

Minutes

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

Present:

Councillor P W L Sample (Leader)

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), A A Thorpe (Resources), J C Robertson (Environment) and I R Tomes (Housing)

Apologies: Councillor S R Fear (Deputy Leader)

It was noted that Councillor Fear's Father was poorly and the Leader, supported by the rest of the Cabinet, wished Councillor Fear their sincere best wishes during this difficult time.

105. Declarations of Interest:

None were declared.

106. Minutes of Last Meeting:

The minutes of the meeting held on 07 November 2007 were approved as a correct record and signed by the Chairman.

107. Public and Councillor Question and Statement Time:

Mrs Mary Stephens of Wyndham Road, Salisbury, Mrs Janet Davies of St Marks's Road, and Victoria Morton of Marlborough Road all made statements relating to agenda item 12 which are attached as Annex 1, 2 and 3 to the minutes. The Leader's response is attached as Annex 4, which he gave as part of the debate under minute 111.

Councillor Moss spoke in respect of minute 110 as Chairman of the Licensing Committee, to say that since the Licensing Act 2003 had been in operation, licensing arrangements in Salisbury had worked extremely well.

Councillor Parker spoke on a number of issues, including the operation of the Black Box Scheme in the Western Area and a number of matters which had come to his attention eg boxes being left outside properties when empty. The Leader welcomed the Councillor raising these matters and advised that Hills Waste operated the scheme in that area and that there had been a lot of local publicity about the new arrangements. The Leader advised that Councillor Robertson and relevant officers would examine the issues and report back directly to Councillor Parker on their conclusions.



Awarded in:
Housing Services
Waste and Recycling Services



Councillor Parker also spoke about the Council's approach to publicity and the amount spent thereon, particularly the split between that used to inform of Government driven issues and the promotion of local frontline services. Councillor Parker also referred to the promotion of Tisbury Sports Centre and the proposals he had put forward at the Cabinet's October meeting which he felt had not been progressed, especially the production of a report on how best to encourage greater patronage of the Tisbury and District Sports Centre. He referred to a conversation with an officer in which he had been told "All that could be done had been done", which he did not accept was the case. The Leader was concerned that the previously expressed wishes of the Cabinet, as regards publicity for Tisbury Leisure Centre, had not been carried out and requested that a marketing plan for Tisbury Sports Centre be brought to the next meeting and for the Cabinet's concerns to be noted in the minutes. Other issues relating to the refurbishment of the Centres would be dealt with by the Portfolio Holder during consideration of the matter later in the meeting.

The Leader advised that he would deal with the question on publicity expenditure as part of his response to Councillor Mrs Hill on the same subject.

Councillor Mrs Hill asked the Leader the following question

"Would you care to comment on the recent suggestion, that spending on publicity has increased significantly at Salisbury DC in the past year?"

The Leader advised that in a recent edition of the Western Daily Press it has a table of councils showing how much they spent on publicity in 2006/7 compared with 1996/97. Last year Salisbury District Council spent £385k - which according to that paper is a 1,672.2% increase on 10 years ago.

The answer is straightforward. In 1996/97 this Council only reported what it spent on public relations and marketing.

From 1999/2000 at the requested of the District Auditor, the Council changed this to include staff advertising and, other advertising. The figure for that year was £260k, so Salisbury District Council can accurately compare subsequent years spending to that year. Since then we have seen a 48% increase - quite different to 1,672.2%

The breakdown of 2006/7's £385k is:

Public Relations £54K

Staff advertising (job ads) £93k

Tourism £32k

Other advertising (most of which is statutory, eg planning notices) £129k

Other marketing and promotion (this will be across all service units and will include things like leaflets on waste collection, radio advertisements for the leisure centres etc. Important information that needs to be communicated and publicised to residents) £77k.

So although it is being reported as if councils are spending all this money on PR, the true picture is very different. Finally, the Council spent less in 2006/7 on publicity than it did in 2005/6

108. Forward Plan:

The Leader presented his Forward Plan for the period 1 January 2008 – 30 April 2008 (previously circulated) to be published and become operational from 1 January 2008.

Resolved: that the Leader's Forward Plan 1 January 2008 to 30 April 2008 be adopted for publication.

109. 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 10 December 2007)

110. Review of Licensing Policy:

Councillor Robertson introduced the previously circulated report of the Environmental Health Manager. A guidance note on terminal hours was circulated at the meeting and is attached as annex 5 to the minutes.

Recommended to the Full Council on 10 December 2007: that the previously circulated draft revised Licensing Policy be approved

111. Office Project – Stage D Sign Off:

Councillor Roberts introduced the previously circulated report of the Acting Chief Executive. Councillor Roberts advised that some further explanatory figures would be provided to help facilitate discussion at Full Council on Monday 10 December.

