

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **CABINET**

Held on: **WEDNESDAY 28 JULY 2004**

Held at: **COUNCIL CHAMBER, BRADLEY ROAD, TROWBRIDGE**

Present:

Councillors: Phillips (Leader), Bower, Clark, Mounde, Newbury, Payne, While and Wiltshire

Also present: Councillors Brown, John Clegg, Marion Clegg, Content, Fortescue, James, Oldrieve, Osborn and Repton

Officers: Chief Executive, Corporate Director (IG), Head of Finance, Planning Policy Manager, Legal Services Manager, Performance & Scrutiny Support Manager, ICT Manager, Financial Accountant, Community Development Officer (SB) and Member Support Officer (AB)

324 APOLOGIES

There were no apologies for absence.

325 PLANNING APPLICATION – 04/01389 – CONSTRUCTION OF HILPERTON RELIEF ROAD

In respect of the above application, Councillor Oldrieve requested that the consultation period be extended to 12 weeks in view of its significance and an open exhibition of the plans be arranged.

It was noted that there was a statutory duty to determine major planning applications within 13 weeks and if targets were missed this would reflect badly on the Council.

RESOLVED: **That the Development Control Manager, in consultation with the Chairman of the Planning Committee, be asked to consider extending the normal consultation arrangements for planning application 04/01389 – Construction of Hilpertan Relief Road.**

326 MINUTES

The minutes of the meeting held on 30 June 2004 were approved as a correct record and signed by the Leader.

327 DECLARATIONS OF INTEREST

Councillor Clark declared his personal interest in minute number 332 – East Trowbridge Development Brief - as he had chaired the Hilperton Parish Council meeting when its response to this item had been formulated. He also declared a personal interest in the Hilperton Relief Road (minute number 325 refers) as he had chaired meetings of the Hilperton Parish Council when decisions were made regarding the Parish Council's views on this matter.

328 ANNOUNCEMENTS FROM THE LEADER

Brook Hall, Brokerswood, Heywood

The Leader updated Cabinet on the outcome of the Special Planning Committee on 12 July 2004 concerning Brook Hall, Heywood.

He reported that the Committee had resolved:

- (a) That the Director in charge of Planning be authorised to adopt Option 4 (seeking compulsory purchase of the whole complex and retaining the right to take enforcement action on the part-converted outbuildings) as a strategy for the site as detailed in the report presented to the Committee
- (b) That the recommended strategy be forwarded to the Wiltshire Historic Buildings Trust (WHBT) for a formal response.
- (c) That following a response from the WHBT a further report be presented to Cabinet.

The WHBT met on 23 July and the outcome of this meeting was to offer support to the Council in forging a partnership towards the future of Brook Hall. A meeting of the working group had been set up for 12 August and a report would be produced as a result of this meeting.

The Leader emphasised that the Council would not be committing itself to implementing this strategy and therefore to the compulsory purchase until such time as the Cabinet had received a report setting out the financial and legal consequences. The Cabinet would need to be sure that these consequences were satisfactory and provided value for money.

Local Plan

The Leader reported that three legal challenges in respect of the Local Plan had been received from developers.

The Planning Policy Manager updated Cabinet on the implications of these challenges. He emphasised that those parts of the plan not affected by the challenges could be treated as if they were adopted. The challenges related primarily to affordable housing and sequencing.

Councillor Newbury

The Leader announced that Councillor Newbury would be retiring from the Cabinet at the end of this meeting. The Leader would take responsible for the planning portfolio until a further appointment was made, possibly within the next week.

329 UPDATES BY PORTFOLIO HOLDERS

Private Finance Initiative

Councillor Mounde informed Members that PFI process was now underway and a briefing had been held the previous Thursday at Cumberwell Golf Club.

Homelessness

Councillor Mounde reported that this service was continuing to do well in respect of the reduction in the number of homeless applicants.

Wiltshire Special Schools

Councillor Clark reported that he had attended a performance by Wiltshire Special Schools at Wiltshire Music Centre on 12 July 2004. Approximately 150 children were involved and it had been a very moving experience.

Conference at Lackham College

Councillor Clark reported that he had attended part of a conference at Lackham College on 13 July relating to Touring Arts (Rural Arts Wiltshire). A report entitled "Only Connect" was in the Members' room and he was endeavouring to obtain sufficient copies for all Cabinet members.

