

## WEST WILTSHIRE DISTRICT COUNCIL

### MINUTES

Minutes of the: **Cabinet**

Held on: **Wednesday 5 March 2008**

Held at: **Council Chamber, Bradley Road, Trowbridge**

Councillors: Payne (Leader), Conley, Davis, Eaton, Fortescue, March, While and Wiltshire

Also present: Cllrs Brown, Carbin, J Osborn & H Osborn

Officers: Chief Executive (AP), Head of Legal (NM) Lawyer (SS), Head of Finance (IJ), Financial Accountant (AB), Corporate Director (IG), Property & Estates Service Manager (JF), Stronger Communities Manager (DC), Community Development Officer (MM) and Member Support Officer (KH)

#### **27. Apologies**

Apologies were received from Cllrs Mounde & Phillips OBE.

#### **28. Declarations of Interest**

##### **Local Government Reorganisation**

All members declared a personal interest - loss of substantial allowances.

Cllrs Davis and While declared that they are dual hatted members of both District and County Councils.

Cllr Wiltshire declared that he is a dual hatted member of Community Area Partnership and District Council

#### **29. Minutes**

The minutes of the meeting held on 6 February 2008 were approved as a correct record and signed by the Leader.

#### **30. Presentation of the recommendations of the Scrutiny Committee**

Cllr J Osborn presented a report to Cabinet containing the recommendations of the Scrutiny Committee concerning the telephone system, HMO's and performance.

## **RESOLVED**

**That Cabinet noted the recommendations of the Scrutiny Committee and instruct Officers accordingly:**

### **Telephone system**

- That there is clearly still improvements that need to be made to the telephone system, but the Scrutiny Committee acknowledges that these are currently being worked on
- Requests that this improvement work is given high priority and that funding should not be a reason for delaying improvements
- Requests that Cabinet carry out a further consultation exercise with members of the public, via Peoples Voice and mystery shoppers, to identify any other areas of concern with the telephone system
- Requests that another detailed report on further improvements made to the telephone system be brought back to the Scrutiny Committee in May 2008

### **Houses in Multiple Occupation (HMOs)**

- Consideration is given to increasing publicity and the extra support that might be needed from across the Council to identify HMOs and to ensure this new initiative to survey HMOs is successful

### **Performance**

- There is still concern over the results of the performance indicators for Development Control in relation to the processing of planning applications. Scrutiny Committee hopes that improvements will be seen with the introduction of the Vanguard system. Scrutiny Committee does however acknowledge that there have been a number of staffing issues within the service.
- Scrutiny Committee welcomes the commitment given by the Policy and Communications Portfolio Holder to follow up and address issues relating to letter response times.

## **31. Announcements from the Leader**

1. The Leader noted that this was to be the last Cabinet meeting that the Chief Executive, Andrew Pate would be attending. The Leader thanked Andrew for all the work he had done for the Council and wished him well for the future.
2. The Leader also informed Cabinet that the Judicial Review had been dismissed and that the Council must now move forward and work closely

with the Implementation Executive and be ready for Unitary on 31 March 2009.

The new structure of Officers at West Wiltshire is now in place and we must work towards full integration and give customers and employees the best possible service.

### **32. CPO issues relating to St. Stephens Place**

The Corporate Director updated the Cabinet. Solicitors have been appointed with appropriate experience in CPO issues.

They will be reviewing files and will be providing advice to the Council on options for proceeding. This will be the subject of a future report to Cabinet.

#### **RESOLVED:**

**Cabinet resolved to note the report.**

### **33. Multi Storey Car Park Update**

The Property and Estates Service Manager and Corporate Director presented the report for Cabinet to agree the approach and scope of works for the multi storey car park project.

#### **RESOLVED:**

- **Agree the suggested scope and phasing of the multi storey car park refurbishment and improvement works as set out in the agenda report based on the intermediate scheme.**
- **Request that arrangements for temporary car parking be established as set out in the agenda report.**
- **Request a further report in April to be followed by consideration of any revised capital budget at the April meeting of Council.**
- **Note the impact of the works on the Council's leisure facility at Castle Place.**

#### **Key Decision Box**

<b>Statement of reason for key decision</b>	<b>Impact on the Community and the Council's budgets.</b>
<b>Options considered and rejected</b>	<b>These are addressed in the report</b>
<b>Date of implementation</b>	<b>MSCP refurbishment during</b>

	<b>summer of 2008 subject to further approvals at April Cabinet and possibly Council.</b>
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**34. Land at Awdry Avenue Melksham**

The Property and Estates Service Manager updated Cabinet on the proposed lease of this site to the Forest Community Association and to obtain approval for the way forward.

**RESOLVED:**

**That Cabinet:**

- **Lease the site to Forest Community Association at £1,800 p.a**
- **Provide a grant subject to a service level agreement linked to the on-going community benefits of the project.**
- **Request that this Service Level Agreement contains instructions that it is to be reviewed in 5 years by the new Unitary Authority**

**Key decision box**

<b>Statement of reason for key decision</b>	<b>Potential loss of receipts in excess of £100,000</b>
<b>Options considered and rejected</b>	<b>See options section above.</b>
<b>Date of implementation</b>	<b>17 March 2008</b>

**35. Financial Support to Community Area Partnerships and Voluntary/Community and Arts Sector Organisations and projects 2008/09.**

Cllr Chris March presented the report to seek Cabinet's approval for financial support to voluntary, community and arts organisations and projects in 2008/09.