Recommended: that the variation in the capital programme of an additional £2.420m be approved

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Cabinet Decisions

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

112. Office Project – Stage D Sign Off:

Further to minute 111, it was noted that a response from English Heritage had been received via email that afternoon concerning the issues raised by registration of the Garden to Bourne Hill at Grade 2 (attached at Annex 6). The Cabinet agreed that consequently there had not been sufficient time to consider it. The Leader recognised that the revised scheme was a compromise and would still cause concern with some residents and he offered to meet with any such residents to discuss their concerns.

Resolved: that

- (1) the leader and Finance Portfolio Holder offer to meet with any concerned residents to discuss the process for the project and its details;
- (2) the detailed designs and finish be approved;
- (3) the Chief Executive be delegated, in consultation with the Portfolio Holder for Finance and his Deputy the Portfolio Holder for Resources, to agree any minor changes to the detailed designs and finish required in consequence of the Environmental Impact Assessment to accompany the application for planning permission and also to negotiate the registration of the Richard Woods garden issues with English Heritage;
- (4) the submission of planning listed building and any other requisite applications for statutory consents be agreed;
- (5) the continuation of design work in accordance with the established programme be agreed.

113. Refurbishment of Sports and Leisure Facilities:

Councillor Dalton introduced the previously circulated report of the Head of Community Initiatives and supported the points made by Councillor Parker about the lack of action on a publicity plan for Tisbury Sports Centre.

The Portfolio Holder was particularly concerned at the number changing lockers that were out of action in the Centres and the lack of lustre marketing campaign for these facilities. The Leader advised that the proposed refurbishment programme which he supported required a significant capital investment and thus demonstrated the Administration's commitment to improving public health in the District.

Resolved: that the refurbishment programme be agreed and incorporated into the structural maintenance programme.

114. Salisbury and South Wiltshire –Our Place in the Future – Consultation Results:

Councillor Clegg introduced the previously circulated report of the Head of Forward Planning and Transportation.

Resolved: that

- (1) the results of the consultation be noted and await the analysis of the data in the preferred options report that will be brought back to Cabinet in January for authorisation to release for public consultation;

- (2) to receive a report on 16 January 2008 from the Salisbury Vision project director (with recommendations from the public consultation, from the Salisbury Vision steering group and from the City Area Community Committee) and the amended Salisbury Vision document" be approved and adopted; and
- (3) all the Officers involved in this project be thanked for this excellent qualitative piece of work

115. Request for Authority to Undertake a Consultation Exercise:

Councillor Clegg introduced the previously circulated report of the Area Team Leader Development Control.

Resolved: that the proposed consultation be agreed.

116. Corporate Plan 2007-2009:

Councillor Roberts introduced the previously circulated report of the Corporate Communications Manager and Performance Improvement Manager (on behalf of the Management Team).

Resolved: that

- (1) the revised approach to Corporate Planning set out in the report be approved; and
- (2) the timetable and content plan be approved.

117. Park and Ride at Petersfinger – Implementation Progress:

The Cabinet received the following update from the Cabinet Member for Transport.

Scheme Development

Detailed Design

Detailed design of the civil engineering work is underway and due for completion in January 2008. Specification and outline design is being completed for the facilities building, which will be procured on a design and build basis.

Procurement

An invitation to pre-qualify was advertised in the European Journal on 11th October, 2007. Pre-qualification questionnaires (PQQ's) were received from 19 companies on 8th November. Evaluation is ongoing and a shortlist of 4 to 6 will be confirmed by Friday 14th December. Full tender documents are under preparation and subject to successful land negotiations* will be issued to the short listed companies in February 2008.

Land Acquisition

Negotiation with the 3 landowners is ongoing.

Should land negotiations fail WCC will move to issue draft Compulsory Purchase Orders in January 2008.

Proposed Construction Programme

*Subject to successful land negotiations and early entry agreement, Advanced Works and Site Clearance could be completed prior to March, 2008.

The main construction could therefore commence in June 2008 with an anticipated completion early in 2009.

Should land negotiations fail and CPO be required, construction is unlikely to commence before Winter 2008.

Funding

The DfT have been notified that the Council may wish the funds released to enable construction next year. The funding is set at £3.2 million.

The Council is currently awaiting confirmation from Government Office for the South West (GOSW) that the funds will be released directly from the DfT.

Risks

Failure to reach agreement with the landowners will significantly delay the project as CPO will be required.

It should be noted that no further funds from the DfT are available and any potential delay will increase costs due to construction inflation.

Shortlist of contractors cannot be confirmed until GOSW has confirmed that the funding will be released.

The Leader re-affirmed that delivery of the last Park and Ride site before May 2009, as part of the LTP started in 1995, remained a key political priority for the Administration and urged continued focus on delivery of the project.

Resolved: that progress be noted and further update reports be presented to Cabinet at each of its meetings in view of the integral part it plays in the delivery of the Council's transport programme.

