

# **WEST WILTSHIRE DISTRICT COUNCIL**

## **MINUTES**

Minutes of the: **CABINET**

Held on: **WEDNESDAY 27 OCTOBER 2004**

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

Present:

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

Also present: Councillors Brice, March

Officers: Chief Executive(AP), Corporate Director(PW), Corporate Communications Manager(BW), Environmental Health Manager(JC), Planning Policy and Conservation Manager(MR), Management Accountant(SH), Principal Environmental Health Officer(CH), Performance and Scrutiny Support Officer(CN), Member Support Officer(CB)

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### **372 APOLOGIES**

There were no apologies for absence received.

### **373 MINUTES**

The minutes of the meeting held on 29 September 2004 were approved as a correct record, subject to the addition of the words “and Hillside” to minute 371(b), and signed by the Leader.

### **374 DECLARATIONS OF INTEREST**

Councillor Clark declared a personal interest in agenda item number 8 as he had chaired Hilperton Parish Council meeting.

### **375 ANNOUNCEMENTS FROM THE LEADER**

The Leader announced that our Investors In People (IIP) assessment had shown West Wiltshire D.C to be in the top 10 of the 100 the IIP assessed. The Chief Executive would pass on the members appreciation to all staff.

The Leader announced that Yamina Rhouati was making good progress and he had presented her with flowers on behalf of the Cabinet.

### **376 UPDATES BY PORTFOLIO HOLDERS**

Councillor Mounde reported that the results of this year’s Design Awards have been announced

and wished to thank Caroline Power for her hard work. A full list of the awards is available in the Members room. The Chairman conveyed his thanks to all the judges. The report on Brook Hall will now go to Cabinet early in 2005.

Councillor Clark announced that he had attended a very positive conference of the Wiltshire Strategic Partnership.

Councillor Wiltshire reported that the 2,000 additional green bins required for Trowbridge had been delivered wrongly labelled. He said that the operators were doing everything they could but it would take some time to complete the deliveries. He assured the committee that those residents who had been missed would be picked up.

Councillor Wiltshire reported a substantial increase in kerbside recycling had been achieved since the launch of the green waste collections in Melksham and Trowbridge. There has been a significant improvement in participation on the black box scheme, which recycles glass, paper, cans, foil and textiles - estimates from our contractor Hills show that some areas have more than doubled.

A total of 333.7 tonnes of recycling was collected from black boxes in September, up from 267 tonnes in August. As well as increased participation in the Melksham and Trowbridge areas, new rounds have started in Bradford on Avon, Warminster and Westbury. A further 16.22 tonnes of paper was also collected from areas where the black box scheme had yet to get underway.

In the first five weeks of the green waste collections, a total of 257.1 tonnes was taken for recycling, with impressive increases in tonnages as the scheme has bedded in. In addition to the kerbside collections, there has also been an increase in the amount of recycling going through the mini recycling centres - 208.81 tonnes in September, compared to 200.5 tonnes in August.

Councillor Payne reported that many collections of Green Bins in his ward had been missed. He suggested that overtime would help to get the scheme fully operational. Councillor Payne was also concerned that the general public were not being fully informed of our progress and suggested that we should be using the media to get the information to the public. He was concerned that some residents still didn't have green bins after the second round of collections and this was not good for our recycling drive. Peter Woodcock agreed to see what further use could be made of the local media.

Councillor Fortescue reported on Choice Based Lettings. She had attended a very positive meeting on 7 October 2004, and there had been 75 in attendance. She and the Leader had visited the Guinness House Trust, a residential retirement home in Bristol. She had also visited the Council's three hostels. Good progress was being made on the Council's housing strategy.

## KEY DECISIONS

## 377 EAST MELKSHAM DEVELOPMENT BRIEF

Councillor Mounde introduced the report of the Planning Policy Manager (previously circulated). The Cabinet had previously approved the draft East Melksham Development Brief for public consultation on 30<sup>th</sup> June 2004. The period of public consultation was held between 16<sup>th</sup> July 2004 and 17<sup>th</sup> September 2004 and 70 responses were received. The East Melksham Policy Project Group met on 12 October 2004 to consider the consultation results and had recommended a number of changes to the draft brief to take account of issues raised.

The Cabinet considered a schedule of all comments received during the period of public consultation together with suggested responses.

Councillor Wiltshire asked why land had been safeguarded for an eastern bypass. Mark Russell explained that this had been recommended by the District Plan Inspector and was a sensible measure to take until the County Council decides whether or not it wishes to pursue a bypass.

