Full Council on 24 September 2007:**

- (1) the Statutory Determinations in respect of 2006/07 as set out in 1.1 – 1.6 of the report be approved
- (2) the Treasury Management Performance as set out in 2.1 – 3.4 be noted.

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## **Cabinet Decisions**

*All decisions set out in this section of the minutes will be implemented on or after 18 September 2007  
(unless called in for consideration by the relevant Overview and Scrutiny Panel)*

### **49. Waste and Recycling:**

Councillor Robertson introduced the previously circulated report of the Head of Environmental Services. He explained the three options that the public had been consulted on and the outcome of that consultation. Whilst it was recognised that Option 3 appeared the most popular, he was inclined to support Option 2, (subject to finding ways to minimise the financial implications), thereby maintaining a weekly collection service for household waste.

The Cabinet noted that there might be scope within Option 2 to reduce the inherent costs eg to review the proposed frequency for collection of non putrescent items such as cardboard without detriment to the public. The Cabinet also considered that in respect of recycling arrangements, clear guidance would need to be produced for the public on what can be recycled, particularly in respect of plastics as the position on this needed clarification. The Leader advised that he thought the 'black box scheme' was excellent and very popular and was pleased that it would be rolled out as soon as possible throughout the remainder of the District (November/December 2007). He was also in favour of pursuing Option 2, if financially viable, with a hopeful introduction around June 2008.

**Resolved:** that

- (1) the feedback on options for improving recycling performance in the district be noted; and
- (2) the officers be instructed to undertake further work on Option 2 and in particular the financial aspects, with a report back to Cabinet with their findings.

### **50. Salisbury Vision – Approval of PID's for the Sub-Group Projects:**

Councillor Edge introduced the previously circulated joint report of the Policy Director, Pam Fox and the Head of Marketing Economic Development and Tourism.

**Resolved:**

(1) **Maltings and Central Car Park:**

- (a) the Salisbury Vision PID for the Maltings and Central Car Park (phase 1) be approved;
- (b) the Head of Forward Planning and Transportation be authorised to proceed with the project in line with the approval given by Cabinet on 28 March 2007, ie to confirm:

- the appointment of a specialist consultant to carry out a feasibility study of the proposed redevelopment of the Maltings and central car park and possible associated projects, and make recommendations about the appointment of a developer partner.
- that officers should carry out preliminary work on the identification of any constraints affecting the site.
- that an immediate review of the council's car parking strategy should be carried out with a view to achieving the sustainable distribution of an appropriate number of car parking

spaces to serve Salisbury in the future, and the maintenance of the council's revenue position.

(2) **Salisbury Guildhall:**

- (a) to set a clear strategic vision for the future use of the Guildhall, with a view to retaining a predominantly public use.
- (b) it is not considered that the engagement of further consultants in respect of the Salisbury Guildhall would add any value to the many previous reviews undertaken in respect of the potential future usage of this building.
- (c) £30,000 be allocated from the overall Salisbury Vision programme to carry out a feasibility study in order to develop a plan or series of plans and financial projections based on the mix of appropriate uses identified in (2) (a) above
- (d) to report back to a future meeting of the Cabinet with details of a business case for each identified use option, together with a project plan, associated timelines and milestones.
- (e) the Salisbury Vision PID for the Salisbury Guildhall and Guildhall Square be approved.
- (f) a report on the feasibility of introducing disabled access to the Guildhall be produced outside of the Vision process.

(3) **Market Place and public realm strategy:**

- a) the Salisbury Vision PID for the enhancement of the Market Place and front of the Guildhall and the development of a public realm strategy be approved.
  - b) Allocate £60,000 from within the Salisbury Vision programme to cover the cost of managing a design competition.
  - c) the Head of Forward Planning and Transportation contact Wiltshire County Council to seek confirmation of the funding for the enhancement works.
  - d) the Policy Director examines ways in which special approval arrangements can be established, such as the delegation of authority to a sub committee or to the Policy Director in consultation with named Members.
- (4) £300,000 be allocated in the council's capital programme to cover all currently planned activities, including expenditure in respect of 3.2 c) and 3.3 b) above.
- (5) that the officers be instructed to report back to Cabinet on the Vision Project for Churchfields Industrial Estate.

**51. Bourne Hill Office Project – Design Re-Brief:**

Councillor Roberts introduced the previously circulated report of the Property Manager. Councillor Roberts explained the various aspects of the revised scheme and that whilst no formal response had been received from English Heritage in respect of it, they had informally indicated their broad support for the amended smaller project. He advised that other discussions with the Architects were being had to establish the feasibility of introducing smaller scale sustainability schemes within the development which were affordable but effective.

