

Minutes

Alamein Suite
City Hall, Salisbury
4.00 pm: 24 November 2004

Part I: Procedural Matters

ACTIONED BY
Cabinet Member
(Contact Officer)

412. 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 Chairman of the Council, Councillor P V H Paisey was also in attendance, together with Councillors Bissington, Hewitt and Moss, who, with the Chairman's permission, spoke as follows - Councillor Bissington (minute 425) Councillor Hewitt (minutes 420 and 425) and Councillor Moss (minute 423).

The Chairman welcomed Mr Bob Baber, Audit Commission Inspector, to the meeting.

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

None were declared.

Cllr Wren
(S Agland)

414. Minutes:

The [minutes](#) of the last meeting were approved and signed by the Chairman.

Cllr Wren
(S Agland)

415. Public Questions and Statements:

There were none.

416. Call-in:

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

Cllr Wren
(S Agland)

417. Forward Plan:

The Leader presented his [Forward Plan](#) for the period 1 December 2004 – 31 March 2005 (previously circulated) that would be published on 25 November 2004 to become operational from 1 December 2004.

Agreed: that the Leader's previously circulated Forward Plan be adopted for publication on 25 November 2004, subject to the following amendments -

1. Downton Road Development Brief being put back from December to January:
2. Old Sarum Development Brief being included for January
3. Community Plans - endorsement of Nadder Valley (Tisbury) Plan being included for January
4. Community Plans - endorsement of the Southern Area Plan being included for March
5. Review of Emergency Planning arrangements, in light of the provisions of the Civil Contingencies Act 2004 being included in March

**Cllr Wren
(S Agland)**

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Part 2: Recommendations to the Council

(The recommendations set out below will be considered by the Council on 6th December 2004)

ACTIONED BY
Cabinet Member
(Contact Officer)

418. Appointment of Designated Persons under the Regulation of Investigatory Powers Act 2000:

The Leader of the Cabinet introduced the previously circulated [report of the Legal Services Manager](#).

Cllr Wren
(S Tovey)

Recommended to Full Council on 6 December 2004: that

- (1) Clause 1.16 of Annex B to the Officers Scheme of Delegation be amended to read as follows:

1.16 – To appoint Officers to be authorised or designated for the purposes of the Regulation of Investigatory Powers Act 2000.
- (2) Clause 2.6 of Annex B to the Officers Scheme of Delegation be amended to read as follows:

2.6 – To approve collectively as the Management Team any changes necessary from time to time to the procedures pursuant to the Regulation of Investigatory Powers Act 2000.

419. Appointment of Monitoring Officer:

The Leader of the Cabinet introduced the previously circulated [report of the Chief Executive](#). The Leader, supported by the Cabinet, took the opportunity to thank Susan Tovey, the current Monitoring Officer for all her hardwork over the years for the Council and wished her every success in her new job.

Cllr Wren
(R Sheard)

Recommended to Full Council on 6 December 2004:

- (1) that an amendment to Article 12 Part C of the Constitution be approved designating the Head of Legal & Property Services as the Monitoring Officer.
- (2) that an amendment to Part 4 of the Constitution be approved that the Head of Paid Service or his/her nominee shall not appoint nor dismiss the Monitoring Officer, when acting in such capacity, contrary to any material or well founded objection from the Leader of the Council.
- (3) It be noted that the Leader of the Council does not have any objection to the appointment of the Head of Legal & Property Services as the Monitoring Officer.

420. Licensing Act 2003: (a) Policy and (b) Terms of Reference of the Committee:

(a) Policy

The Cabinet Member for Environment & Transport introduced the previously circulated report (a) of the Principal Environmental Health Officer which incorporated the views and recommendations of the Environment & Transport Overview and Scrutiny Panel. The revised draft licensing policy, taking into account the consultation response, was also attached.