**RESOLVED:** The Cabinet adopts the document entitled East Melksham Development Brief as informal planning guidance, amended as recommended in Appendix 2 and subject to the following two additional amendments:

- (i) The deletion of the words “it is anticipated that” in line 5 of paragraph 4.4 and the word “to” in the last line of that paragraph.**
- (ii) “If a children's nursery, or similar, is provided, the community centre management team will be given first refusal on the lease of the building at a peppercorn rent.”**

**The Cabinet approves the recommended responses to each of the comments received.**

## 378 LEISURE AND RECREATIONAL NEEDS ASSESSMENT:LANDS TRANSACTION

Councillor Clark reported that the Council was currently undertaking a Leisure and Recreational Needs Assessment (LRNA). Once this has been completed the Council would develop a strategy, or action plan, to implement the outcomes of the LRNA. Until the LRNA report was completed and any resulting strategy or action plan adopted, any disposals of significant amounts of open space may make it more difficult to deliver the action plan or strategy.

Open Forum Presentation – Mrs Fleming and Mr Hall, from The Hope Nature Centre. Mrs Fleming and Mr Hall asked Cabinet to reinstate The Hope Nature Centre’s offer of a lease. The Chief Executive explained that the Council need to be satisfied that the original conditions set by Cabinet were met, and that Hope Nature Centre’s proposals fit in with the overall plan for Southwick Country Park. If and when this happens the Cabinet would still be able to agree to a lease if the recommendation in the report were agreed tonight.

**RESOLVED:** That significant disposals of open space, subject to the exceptions set out below, should not proceed until the Cabinet has approved the strategy which flows from the Leisure and

## **Recreational Needs Assessment.**

**The exceptions are:**

- **Transactions where there is already a written and legally binding agreement for the disposal.**
- **Any transaction that Cabinet agree because there are exceptional circumstances relating to that particular transaction.**

<b>NON-KEY DECISIONS</b>
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### **379 LICENSING ACT 2003: ADOPTION OF COUNCIL POLICY**

Councillor Wiltshire reported that the Licensing Act 2003 introduced four key licensing objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

The new Licensing Act removed the responsibility for liquor licensing from the Magistrate's Court and brings alcohol and other new licensing controls to the Council. Guidance had been issued giving details on how Councils as Licensing Authorities should adopt the new duties. The Department of Culture Media and Sport (DCMS) had set the first appointed date for 7 February 2005. This was the date when the first applications under the new Act would be received, including those for transfer. The second appointed date was likely to be November 2005, but had yet to be confirmed. This was the date after which new licences come into effect. As a result of the introduction of the new powers, the Council's scheme of delegation in the constitution would need to be amended.

The Government required that Licensing Authorities have their policy adopted by 7 January 2005, although the Council was still awaiting an announcement on the level of fees which would be set by central government. The Licensing Authority would be required to formally review the policy every three years. During this time changes can be made, but only in light of feedback from the local community on whether the licensing objectives are being met, or on issues raised through legal appeals.

As part of the development of the Council had consulted with groups of interested parties including the police and fire authority, residents, trade groups and current licence holders and interested parties. Members had also played a key role in developing the policy, and a Policy Project Group had met twice to assist in this work.

Councillor Wiltshire further reported that several key issues had emerged for the Council:

- The need for the policy to be permissive in respect to trading hours in line with the Government guidance. The policy cannot impose blanket closing hours as each case must be considered on its merits.

- The need for personal licence holders to be on the premises should be relaxed.
- The policy should not be used as means to control smoking (we have left the option to deal with exceptional circumstances).
- The Council should be clearer about the need to consider each application on its merits.
- The practical difficulty of takeaways closing 30 minutes before the last pub (this had been changed to a time that would not give rise to nuisance or crime and disorder).
- The length of notice for Temporary Event Notices (TENS) (we have clarified when longer notice could be appropriate).

In addition Councillor Wiltshire pointed out the importance of how members of the committee conducted themselves, and emphasized the importance of training. The Chief Executive concurred, adding that training was essential.

All these issues have been addressed in the revised policy now before the Cabinet.

Councillor Mounde moved and Councillor Bower seconded the following amendment:

**RESOLVED:**

**That Full Council be recommended to adopt the Licensing Policy subject to:**

- (1) **Changing the first bullet point on page three of the Statement of Licensing Policy 2004, to read. “Takeaways will need to consider the potential impact of their customers in the area surrounding their premises, and of litter”**
- 2) **And that to “Agree that training on the policy is compulsory for members of the Licensing committee to ensure consistency.”**
- 3) **To write to the 2 local MPs to push for the early publication of the fees regulations for the licensing act.**

### **380 REGIONAL SPATIAL STRATEGY**

Cllr Michael Mounde reported that the new planning system required Regional Assemblies to prepare Regional Spatial Strategies, which would replace both Regional Planning Guidance and County Structure Plans prepared under the previous system. These Strategies would have statutory weight and would, together with Local Development Documents produced by local authorities, form the Development Plan.

The South West Regional Assembly was currently consulting on broad options for a Regional Spatial Strategy, which would, when adopted in 2006, provide a framework for planning decisions over the next 20 years. All members, parish and town councils had received a summary leaflet setting out the main issues and options. The West Wiltshire Local Strategic Partnership would be considering the consultation options at its meeting later in November and officers were investigating working together with neighbouring local authorities to co-ordinate responses.