The Leader advised that Wiltshire County Council needed to provide a clear steer on its future staff requirements in Salisbury, to help inform the Bourne Hill development process. He also emphasised that there would be full public consultation on how best to improve the walled garden to ensure that it meets the aspirations of local residents

**Resolved:** that the proposed changes to the Design Brief be approved and Officers be authorised to instruct the Design Team to develop the scheme to Stage D in readiness for a further report to Cabinet.

**52. Protection of Land Surrounding the Bourne Hill Site:**

Councillor Roberts introduced the previously circulated report of the Head of Legal and Property Services.

Janet Davies, resident of St Mark's Road, addressed the Cabinet in the context of the Village Green application, which was dealt with later on in the agenda.

**Resolved:** that

- (1) Cabinet resolves in principle its intention to pursue charitable status for the Land and [except with regard to the Secret Garden the land adjoining it and in the event Cabinet resolves to appropriate the land surrounding the old swimming pool such land] instructs the Head of Legal and Property to:

- Advertise as required by law
- Obtain a valuation from the Council's retained valuers as to the value of the Land [except as aforesaid] and if the valuation of the Land is more than £2M to seek the Secretary of State's consent

And with regard to the entirety of the Land

- Discuss Cabinet's intention to pursue charitable status with Wiltshire County Council with a view to seeking a consensus
  - Liaise with the Charity Commission to check that the pursuit of charitable status is acceptable in principle
  - Report back to Cabinet following completion of all of the above activities
- (2) Cabinet resolves that with respect to the Secret Garden the land adjoining it and [in the event Cabinet resolves to appropriate the land surrounding the old swimming pool] the land surrounding the old swimming pool when the purposes for the respective appropriations cease the Head of Legal and Property shall:
- Advertise as required by law
  - Obtain a valuation from the Council's retained valuers as to the value of them and if their value is more than £2M to seek the Secretary of State's consent

**53. Temporary Appropriation of Land surrounding the former Swimming Pool Salisbury:**

Councillor Thorpe introduced the previously circulated report of the Property Manager. The Cabinet noted that the old swimming pool was scheduled to be demolished this financial year and advised that the Council would give public notification when general access to the area was resumed.

**Resolved:** that Officers be instructed to commence the process of land appropriation on a temporary basis.

**54. Application to Register Lands at Bourne Hill etc as a Village Green:**

Councillor Roberts introduced the previously circulated report of the Head of Legal and Property Services.

**Resolved:** that the Council maintain its objection but does not commit any more expenditure in the participation of any inquiry.

**55. Fair Trade Proposal:**

Councillor Sample referred to the previously circulated report of the Head of Community Initiatives.

**Resolved:** that consideration of this report be deferred.

**56. Home Start – South Wiltshire:**

Councillor Sample introduced the previously circulated report of the Head of Community Initiatives.

**Resolved:** that Councillor John English (as the District Council's relevant outside body appointee) makes representation to Wiltshire PCT regarding its decision to stop funding Home-start South Wiltshire and seeks assurance that funding will be maintained to ensure that the vital services provided in South Wiltshire continue. A further report to come back to Cabinet in due course.

**57. Five Rivers Fitness Equipment:**

Councillor Dalton introduced the previously circulated report of the Head of Community Initiatives.

**Resolved:** that the Officers be authorised to undertake the procurement process to both replace the fitness equipment and modify the Fitness Suite itself at Five Rivers as outlined in the report.

**58. Equalities and Diversity:**

Councillor Thorpe introduced the previously circulated report of the Head of Community Initiatives.

**Resolved:** that

- (1) the proposals be endorsed to enable the Council to be provided with the necessary strategic and practical support as it seeks to lay the foundations for making sustainable progress in this vital area of work and to embed Equality and Diversity Best Practices within the authority;
- (2) an extension be agreed of the appointment of Abbeville Associates to 09.10.2008 and the consequent waiver of contract standing orders.

#### 59. Guidelines for Councillors Using ICT Equipment and Software on Loan:

Councillor Thorpe introduced the previously circulated report of the Head of ICT Services.