**RESOLVED:**

**That Cabinet:**

- 1. Note that all current Service Level Agreements/Funding Agreements are due to expire on the 31<sup>st</sup> March 2008.**
- 2. Approve financial support to the following organisations and initiatives for 2008/09 as detailed in the agenda report.**
- 3. Approve that the £5000 previously allocated to WREC is ring-fenced to support the provision of services to Black and Minority Ethnic (BME) communities via an alternative service provider. It is proposed that in order to secure best value for money our £5000 is added to the contributions of WCC, NWDC, SDC, KDC, Wiltshire Police and Wiltshire PCT to secure a service for West Wilts BME residents through the auspices of the West Wilts Citizens Advice Bureau.**
- 4. Requests Wiltshire County Council to continue to support the above organisations for a minimum of an additional 12 months.**
- 5. Delegates the opportunity to negotiate variations to funding conditions as appropriate to the Stronger Communities Manager in consultation with the Community portfolio Holder.**

**36. Performance Monitoring**

Cllr Davis updated the Cabinet on the latest performance results, in particular concerns in Development Control and Housing.

The Chief Executive highlighted that improvements have been made in these areas, but the departments have staff shortages, partially arising from Local Government Reorganisation, and this should be recognised.

**RESOLVED:**

**That Cabinet note the report.**

**37. Delegation of Housing related Decision and Powers**

Cllr Fortescue presented the report to enable a number of housing related decisions and powers to be delegated from Cabinet to the Housing Services Manager.

**RESOLVED:**

**That Cabinet approve the grant of the delegations listed above to the Housing Services Manager.**

### **38. Financial Monitoring to 31 January 2008**

Cllr Roy While presented the report to inform Cabinet of the Council's financial position for the period ending 31 January 2008.

#### **RESOLVED:**

**That Cabinet notes the current financial position and the likely out-turn.**

### **39. Write Off Report**

Cllr Roy While presented the report to propose the write-off of various debts as at 31 January 2008. The last write-off report was as at 31 October 2007.

#### **RESOLVED:**

**That Cabinet:**

- i) Notes the action of the Section 151 officer in writing off the debts under £500 totalling £64,646.76.**
- ii) Approves the write off of the debts over £500 totalling £121,796.69.**
- iii) Notes that the total amount of debt written off from the proposals above equals £186,443.45.**

### **40. Update on Local Government Reorganisation**

#### **Judicial Review**

The Head of Legal updated members on the Judicial Review.

- The Judges ruled that the Secretary of State's consultation was preparatory and not part of a formal process.
- The Secretary of State's decision was lawfully made as the decision was made after the Act of Parliament
- The Judge understood the frustrations of the opponents to the process, but the Secretary of State did have the right to change her mind. However, they felt that Councils had not been put at a disadvantage.

The Chief Executive stated that Cabinet must now decide how to proceed:

- To cease any further proceedings
- To engage in further proceedings

At Council it was indicated, when this matter was last discussed, that it would be appropriate to cease any further proceeding and work towards the Unitary Authority if the Appeal was lost.

The Leader agreed that no more taxpayers money should be spent on legal costs and that we should move forward to Unitary.

**RESOLVED:**

**That Cabinet:**

- **Note with regret the decision of the Judges of the Appeal Court, but resolve to work constructively with all other Wiltshire Local Authorities to engage with moving forward to a Unitary Authority.**
- **Withdraw from any further challenge to the Secretary of State's Decision in respect of the Local Government Structural Change in Wiltshire.**

**Implementation Executive**

Advice is being sought to clarify whether a further meeting of Council is needed to confirm the nominations from West Wiltshire to the Implementation Executive now the Structural Change Order for Wiltshire has become Law.

**RESOLVED:**

**That an Extraordinary Council meeting be scheduled to take place on 18 March 2008 if required to confirm this Councils nominations to the Implementation Executive.**

**Local Government Reorganisation**

Cllr Rod Eaton echoed the comments regarding the Judicial Review. He also informed Cabinet that:

- Structural change orders were approved on 28<sup>th</sup> February.
- The next Implementation Executive meeting was to be held on 19<sup>th</sup> March.
- There is an average of 4 staff leaving a month
- That pertinent questions regarding Development Control and how it will operate with the Council will be asked at the next Implementation Executive meeting

**41. Cabinet Forward Work Plan April – July 2008**

The Leader presented the revised Cabinet forward Workplan.

**RESOLVED:**

**That Cabinet approves the revised Forward Work Plan April - July 2008**

**42. Date of Next Meeting**

The next meeting of Cabinet is scheduled for Wednesday 2 April 2008 at 7.00pm in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge.

(7.00 – 8.25pm)

These minutes were prepared by Karen Hart, Member Support Team Leader, who can be contacted on Tel: 01225 776655 ext. 242

**THESE MINUTES WERE PUBLISHED ON 11 MARCH 2008**