Wiltshire Youth Dance Projects

Councillor Clark reported that he had attended a performance by various Wiltshire Youth Dance Projects at the Arc Theatre on 24 July. Over two days, approximately 250 12 to 19 year olds had performed to a very high standard.

Local Strategic Partnership

Councillor Bower reported that the reconstituted Board had called a meeting for the 27 September 2004 and was now actively seeking an independent Chairman.

330 RECOMMENDATION FROM EXTERNAL OVERVIEW COMMITTEE

Recycling - Funding

At its meeting on 7 July 2004 the External Overview Committee considered a report on the progress of recycling initiatives, looking in particular at the performance of the contracts with Cleanaway Ltd and Hills Waste and Minerals Ltd. The Committee looked at the local and national recycling targets.

The Committee resolved as follows:

- (a) The Committee acknowledged and appreciated that collection days would not be changed.
- (b) The Committee would monitor the effectiveness of the twin bin system.

- (c) The Committee would require information to allow it to evaluate the rate and level of participation and how this would work towards meeting the local and national targets set.

The following recommendation was also made to Cabinet:

The External Overview Committee noted the substantial progress being made on recycling in recent years. The Committee was mindful of the substantial further progress the Government required and that to meet this would have serious financial implications for the Council. The Committee therefore recommends that Cabinet explore all avenues of securing Government funding to achieve the target set.

RESOLVED: That the recommendation from the External Overview Committee be supported.

KEY DECISIONS

331 OPEN SPACE SUPPLEMENTARY PLANNING GUIDANCE

At its meeting on 7 April 2004 Cabinet approved a draft document entitled “Open Space Provision in New Housing Developments: A Guide” for development control and for the purposes of public consultation.

A period of public consultation was held between 16 April and 28 May 2004 and responses were received from ten organisations.

A report was presented to Members summarising the main issues raised during the public consultation and also set out a schedule of all comments received. It was recommended that changes be made to the brief to meet many of the issues and concerns raised by consultees.

- RESOLVED:**
- (a) **That the recommended responses of this Council to each of the comments received, as set out in appendix 1 of the report presented, be approved.**
 - (b) **That the document entitled Open Space provision New Housing Developments: A Guide, amended as recommended, be adopted as supplementary planning guidance to the adopted District Plan 1st Alteration.**

Statement of reason for decision	To be taken into account in the consideration of planning applications supplementary planning guidance should be subject to adoption by the District Council
Options considered and rejected	To rely on the general planning policy to deliver open space in West Wiltshire
Date of Implementation (not less than 5 days after the date of decision)	4 August 2004

332 EAST TROWBRIDGE DEVELOPMENT BRIEF

Open Forum Presentation: Mrs Hawkes

Cabinet was asked to adopt the East Trowbridge Development Brief as supplementary planning guidance following a period of public consultation.

A request had been received from a newly formed local group to allow more time for residents who had not seen the proposals to comment. In light of this, Members agreed that the period of consultation be extended to allow for additional comments.

It was noted that there were no legal implications for extending the consultation period but any extension should be publicised. It may be necessary for the East Trowbridge Development Brief Policy Project Group to hold a further meeting.

- RESOLVED:**
- (a) That the adoption of the draft East Trowbridge Development Brief be deferred until 1 September 2004.**
 - (b) That the period of consultation be extended until first post on Monday 16 August 2004.**

333 COMMUNITY DEVELOPMENT GRANTS REVIEW

Open Forum Presentation: Mrs McAndry

Cabinet considered a report requesting it to agree criteria for the allocation of grants. It was noted that budgetary issues would be considered as part of the Council's budgetary process for 2005/06.

- RESOLVED:** **That the criteria for the future allocation of grants administered by Community Development, as set out in the report presented, be accepted.**

Statement of reason for decision	Significant impact on community and involves a budget of £160,020
Options considered and rejected	Retaining the status quo and a variety of other criteria
Date of Implementation (not less than 5 days after the date of decision)	April 2005

NON KEY DECISIONS

334 FINANCIAL MONITORING 2004-2005

Councillor While presented a report informing Members of the Council's financial position for the period ending 30 June 2004.

- RESOLVED:** **That the report be noted.**

NOTE: Members requested that congratulations be given to the Housing Enabling Team for delivering the largest ever enabling programme for social housing for the Council last year.

