

Minutes

Alamein Suite
City Hall, Salisbury
4.00 pm: 15 September 2004

Part I: Procedural Matters

ACTIONED BY
Cabinet Member
(Contact Officer)

375. Present:

Councillors K C Wren (Leader), J M Collier (Deputy Leader), J C Noeken & Mrs M M A Peach (Planning and Economic Development), D W Brown & Mrs S A Willan, (Environment and Transport), J A Cole-Morgan & R Britton (Community & Housing) and Mrs S A Warrander & D A Culver (Resources).

The following Councillors were also in attendance and with the permission of the Chairman addressed the meeting on the matters indicated - The Chairman of the Council, Councillor P V H Paisey together with Councillors F D Bissington (minute 385); Mrs I Evans (minute 384); I D McLennan (minute 385) and C G Mills (minute 384).

376. Code of Conduct - Members & Officers' Interests:

Councillor Wren declared his personal interest in the matter set out under minute 386 below by virtue of a pension received from the Royal Bank of Scotland.

Councillors R Britton and Mrs S A Willan declared their personal interests in the matter set out under exempt minute 395 below by virtue of their positions on the South Wiltshire Primary Care and the Salisbury Hospital NHS Trusts.

Cllr Wren
(S Agland)

377. Minutes and Updates:

Further to [minute 336 \[2\]](#) (23/06/04), the Cabinet Member for Community and Housing informed the Cabinet that the Council had received a reply from Housing Minister, Keith Hill regarding future funding options for public sector housing. The reply indicated that there were no proposals to change the way the Government funded implementation of the decent homes standard. This meant in effect that if and /or when additional finance was required to meet that standard the Council remained limited to three options: large-scale voluntary transfer, private finance initiative or arms length management organisation.

Cllr Wren
(S Agland)

Agreed: that the [minutes of the last meeting](#) be approved and signed by the Chairman.

378. Public Questions and Statements:

Colin Duller of Essex Square, Salisbury had submitted the following Questions:

1. Difficult People Policy – “Who decides when to institute the new “Awkward Customers Policy” and what warnings are issued in the event of its use.”

The Chairman replied - "I understand that you have been sent a copy of the Difficult Customer Policy. You will see under paragraph 2 of that policy how the Council defines a difficult customer. The rest of the document sets out how the Council deals with such people. In short, there are different behaviours that require different responses and that will determine who deals with the case and what - if any - warnings are given."

2. Bemerton Heath Residents Association – “The Bemerton Heath Residents' Association is seeking £8,000 funding. The Chairman of this Group is Councillor Iris Evans, who also is Chairman of Housing Scrutiny Panel and a Member of the Tenants Panel. Councillor Osment is also a fellow Bemerton Heath Councillor and a member of the Scrutiny Panel. Also, Councillor McCarthy is a County Councillor for this Area. Does this mean that the request comes from the Councillors, Scrutiny Panel, Tenants' Panel or directly from the Residents? I have been unable to find a list of the Bemerton Heath Residents Association Officers and Committee or its manifesto. I believe Public Scrutiny requires this knowledge as it involves Council funding."

The Chairman replied – "The question of funding for the Bemerton Heath Residents Association will be considered under Agenda Item 7 (minute 384 below) and you are most welcome to stay for that discussion. You will see that section 5.7 of the officers' report seeks assurances on many of the issues you have raised. I can see nothing in the report that leads me to question the role played by the local members in this case."

Gillian Henderson, Chairman of the Tisbury Parish Council made the following statement:

Local Plan: Station Works, Tisbury – “The Planning Officers received a letter from Battens dated 17 February 2004 and a letter from Southern Planning Practice dated 3 February 2004. We would be grateful to receive copies of the Planning Officer’s replies to those letters.”

The Chairman replied - There is a substantial volume of correspondence on the planning file, including letters from Battens and the Southern Planning Practice and various letters from the officers - some of which refer to more than one issue. I have copies of some documents here that you may take away this evening - I hope they contain the information you require, if they do not, can I ask that you arrange a visit to the Planning Office to view that file and to take copies of any specific information that you require. The planning files are open to public inspection during normal office hours.