118. Concessionary Travel Scheme 2008-2009:

Councillor Robertson introduced the previously circulated report of the Transport Planner.

Resolved: that the option detailed at paragraph 7.4 of the report form the scope of the 2008-09 concessionary bus pass scheme for Salisbury District eligible residents.

*The meeting concluded at 7.25 pm
Number of public present 10*

Mary Stephens
34 Wyndham Road
Salisbury
SP1 3AB

Question/Statement to Cabinet 05 December 2007

Bourne Hill Development

Please may I voice the concerns of the residents who were opposed to the Bourne Hill development. I think that the truncated version of the building is a compromise that some of us will be happy with.

But may I remind you that the height of the building was always a serious issue. The top floor is and always was higher than the listed building and higher than the roof line of the Grade 2* listed Arts Centre next door. As yet the space needed by the Council is not clear.

WCC as the Unitary Authority has not yet decided whether or not we will have a City or Parish Council or what their responsibilities will be. Until that is made clear, no decision should be made with regard to the possible enlargement of the top floor. In fact I would plead for that floor to be removed from the proposals altogether.

Mary Stephens

Mrs Janet Davies
21 St Marks's Road
Salisbury SP1 3AY
Tel 01722 322254

Question/Statement to Cabinet 05 December 2007

Bourne Hill Development

I wish to make a few points and ask an important question on behalf of members of the community who have put up a long fight against the original Bourne Hill office plans.

We have been happy about the truncation of the building and the saving of some of our trees and promises to restore the secret garden as far as possible.

It had been assumed by most of us that - with the Unitary Authority coming into being and WCC saying they or their successor WC would use whatever was built at Bourne Hill - only a small building would be needed. We now find that the latest plans are to keep the 2nd storey and even widen it by 3m to the east. Mr Creasey says 'you won't notice that bit' - but of course you would notice a 5m 2nd floor which we thought was not going to be built!

Having studied the plans carefully I am particularly worried that with the new building abutting on the South side - even without the highest floor - the secret garden will be a lot more shaded. Before, there was only a Porto cabin to the south - the Victorian extension was some 10m further away from the SE corner and 1 storey lower than the full height of the glass building. We can see that the feeling of the place will be very different: instead of a sunny garden, a much colder place.

English Heritage have now finally registered Bourne Hill gardens as a grade 2 site of special interest on their list of important parks and gardens.

I'd like to remind you of some of the content of the letter Fiona Cowell wrote to the Conservative council before they approved their own planning permission for the new office building on May 12th 2006. Fiona Cowell is a major authority on Richard Woods the 18thc landscape designer. She came to look at Bourne Hill gardens in 2005 with a member of English Heritage with a view to listing the garden then. The reason it never happened before is a long and convoluted story.

Some of you will remember hearing this before: She said,

' I beg you to consider the adverse visual impact that this high proposed building would have on the only known surviving town garden by the landscape designer Richard Woods...this building would dominate the majority of the garden design in a highly intrusive way. I feel strongly that this site is of national importance due to its rarity in Woods' work, and its visual impairment would be seen as an act of vandalism on the part of the very organisation that should be seeking to preserve it.'

In view of the detrimental effect this second floor could have on the now listed garden - and these decisions being made with as yet so many unknowns as regards size and occupation, is it sensible to be moving ahead with this part of the plan?

Janet Davies

Mrs Victoria Morton
Marlborough Road
Salisbury
SP1 3TH

Question/Statement to Cabinet 05 December 2007

Bourne Hill Development

From the evidence produced thus far in the Design re-brief statement there appears to be some fundamental flaws to the revisiting of the project.

This council was elected by a huge wave of public opinion against the original office scheme. Following the public consultation it was clear that a significantly modified project was preferred, not just a chopped off version of the original.

To be using the original outline client brief after these messages from the public and the unitary authority decision appears to be astonishing in the extreme. The last Council had a very lax attitude towards risk management and you are in danger of travelling along the same path.

Surely, far from building the largest building we might get away with and then promoting its use by the unitary authority, the council should be looking to build the smallest, most flexible and sympathetic building that meets its possible future needs.

Why, in spite of the seismic events which have occurred, has the outline client development brief not been completely rewritten?

Annex 4

Reply to Mary Stephens, Janet Davies and Victoria Morton from the Leader of the Council

Office Project

I will answer the questions from the above three residents jointly rather than individually, since they essentially cover the same topic.

May I firstly say that the proposed scheme is a compromise; we have tried to square the circle of the financial crisis we inherited with the wishes of the public to think again about the impact of the original design.

Our modified proposal preserves the Grade II* listed building at Bourne Hill for posterity, and has saved the much loved secret garden. But it is a compromise. We needed to give ground on the design of the extension because if we had tried to start from scratch the Contract signed by the Council before the election stipulates that we would have had to pay a multi-million £££ penalty payment to the contractors and their penalty would have resulted in the council going bankrupt. Thus, our hands have effectively been tied by the contract signed by the former Administration.