**Resolved:** that

- (1) the guidelines at Annex 1 to the report for Members using council loaned equipment and software whilst working 'offsite' or from home be adopted subject to the following amendments:
  - (a) Paragraph 1.4 which shall be amended to read:

All ICT equipment and software provided by the council remain the property of the council. Councillors are reminded that the intellectual property rights of any material produced as part of the work for the council whether stored or in electronic or paper format also remain the property of the council
  - (b) Paragraph 8.1 concerning private use to be amended by the deletion of the word "reasonable" in the first line – so the paragraph now reads `the council does not object to Councillors making private use of loaned ICT equipment and software provided to enable Councillors to work from home provided these guidelines and instructions are observed.

#### 60. Future Management Arrangements in Lead up to the Creation of a New Wiltshire Council:

The Leader introduced the previously circulated report of the Policy Directors, Debbie Dixon and Pam Fox.

Councillor Thorpe sought the clarification of the workloads of the two officer project teams and the allocation of resources, which were explained to him. The Leader also referred to the briefing note produced by Pam Fox, which had been previously circulated as a supplement to the report.

**Resolved:** that

- (1) the setting up of the Transition Team and Business as Usual Team be approved;
- (2) the terms of reference of both teams be approved;
- (3) members be nominated to the Transition Sub Groups as follows:-
  - (a) Common Services - Councillor Dalton (subject to confirmation)
  - (b) District Services - Councillor Tomes (subject to confirmation)
  - (c) HR Organisation and Capacity - Councillor Thorpe
  - (d) Legal - Councillor Roberts
  - (e) Assets - Councillor Roberts
  - (f) IT - Councillor Edge
  - (g) Communications - Councillor Sample
  - (h) Community and stakeholder engagements - Councillor Clegg
  - (i) Partnership and Area Working - Councillor Clegg
  - (j) Customer Interface - Councillor Thorpe (subject to confirmation)
  - (k) Finance - Councillor Roberts
- (4) Membership of the Member Transition Board - **Note** – since the meeting the leader and Deputy Leader have advised that the Board will comprise as follows: Councillors Fear, Clegg, Sample and Thorpe with the Leader having the casting vote. **Note** – this Board will sit as a sub committee of the Cabinet (and thus be subject to the normal committee rules eg 5 days notice of agendas) and be required to take urgent decisions between normal Cabinet meetings relating to transition arrangements in respect of the proposed new Unitary Authority.
- (5) the Finance Portfolio Holder be confirmed as the Business As Usual member lead; and the Resources Portfolio holder be confirmed as the transition group Member Lead;
- (6) the transition strategy of dealing with Unitary status be approved;
- (7) the staff support strategy be approved;
- (8) the drafting of a member support strategy for consideration in October 2007 be approved; and
- (9) the initial budget of up to £100,000 from within existing resources be approved; and
- (10) that on balance the holding of Unitary Authority elections in May 2009 appears to be the most suitable date.

#### 61. Members Support Arrangements:

The Leader introduced the previously circulated joint report of the Policy Director, Debbie Dixon and the Head of Democratic Services.

**Resolved:** that the Democratic Services Unit make available the support outlined in Appendix 1 of the report to the Chair and Group Leaders with effect from mid-September.

**62. Review Frequency of South Wilts Citizen, Council Magazine:**

The Leader introduced the report of the Head of Marketing Economic Development and Tourism (previously circulated).

**Resolved:** the proposal to increase the number of issues of the Citizen in 2008/09 to four as outlined in paragraph 2.4 of the report be approved.

**63. Performance Management:**

Councillor Thorpe introduced the report of the Policy Director, Debbie Dixon (previously circulated).

**Resolved:** that

- (1) the updates on areas of concern and proposed remedial action be noted; and
- (2) a revised approach to performance management in the light of the announcement on local government re-organisation be agreed.

**64. Private Sector Disabled Facilities Grants : Budget Virement Request:**

Councillor Tomes introduced the previously circulated report of the Head of Strategic Housing Services.

**Resolved:** that

- (1) an increase in budget of £70,000 for 2007/08 be approved; and
- (2) the transfer of resources from the Capital Grant provided by Central Government for Housing Renewal to the DFG Capital Budget be authorised.

**65. Building Control Shared Services Business Case:**

Councillor Thorpe introduced the previously circulated report of the Chief Building Control Surveyor.

**Resolved:** that

- (1) in principle the establishment of joint working in Building Control be approved;
- (2) the Joint Working in Building Control business case be endorsed; and
- (3) a further report be prepared when the detailed information is completed and approved by the Wiltshire Customer Partnership Board.