Mark Carrington of White, Young & Green made the following statement:

Revised Development Brief For The Housing Allocation On Land Off Duck Lane, Laverstock.
"This is a brief statement in support of your officers' recommendation that the revised Development Brief for the housing allocation on land off Duck Lane, Laverstock be adopted as Supplementary Planning Guidance to the Local Plan."

"You will see from your officers' report, particularly at Appendix I, that the developer and their project team have worked hard with officers to fulfill the Cabinet's promise that the allocation of this site would mark the beginning of a new 'inclusive' approach to consultation on new development, as a result of which a substantial number of changes have been made to the draft brief following an extensive public consultation exercise and comments received from both City and Southern Area Committees. I believe that these changes are testament to the success of the consultation exercise. Changes have been made which cover a whole range of issues including the provision of more parking spaces and highway safety improvements, public open space and community facilities, sustainability, archaeology, environmental management and considerate construction arrangements.

"You will be pleased to hear that progress is being made with regard to other s.106 issues, particularly education contributions and affordable housing and meetings and dialogue continue in this respect and will be concluded as part of the planning application process. Importantly, the Developer was recently asked to increase the proportion of affordable housing to 33% and this has now been agreed.

"I do hope that you will be able to approve the revised Brief as this will allow work on the planning application to be finalised and the application submitted in accordance with an agreed Brief. The next phase of public consultation can then take place and the developer is already preparing a further leaflet drop and public exhibition to advertise and explain the detailed planning application. Such consultation will obviously be welcome by the local community as it represents the opportunity to comment on those issues of primary interest such as where the houses are going to be sited, where footpath connections will be and what the proposed boundary and landscape treatment is to look like.

"As before, I am also here today to answer any specific questions that Members may have."

The Chairman replied - Thank you Mr Carrington for your statement, we will be considering this issue in more detail under agenda item 8 (minute 385 below) and I do hope you will stay for that discussion.

379. Call-in:

No decisions from the last meeting had been called-in.

**Cllr Wren
(S Agland)**

380. Forward Plan:

The Leader presented his [Forward Plan](#) for the period 1 October 2004 – 31 January 2005 (previously circulated) that would be published on 16th September 2004 to become operational from 1 October 2004.

**Cllr Wren
(S Agland)**

Agreed: that subject to the consideration of the future development of Churchfields being moved to February 2005 to allow the existing scrutiny review to conclude its work, the Leader's previously circulated Forward Plan be adopted for publication on 16 September 2004.

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Part 2: Recommendations to the Council

(The recommendations set out below will be considered by the Council on 27th September 2004)

ACTIONED BY
Cabinet Member
(Contact Officer)

381. Statutory Determinations in respect of Capital Finance 2003/04 & Treasury Management Performance 2003/04:

The Cabinet Member for Resources introduced the previously circulated [report of the Head of Financial Services](#).

Cllr Mrs Warrander
(A Osborne)

Recommended to Full Council on 27 September 2004:

- (1) that the statutory determinations in respect of capital finance 2003/04 as set out in paragraphs 1.1 – 1.5 of the above report be approved; and
- (2) that the Treasury Management report as set out in paragraphs 2.1 – 3.4 of the report be noted.

382. Amendments to the Scheme of Delegation:

The Cabinet Member for Planning & Economic Development introduced the previously circulated [report of the Head of Development Services](#).

Cllr J Noeken
(S Thorne)

Recommended to Full Council on 27 September 2004:

High Hedgerows:

- (1) that the following function be added to paragraph 1.1 of the Area Committees' functions:
 - (i) functions relating to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003.
- (2) the following powers be delegated to the Head of Development Services:
 - (ii) to deal with and determine all complaints in relation to high hedges made pursuant to Part 8 of the Anti-Social Behaviour Act 2003 and any regulations issued thereunder.
 - (iii) to authorise persons to exercise the power of entry pursuant to Section 74 and 77 of the Anti-Social Behaviour Act 2003.
 - (iv) that the Council charges the maximum permitted fee in relation to High Hedge complaints under Section 68 of the Anti-Social Behaviour Act 2003 and regulations to be made thereunder.

- (v) that consideration be given whether to set different rates for different groups of people (for example, those on low income support benefits) and whether any refund should be allowed (for example if the matter is subsequently settled through mediation), if this is not covered in the forthcoming Regulations.