Councillor Brown referred to the main areas of concern arising out of the consultation process (which generated relatively few resident responses (32)

1. Enforcement - the need to ensure it was robust and to identify who would be responsible for undertaking and funding it

2. Anti Social Behaviour - concerns that any relaxation of legislation will result in an increase in anti social behaviour

Particular amendments had been made to the draft statement of licensing policy as a result of 1 and 2 above. .

3.Licensing Hours - concerns expressed that extended hours would lead to increased crime and disorder

Councillor Brown referred to the Guidelines to the legislation. He also recognised that the ability of local services must not be compromised and that the Police and hospital authorities had indicated serious staff and financial implications associated with a relaxation of licensing hours. He also advised that the consultation exercise indicated that there is not high demand for very late closing.

Councillor Brown further advised that the Environment and Transport Overview and Scrutiny Panel had recommended that there be no restriction on licensing hours.

Councillor Brown confirmed that the policy could be reviewed once it had been adopted by Full Council, but to do so would require embarking on a further full consultation process.

There was a wide ranging debate on the benefits and disbenefits of unrestricted licensing hours, the latter including concerns about the ability of the police to resource this (especially during the night and the following morning when Officer numbers could be depleted) the impact it may have on the vulnerable in society, possible noise disturbance to residents and the potentially limited Council resources to enforce restrictions. Certain Members also questioned the practical ability to tighten up a licensing regime once it had been liberalised.

Other Members referring to the Government Guidance, believed that a relaxation of licensing hours would bring economic benefits to the District and that the actual operation of licensing hours would find their own take up level. Regard was also had to the fact that the new regime could be reviewed if it was found to create difficulties.

Each Member spoke in turn with a great deal of thought and with a deep sense of responsibility on this issue which they had been wrestling with. Each Member emphasised how they had had considerable difficulty deciding on balance what would be best for the Salisbury District.

Councillor Brown advised that the Council could either run with the Government's proposed 24 hours/seven days per week scheme, accepting that it may cause serious problems for the Police and Hospital Authorities, or the

recommendation of the Environment and Transport Overview and Scrutiny Panel could be disregarded and a recommendation to Full Council made for a terminal hour of 3am on the basis that anything over and above this is beyond what could reasonably be expected of the Police and Hospital Authorities to cope with.

Councillor Brown advised that he was inclined to go for the 24 hours per day seven days per week option as he believed it will "find its own level" in terms of take up - and proposed accordingly - this was seconded by Councillor Mrs Willan - the proposal was narrowly defeated.

In view of this, Councillor Brown then proposed that a terminal hour for licensed premises be set at midnight Sunday to Wednesday and 2am Thursday, Friday and Saturday - this was passed (as set out at recommendation 2) by a substantial majority.

Recommendation to Full Council: that

- (1) that the proposed amendments to the draft statement of licensing policy be approved (with the end section on licensing hours at page 14 being dependent on the Council's decision on the terminal hour for licensed premises) and one minor change on page 13, under the heading "Protection of Children from Harm" namely the final sentence of the first paragraph should be amended to read " The Licensing Authority also recognises that parents also have responsibilities and parental control will be expected and positively encouraged.
- (2) That a terminal hour for licensed premises be set at midnight Sunday to Wednesday and 2am Thursday, Friday and Saturday .

(Councillor Mrs Peach wished her dissent recorded to the decision to recommend the imposition of restrictions on licensing hours)

Note the Leader expressed his thanks to Councillors Brown and Willan for the tremendous effort that they had both put into this issue on behalf of the Cabinet.

Resolved – that a survey be undertaken comparing disturbance levels experienced now with those experienced 12 months after the introduction of the new licensing policy across the whole District, and that the results of this survey be reported via the Environment and Transport Overview and Scrutiny Panel (together with any resulting recommendations) to Cabinet.

(b) Terms of Reference of Committee

The Cabinet Member for Environment & Transport introduced the previously circulated report **(b)** of the Head of Legal & Property Services.