335 PERFORMANCE MONITORING AS AT 30 JUNE 2004

Councillor While presented a report which highlighted the areas where performance was not expected to reach the targets set, and also ensured that appropriate actions were being taken.

RESOLVED: (a) That the report be noted.
(b) That a report giving details of housing benefit recovery from private landlords be brought to the next meeting.

336 RISK MANAGEMENT STRATEGY

Councillor While presented a report requesting Cabinet to agree the Risk Management Strategy.

The Risk Management Strategy identified the key components required to meet the objectives of the Risk Management Policy, agreed by Cabinet in April 2003. It set out the roles and responsibilities required to deliver the elements of the risk management programme, the means by which they would be delivered, monitoring arrangements, training plans and lines of communication.

In developing the Risk Management Strategy and subsequent procedures, the aim was to align risk management processes with the Council's current service and financial planning process in order to ensure continuity and avoid repetition or unnecessary analysis.

RESOLVED: That the Risk Management Strategy be agreed.

337 ICT UPDATE

Councillor While presented a report updating Cabinet on the following ICT matters:

Members' ICT Facilities
Open Day - 17 June 2004
E-Government Priority Outcomes
Implementing Electronic Government (IEG) Grant
ICT Strategy
Wiltshire and Swindon Customer Services Programme
Members' IT – Joint Approach

He also sought the necessary approvals to enable the Council to move forward with ICT.

- RESOLVED:**
- (a) That the updated policy on Members' ICT be approved.
 - (b) That a one-off allowance of £75 per member to support printing requirements be approved.
 - (c) That the Leader invites Councillor Mudge and either Councillor Brice or Rosier to be additional members to attend meetings of the E-government Working Group.
 - (d) That the receipt of the IEG grant for 2004/05 be noted and the uncommitted balance be allocated in principle to the achievement of the Government's Priority Outcome requirements, with details to be considered through the forthcoming service and financial planning round

Recorded Vote

A recorded vote having been requested on the above motion, the voting was as follows:

For the motion: Councillors Bower, Clark, Mounde, Newbury, Payne, Phillips,
(8) While and Wiltshire

Against the motion: Nil
(0)

Abstentions: Nil
(0)

The motion was therefore CARRIED unanimously.

338 NEW LICENSING ACT POLICY PROJECT GROUP

Councillor Wiltshire presented a report informing the Cabinet of the proposed timetable to implement the new duties under the Licensing Act 2003 and recommending that a Policy Project Group be set up to help develop a new Licensing Policy.

- RESOLVED:**
- (a) That the report be noted
 - (b) That a Policy Project Group be appointed to undertake the work in accordance with the time scale as set out in the report presented.
 - (c) That the membership of the PPG be as follows:

Chaired by Councillor Wiltshire – PH for Environment
Chairman of the Licensing Committee
One member nominated from each Area Seminar

339 CABINET FORWARD WORKPLAN

Cabinet received its Forward Work Plan for the period September to December 2004.

RESOLVED:

That the Work Plan be noted with the following amendments/additions:

Corporate Plan additional item - 29 September 2004

Housing Benefit Recovery from Private Landlords additional item - 1 September 2004

Medium Term Financial Plan deferred until 29 September 2004

340 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That under S100A (4) of the Local Government Act 1972 the public including the press be excluded from the meeting during the following item of business on the grounds that it was likely in view of the nature of business to be transacted or the nature of proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information as described in paragraph 12 of Schedule 12A to the said Act.

PART II

Item during consideration of which it is recommended that the press and public be excluded.

KEY DECISION

341 WEST WILTSHIRE INFORMATION SYSTEMS (IN LIQUIDATION)

Cabinet received a confidential report from the Legal Services Manager in respect of West Wiltshire Information Systems (in Liquidation).

RESOLVED: That the money be paid to the Liquidator from the contingency fund.

Statement of reason for decision	To comply with an order of the court
Options considered and rejected	To challenge the amount of money due
Date of Implementation (not less than 5 days after the date of decision)	5 August 2004

Date Of Next Cabinet Meeting

The next scheduled meeting of Cabinet has been arranged for Wednesday 1 September 2004 to be held in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge at 7pm.

(7.05pm – 9.30pm)

These minutes were prepared by Anna Browne, Member Support Officer
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