Miscellaneous:

(a) Reasons for refusal and subsequent appeal

- (vi) New 14.2 (b) That the Head of Development Services be authorised to disregard a reason for refusal, where an appeal to the Secretary of State has been lodged and the appellant has overcome that reason/s through further work or that new information has been tabled that would make pursuance of the case, in this respect unreasonable.

(b) Enforcement Action

- (vii) New 14.23 (b) That the Head of Development Services be authorised to initiate enforcement action, including subsequent prosecutions, on behalf of the District Council subject to the local ward member calling it in on behalf of the public or parish council, the HDS considering it expedient to exercise such powers and subject to the Head of Legal and Property Services being satisfied as to the evidence.

- (viii) 14.4 delete “following consultation with ward members”

(c) Tree preservation orders and Trees in Conservation Areas

- (ix) New 14.31 (b) That the Head of Development Services be authorised to modify, vary or revoke a Tree Preservation Order where required after consent has been granted to fell the tree, or the tree has died due to natural causes.
- (x) New 14.31 (c) That the Head of Development Services be authorised to notify Parish Councils on the outcome of any notice of intent applications.

383. Amendments to Financial Regulations and Standing Orders:

The Cabinet Member for Resources introduced the previously circulated [report of the Policy Director, David Crook](#).

*Cllr Mrs Warrander
(D Crook)*

Recommended to Full Council on 27 September 2004 -

- (1) that the increases in the first 3 financial thresholds as set out in section 4.2 of the report be noted and that the increase in the fourth be approved;
- (2) that the proposals set out in sections 4.3 and 4.4 of the report be approved; and
- (3) that the officers make appropriate arrangements to set up an electronic ordering/payment system and carry out a BPR review as part of this exercise.

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Part 3: Cabinet Decisions

All decisions set out in this section of the minutes will be implemented on or after 28th September 2004 (unless called in for consideration by the relevant Overview and Scrutiny Panel)

ACTIONED BY
Cabinet Member
(Contact Officer)

384. **Developing a more Strategic Approach to Social Inclusion:**

The Cabinet Member for Community & Housing introduced the previously circulated [report of the Acting Head of Community Initiatives](#).

Cllr Cole-Morgan
(R Townsend)

The Cabinet Member for Resources suggested that the Council should use available statistics including the National Indices of Deprivation and the Census to map needs more comprehensively across the district (to postcode rather than ward level), this would enable the Cabinet to identify more objectively where social inclusion work could be most effectively targeted. Members concurred that this would be worthwhile.

Agreed:

- (1) that Cabinet commissions a review of the Social Inclusion Policy by a Task and Finish Group with a report on an updated Policy and action plan in March 2005 - this to include an examination of the role statistics may play in identifying pockets of deprivation within the District;
- (2) that approval be given to re-allocate resources within the Community Initiatives Unit to enable the Council to continue with its commitment to addressing social inclusion and delivering key services to residents in its most deprived wards;
- (3) that positive consideration be given to a request from the Bemerton Heath Residents Association for an annual contribution of £8,000 towards the running of a Community Centre to be divided equally between the General Fund and Housing Revenue Account on a pilot basis; and
- (4) that any grant be subject to a service level agreement between the Council and the Bemerton Heath Residents Association.