(J Crawford)

Recommendation to Full Council: that

- (1) the Council reconsiders resolution [2] to Minute 84[D] of its meeting 29th March 2004, and resolves to rescind the second sentence " In exceptional circumstances applications from outside the sub-committee's geographical area could be determined" and resolve as follows:

" Membership shall be drawn initially from the members for the area committee to whose area an application relates. In the event that one or more of those members is unavailable members shall be drawn from outside that area committee's area."

- (2) the terms of reference for the Licensing Committee be as set out in Schedule 2 of the report.
- (3) the terms of reference for Licensing Sub – Committees be as set out in Schedule 3 of the report.
- (4) the Constitution be changed as set out in Schedule 4 of the report.

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Part 3: Cabinet Decisions

All decisions set out in this section of the minutes will be implemented on or after 7th December 2004 (unless called in for consideration by the relevant Overview and Scrutiny Panel)

ACTIONED BY
Cabinet Member
(Contact Officer)

Cllr Collier
(D Dixon)

421. **Wiltshire & Swindon Partnership – Customer First Programme:**

The Deputy Leader introduced the [report of the Policy Director, Debbie Dixon](#), previously circulated.

Agreed: that

- (1) in principle the Customer First Programme, subject to specific consideration of detailed project plans for projects outlined in 3.4 of the report be approved.
- (2) consideration in the portfolio plan for any additional resources required for future stages of the project be given.
- (3) Delegated responsibility be given to the Policy Director (e-Government Officer Champion) to allocate budget for all projects within the programme that already have agreed individual project plans.
- (4) the Council's Policy Director (e-Government Officer Champion) be authorised to enter into any legal agreements that may be necessary in the future for the successful completion of the projects that already have agreed individual project plans contained within the Customer First Programme.
- (5) the partnership be requested to identify the potential savings that the Customer First Programme is likely to achieve for each authority:
- (6) in view of the Scheme's importance, Cabinet receive regular progress reports.

422. **Housing Stock Options Appraisal – Consultation Issues:**

The Cabinet Member for Community & Housing introduced the previously circulated [report of the Head of Housing Management](#). Councillor Cole-Morgan asked that the Cabinet endorse the key issues on which tenants should be consulted with regard to Stock Options that had been previously agreed by the Stock Options Project Board.

It was noted that these areas were listed at paragraphs 3.2 - 3.7 in the report, and with the exception of paragraph 3.6, have already been covered in the questionnaire that had gone out to tenants with a special issue of the Housing Matters newsletter. The text of the newsletter and the questionnaire had been circulated to the Board Members for comment and had subsequently been agreed with the tenants' representatives Aldbourne Associates, the Government Office of the South - West and the Office of the Deputy Prime Minister's community housing task force.

Cllr Cole-Morgan
(D Streek)

It was noted that the question in paragraph 3.6 was somewhat complex and would be covered at the meetings on which all tenants have been notified.

Agreed: that the key issues of consultation expressed in 3.2 – 3.7 of the report be endorsed.

**Cllr Noeken
(G Gould)**

423. A Review of Churchfields Industrial Estate:

The Cabinet Member for Planning & Economic Development introduced the [report of the Head of Marketing Economic Development & Tourism](#) (previously circulated). It was explained that whilst no reference to the Brunel Link is made in the report, it is dealt with in the main review document.

Agreed: that

- (1) the report 'A Review of the Churchfields Industrial Estate' be received;
- (2) any future development options for the Churchfields Industrial Estate be considered as part of the development of other key policies and plans, particularly the Local Development Framework and the council's Vision for the future of Salisbury

424. Future use of the Guildhall – Outcome of the Consultation Exercise:

The Cabinet Member for Resources introduced the previously circulated [report of the Property Manager](#). Councillor Mrs Warrander advised that the final paragraph in the report before the recommendations, made reference to an attached vision document which actually was not before Cabinet for consideration that day.