The main issues set out in the consultation report were summarized and the following key issues were identified for the Council:

1. ***Uncertainty regarding overall levels of growth and the capacity of the Principal Urban Areas***

The consultation report is about the distribution of growth (in particular housing). However, there is uncertainty on the likely overall levels of growth to be accommodated within the region. The current RPG10 plans for 20,000 net new dwellings per annum. However, the latest ONS projected households data estimates a need for 22,600 per annum. For the purposes of the sub regional studies of the large urban areas, the Regional Assembly is testing housing figures up to 30,000 per annum.

The overall level of growth and the capacity of the PUA's are important matters because these factors could determine the success or failure of the strategy options. They could also determine the scale of development which market towns may be asked to accommodate.

2. ***Little scope for market town regeneration and meeting local needs***

Options 1 and 2 propose the concentration of growth in the PUA's and other designated centres for growth, with market towns and rural areas meeting "local needs" only. Option 3 would appear to allow for some growth at smaller towns. The 3 options therefore provide little or no scope for growth in West Wiltshire to continue to meet the current regional, county and local objectives:

- Regeneration of the West Wiltshire towns;
- Promotion of employment opportunities;
- Improvement of transport links in the A350 corridor;
- Meeting housing needs.

3. ***A number of other concerns have been raised at the regional conferences***

At the recent consultation events at Bournemouth and Weston, the following additional concerns were raised:

- Need for a more sensitive approach, based upon the results of sub regional work and identifying the role and function of individual settlements
- Too much emphasis on housing - not enough on the economy which is the key driver
- The strategy options are too "top down" with little flexibility for local input through Community Strategies
- Other potential strategies, for example a new towns option, have been dismissed prematurely
- The methodology and evidence basis for the 3 options approach should be more explicit and published for consultation

The leader voiced his concerns about how the Regional Assembly has played down the needs of this area and that the Regional Assembly should be pressed to upgrade the A350. He reported that N. Wiltshire and Kennet shared his concerns and that it was important that we make a joint approach with our neighbours. The Cabinet were in full agreement with the Leader.

Mark Russell replied to Councillor Wiltshire's query on the County Structure Plan. He informed Cabinet that the new system will replace County Structure Plans but that the emerging Structure

Plan 2016 would be "saved" and will continue to be part of the Development Plan until it is replaced by the Regional Spatial Strategy. He also informed Cabinet that the County Council would not be producing any further County Structure Plans.

Having considered Councillor Mounde's report and the papers previously circulated to members, it was:

- RESOLVED:**
- (1) **Councillor Mounde's report be noted; and**
  - (2) **a robust and focussed draft response, taking account of views expressed at Cabinet, would be prepared for Full Council.**

## **2ND QUARTER PERFORMANCE MONITORING**

Councillor While introduced the report and Christopher Nicholas gave a slide presentation. Councillor Payne congratulated Christopher on an excellent presentation, which was endorsed by all those present.

After a short discussion on monitoring of targets and whether or not there was too much monitoring, the Chief Executive reported that we monitor less now than before and there would be another review next year. In response to a question he explained that he was concerned about the number of planning appeals which were lost. This could and should be improved.

**RESOLVED:** **That Councillor While's report be noted.**

## **382 INCLUSION OF MEDIA GUIDELINES IN CONSTITUTION**

Councillor Payne presented a report on the development of Media Guidelines for the authority. The guidelines, attached as an Appendix to the report, had been developed through a Corporate Communications Policy Project Group and had been considered by the Standards Committee at its meeting on 20 May 2004, when it had resolved:

*“That the media guidelines set out in the Appendix to the report be approved as working guidelines for inclusion in the Constitution and that Cabinet be informed accordingly”*

**RESOLVED:** **That the Council be asked to adopt the media guidelines set out in the Appendix to the report for inclusion in the Constitution.**

## **383 FINANCIAL MONITORING 2004-05**

Councillor While introduced the report.

**RESOLVED:** **That Councillor While's report be noted.**

## **384 CABINET FORWARD WORKPLAN**

Cabinet received its Forward Work Plan for the period October 2004 to May 2005.

**RESOLVED:** **That the Work Plan be adopted.**

**385     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.

**386     COURT LANE, BRATTON – RELAXATION OF COVENANT**

Councillor Roy While presented a report seeking approval to the relaxation of a covenant on land formerly owned by the District Council at Court Lane, Bratton.

**RESOLVED:**        That the relaxation of the covenant on land at Court Lane Bratton be approved subject to the following conditions:

1.        **Such relaxation shall apply only to the current planning permission.**
2.        **The Developer paying the Council's legal and external Valuer's fees.**
3.        **The developer paying a consideration of £12,500 to reflect the value of the relaxation.**

**Date of Next Cabinet Meeting**

The next scheduled meeting of Cabinet has been arranged for Wednesday 3<sup>rd</sup> November 2004 to be held in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge at 7.00pm.

(7.00pm to 9.15pm)

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