**66. National Non-Domestic Rate Write Offs (NNDR) – Write-Offs:**

Councillor Roberts introduced the previously circulated report of the Head of Revenues and Benefits.

**Resolved:** that the amounts shown on the previously circulated schedule of the report be written off for the reasons indicated and due to the fact that the council is a non-preferred creditor.

**67. Joint Consultative Forum:**

The Cabinet noted the minutes and considered the recommendations arising from the Forum meeting held on 27 July 2007. (reports previously circulated)

**Resolved** – that

- (1) **Flexi Time Scheme** - the policy be noted and approved.
- (2) **Security of Employment and Redundancy Policy** - deferred for future consideration
- (3) **Employers' Discretions Policy Statement on Local Government Pension Scheme and Local Government (Early Termination of Employment) (Discretionary Compensation)(England and Wales) Regulations** - the policy be noted and approved
- (4) **Flexible Retirement Policy** - the policy be noted and approved
- (5) **Right to request Working Beyond Retirement Age Policy** - the policy be noted and approved

**68. Code for Sustainable Homes (Supplementary Agenda Item):**

Councillor Clegg introduced the previously circulated report of the Planning Officer.

**Resolved:** that

- (1) the introduction of the Code for Sustainable Homes be welcomed;
- (2) the officers consider how the code for sustainable homes can be promoted through negotiation with developers; and
- (3) officers develop the appropriate policy within the local development framework to require future development to meet the principles set out



**69. Exempt Information:**

Resolved that In view of the confidential or sensitive nature of the matters to be considered, the press and public be excluded from the meeting during consideration of agenda item 30 and the urgent item, on the ground(s) 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 1 namely** information relating to the financial or business affairs of any particular person other than the authority

***Summary of Exempt Matter***

**Staffing Matter**

**Urgent Item – New Management Structure**

*The meeting concluded at 9.35 pm  
Number of public present 08*

Mr Chairman and members of the cabinet,

As a local resident I have followed the developments of the Bourne Hill town green application with considerable interest. I know it is also a subject of interest to many in the district. As such I read the officers report on this topic with a little surprise. For example I draw your attention to paragraph 3.2 in the report, which appears irrelevant, since the town-green application was made before the appropriation decision. I am told by WCC officers that the appropriation will have no effect on whether or not the land will be judged to be a town-green.

I am also surprised to see that the report makes no reference to Mrs Bell's response to WCC of 2<sup>nd</sup> July 2007, which I understand clarified many of the issues raised in the report. For example, I understand that it clarified that the town green application does not include any permanent building standing at the time of the application. Thus the statement that the Arts Centre extension might be effected by the application is misleading. I also understand that members of the Salisbury Town-green Group offered to meet with SDC officers in order to make sure that such misunderstandings were eliminated, but that this offer was rejected.

Thus I ask: does the cabinet share my concern that they are being invited to oppose the town green application based on incomplete and inaccurate information? I also ask the cabinet: whether they feel that taking such a course without consultation with the local residents involved is in keeping with their policy of consulting as widely as possible?

Colin Brain



## **Annex 2**

Chair: Mrs Victoria Morton, 2 Marlborough Road, Salisbury, SP1 3TH  
Secretary: Miss Susan Wright, 25 Victoria Road, Salisbury, SP1 3NF

Statement to Salisbury District Council Cabinet Meeting – 05 September 2007

This statement is made on behalf of Salisbury Town Green Group, which has been formed by local residents to promote and support the application to register all the open green space in the Bourne Hill area as a 'town green'.

In relation to items 10, 11 and 12 on the agenda, we would simply like to remind the cabinet that representatives of our group would be very willing to meet at any time with members and/or officers to try to resolve areas of disagreement connected with the application for town green registration. We would also hope to establish areas of agreement which we are sure are considerable especially since we believe we have a strong case.

The question raises various issues and I deal with each in turn:

1. The relevance of paragraph 3.2 of the report. External legal advice is that compliance with section 241 of the Town and Country Planning Act 1990 read together with sections 336 and 246[3] overrides anything relating to land which is or forms part of any green.
2. The omission of any reference to Mrs Bell's response to WCC dated 2nd July. This presupposes that either Mrs Bell or WCC have made the response available to Officers of this Council. Neither have.
3. Members of the Salisbury Town Green group did offer to meet with Council Officers but the offer was not taken up as there would have been a conflict of interest. The proper course of action was to do what Mrs Bell appears to have done which was to inform WCC which part or parts of the land covered by her application she wishes to continue to pursue to have registered in the light of the responses to her application.