Agreed: that the option appraisals be undertaken in respect of the short term uses and any long term proposals be considered as part of the vision for the future of Salisbury.

**Cllr Mrs Warrander
(G Creasey)**

425. Salisbury Lifeline – Budget Revisions and Business Plan:

The Cabinet Member for Community & Housing introduced the [report of the Head of Strategic Housing Services](#) (previously circulated). Councillor Cole-Morgan advised the Salisbury Lifeline Service was a good service, however measures were needed to reduce its overspend - the report sets out ways to achieve this.

Agreed: that

- (1) the post of Team Leader Salisbury Lifeline be deleted from the establishment list but the savings be re-allocated against overtime overspend.
- (2) a corporate recharge for handling general out of hours calls of £11,900 per annum be set.
- (3) the above inflation increase of 5% per annum for the next three years for service be approved.
- (4) the Business Plan be approved
- (5) the Salisbury Lifeline be Re-named 'Careconnect Salisbury'.
- (6) the proposed revisions to the budget be noted.

**Cllr Cole-Morgan
(A Reynolds)**

426. Performance Monitoring:

The Leader of the Cabinet introduced the [report of the Policy Director, Debbie Dixon](#) (previously circulated). The Leader referred to a number of the highlighted areas, including that of pensions where there is to be a significant increase in expenditure for the Authority over the next three years.

*Cllr Wren
(D Dixon)*

Agreed: that

- (1) the updates on areas of concern identified in the first quarter be received/ noted;
- (2) new areas of concern and improvement be noted;
- (3) the recommended actions be approved;
- (4) that in respect of the risk register, future reports include a key explaining the various terms applied to risk eg treat and tolerate.

427. Compliance with Freedom of Information Act 2000 and Environmental Information Regulations 2004:

The Cabinet Member for Resources introduced the previously circulated [report from the Corporate Information Officer](#).

*Cllr Mrs Warrander
(T Kay)*

Agreed: that the approach set out in the report to ensure compliance with the Freedom of Information Act and the Environmental Information Regulations 2004 be approved, together with the Access to Information and Retention and Disposal policies and schedule.

428. Community Safety Partnership Audit:

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

*Cllr Britton
(R Townsend)*

Agreed: that

- (1) the suggested crime reduction priorities that will form the basis of South Wiltshire's Community Safety Strategy for 2005 - 2008 be noted,
- (2) the priorities are considered to be too reactive and there is a need to be proactive in developing measures to help prevent crime and anti social behaviour - the Officers should address this and report back to Cabinet with the proposals to meet the Cabinet's requirements :
- (3) the suggested priorities that could form the basis for a strategy for combating the misuse of drugs in the area be noted.

429. Regional Spatial Strategy for the South West 2006 – 2026:

The Cabinet Member for Planning & Economic Development introduced the report [from the Senior Planning Officer](#) (previously circulated). The Cabinet considered that a mission statement should be produced to accompany the Strategy.

*Cllr Noeken
(J Vallis)*

Agreed: that the consultation report "Regional Spatial Strategy for the South West 2006-2026 be noted and that the comments set out in Section 5, of the report, form the basis of the response to South West Regional Assembly.

430. Joint Consultative Forum:

The Deputy Cabinet Member for Resources introduced the [previously circulated minutes](#) of the Forum meeting held on 11 October 2004. The recommendation on leave policy was dealt with at the last Cabinet meeting held on 20 October 2004.

Agreed that the minutes be noted.

**Cllr Culver
(D Crook)**

431. Exempt Information:

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

Agreed: that except for the Unison Branch Administrator, 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 of the Authority'

Paragraph 3 namely 'information relating to a particular occupier of accommodation provided at the expense of the Authority'

Summary of Exempt Matters

Agenda Items 22-23 - Staffing Matters

Agenda item 21 - Tenant Matter

There were 6 members of the public present
The meeting finished at 6.20 pm