<p>385. Development Brief at Duck Lane Laverstock: The Cabinet Member for Planning & Economic Development introduced the previously circulated report of the Principal Planning Officer.</p> <p>Agreed: that the proposed changes as set out in the report be agreed and the Development Brief for Duck Lane be adopted as Supplementary Planning Guidance to the Salisbury District Local Plan.</p>	<p>Cllr Noeken (J Meeker)</p>
<p>386. Assettrust Housing Ltd – Delivering Affordable Housing with no Subsidy: The Deputy Cabinet Member for Community & Housing introduced the report of the Head of Strategic Housing (previously circulated).</p> <p>Agreed:</p> <ul style="list-style-type: none"> (1) that the Council agrees to work with Assettrust Housing Ltd who will use private finance to develop affordable housing in the Salisbury district; (2) that the Head of Strategic Housing Services be delegated to agree individual schemes in consultation with the Affordable Homes Board; and (3) that the new arrangements be reviewed after two schemes have been delivered. 	<p>Cllr Britton (A Reynolds)</p>
<p>387. Parish Street Cleansing Grants: The Deputy Cabinet Member for Environment & Transport introduced the previously circulated report of the Head of Environmental Services.</p> <p>Agreed:</p> <ul style="list-style-type: none"> (1) that the decision set out under minute 363 I(a) of the Cabinet meeting on the 21st July 2004 in relation to the new Parishes to be offered street cleansing grant be rescinded, and (2) that the following be confirmed: <ul style="list-style-type: none"> (i) the street cleansing grant scheme be amended by setting new population criteria for eligibility using Tisbury as the baseline and dividing the revised budget equally between those entitled to claim; and (ii) that this is subject to the grant only being released on receipt of paid invoices for cleaning work already carried out. 	<p>Cllr Mrs Willan (G Silver)</p>
<p>388. Customer Relationship Management System: The Deputy Leader introduced the report of the Head of Customer Services (previously circulated).</p> <p>Agreed:</p> <ul style="list-style-type: none"> (1) that the agreement of the Partnership Board and work undertaken to date to agree a preferred CRM supplier be endorsed; and 	<p>Cllr Collier (H Frances)</p>

- (2) that the proposal for the Council to negotiate separately with the preferred supplier to agree detailed requirements and timescales to a cost within the budget agreed last July be agreed.

389. Affordable Housing – Supplementary Planning Guidance:

The Cabinet Member for Planning & Economic Development introduced the [report of the Principal Planning Officer](#) (previously circulated).

In connection with this item, the Cabinet noted the contents of a letter from Howard Pearce - submitted on the day of the meeting. The Monitoring Officer reported that in her opinion the matters raised by C Lockhart-Mummery QC had been properly taken into account by the Council.

Agreed: that, subject to the minor revision of paragraph 3.2 to clarify its intent (this to be agreed by the Leader and Deputy Leader in consultation with the Cabinet Members for Planning and Economic Development and Community and Housing) the revised guidance attached to the report be adopted as Supplementary Planning Guidance to the adopted Salisbury District Local Plan.

390. Performance Monitoring:

The Leader of the Cabinet introduced the previously circulated [report from David Neudegg, Policy Director](#).

Agreed: that the above report is welcomed and the actions proposed be supported.

391. Report of the Flood Steering Group:

The Cabinet Member for Environment & Transport introduced the previously circulated [report of the Head of Environmental Services](#).

Agreed:

- (1) that Cabinet notes the position statement;
- (2) that Cabinet confirms in principle that the Council will participate in the proposed flood alleviation scheme for Tisbury, subject to final approval when actual costs are known;
- (3) that Cabinet gives approval to the Flood Steering Group to continue its work for a further 12 months;
- (4) that a further up-date be submitted to Cabinet in Spring 2005, together with recommendations from the Steering Group on the next scheme to be considered; and
- (5) that Cabinet records its thanks for the excellent work undertaken by the Steering Group over the past year.

**Cllr Noeken
(J Meeker)**

**Cllr Wren
(D Neudegg)**

**Cllr Brown
(G Silver)**

392. Special Delegation Procedure:

The Cabinet noted the matters determined under the Special Delegation Procedure set out at Item 18 in the Agenda (papers previously circulated) namely:

- (1) LGA South West Branch Voting
- (2) Offices 95 Crane Street, Salisbury
- (3) Electrical Testing & Inspection
- (4) Southern Electric Contracting
- (5) Development Services Management Board

(Cllr Mrs Warrander)
(Cllr Mrs Warrander)
(Cllr Cole-Morgan)
(Cllr Brown)
(Cllr Noeken)

393. Exempt Information:

In view of the confidential nature of the matters to be considered, it was:

Agreed: that the Press and Public be excluded from the meeting during consideration of those matters defined as 'Exempt' under the Access to Information Act 1985 as specified below:

Paragraph 1 namely: 'Information relating to a particular employee, former employee or applicant to become an employees of the Authority'

Paragraph 9 namely 'Any terms proposed to the Authority in the course of negotiations for a contract for the acquisition or the disposal of property or services'

Summary of Exempt Matters

Agenda Item 21- Redevelopment of the Maltings

Agenda Items 22-23 - Staffing Matters

*There were 7 members
of the public present*

*The meeting finished at
6.40 pm*