Questions have also been put about the need for less accommodation as a consequence of the new unitary authority, but consultation with Wiltshire County Council has revealed that it wishes the building to be completed rather than aborted.

Finally, we agreed in September that the most cost effective way to deal with the second floor of the extension was to widen it by about 3m. We were open and honest about this intention. The increased width will be difficult to spot from the secret garden. So, whilst I note and welcome the views expressed, I do not think it is either feasible or desirable to remove or reduce the second story extension.

Finally, we are pleased to note that, as a result of the hard work undertaken in the past five months, the revised budget figure is £800,000 less than that reported to the July 2007 Cabinet meeting.

AIDE MEMOIRE: AGENDA ITEM 9

TERMINAL HOURS: LAWFUL OR NOT?

The Licensing Act 2003 does not expressly prohibit a policy including a terminal hour. Nor does guidance issued under s182 of the Act although the guidance does seek to discourage including a terminal hour. There have not to date been any decided cases directly on the issue.

Any policy containing a terminal hour must make it clear when it will be applied. It must not suggest that a terminal hour will be applied to every application as the policy is only engaged where any relevant objections are made.

Moreover even when any such policy is engaged the decision maker will still be able to depart from it where appropriate reasonable grounds are established. It is not a blanket ban and must not give the impression that it is.

There is no present reason for believing it would be unlawful to include a terminal hour.

The effect of removing any terminal hour would be that there would no longer be a rebuttable presumption against longer hours. Provided that there was no evidence to suggest that an application might undermine one or more of the four licensing objectives, an applicant would not have to demonstrate "good grounds" for hours beyond our present policy. If there was nothing in the evidence presented to indicate that there was a real possibility of the licensing objectives being undermined, then the application should be granted. If a terminal hour is retained (whether extended or not) then an applicant for longer hours where there are relevant objections would have to give good reasons to persuade a decision maker to depart from policy.

OTHER FACTORS

Including a terminal hour in the revised policy may make it more likely that someone will attempt to challenge it. This authority is at present one of only two with a terminal hour, the other being Westminster City Council.

Annex 6

I am responding to the issues raised by registration of the garden to Bourne Hill at Grade II.

The registration of the site includes the whole garden. In assessing any garden the advisor would look at the site and its evolution as a whole. It is similar to listing of buildings in that the whole building is listed. There may be elements of the building or garden which are of greater or lesser significance but they form part of the history and evolution of the site as a whole. The Naish Plan of 1716 shows the whole garden as defined in the map accompanying the register as part of the grounds to the house. The west wall between the house and church is likely to have been built earlier and the Rodney Melville document suggests 17th century fabric but suggests there may have been a wall in this position for some time. The whole garden as defined by the map accompanying the register entry is considered to be part of the evolution and history of the site. As the description demonstrates the key significance of the garden is the area to the east of the house which was laid out in the 18th century, probably to the design by Wood's which incorporated the ramparts of the City in the design. Richard Wood's is generally perceived as an important landscape designer and architect, who worked in the style of Lancelot Brown, by nevertheless developed his own recognisable style. The Kitchen garden with its boundary walls forms an important element. The boundary walls define its area and are an important architectural element and its historic use providing food for the house is an important part of the social history of the site. The advisors report mentions the fact that the southern part of the walled garden is dominated by the late 19th century wing of the house and the late 20th century pre fabricated office buildings. This description shows that this area of the garden was built on at the time of the assessment and therefore its significance in terms of the design on the ground of lesser significance to those mentioned above however it forms part of the original garden and is an element of its historic evolution and part of the curtilage of the listed building.

In considering any application for new building within a registered garden we would need to assess the impact of the proposals on its special interest. Of course this consideration would be mindful of the present condition of the garden. In respect to this scheme we are mindful of the fact that the area in the vicinity of the house has been largely built upon and therefore its significance and interest has been diminished. In this respect this area of the garden is of lesser significance to the whole and is where development would be considered more favourably in comparison to the rest of the garden. Perhaps your members would be reassured that it is not unusual for permission to be granted for new buildings within an historic park or garden.

I would like to take the opportunity to raise the issue of the future management of the registered garden. This is an important garden and we suggest that a management plan is developed so that the significance of the garden is maintained and enhanced. The work should be undertaken by a professional who is well versed in dealing with historic landscapes who can analyse the history and evolution of the garden in terms of structures and planting and compare with this with the present condition in order to inform and guide recommendations for its future management. The development and implementation of a management plan for the site would be considered as a positive benefit in consideration of any scheme which comes forward for the site.

I hope this is useful.

Regards

Isla Macneal
Historic Building Inspector