
Agenda Item No. 1

Apologies

To receive apologies for absence.

Agenda Item No. 2

Minutes

To approve as a correct record and sign the minutes of the Cabinet meeting held on 20 June 2005 (copy attached)

West Wiltshire District Council

Minutes

Minutes of the: **Cabinet**

Held on: **Wednesday 20 July 2005**

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

Present:

Councillors: Content (Leader), Brown, Carbin, James, Osborn, Syme

Also present: Cllrs Brice, Bryant, Clark, Davis, Mounde, Newbury, Phillips, Viles

Officers: Chief Executive, Corporate Director (IG), Head of Finance (IJ), Housing Strategy and Partnerships Manager (GH), Legal and Democratic Services Manager (SB), Principal Lawyer (A A-P), Policy & Communications Officer (ML), Press Officer (LK), Member Support Officer (MS)

531. APOLOGIES

Apologies for absence were received from Cllr Chivers, Cox and Hames.

532. MINUTES

The minutes of the last meeting held on 15 June 2005 were approved as a correct record and signed by the Leader.

533. DECLARATIONS OF INTEREST

The following interests were declared:

Item	Councillor	Reason
Warminster Car Parking Charges	Syme	Member of Warminster Town Council which had written to the District Council regarding car parking charges in Warminster. Should the item be discussed would remain in the Chamber
Air Quality Management	Brown	Personal interest as she lived close to the affected area
	Davis	Member of Warminster Town Council

534. OPEN FORUM

Open forum presentations made at the beginning of the meeting were as follows:

Dr Michael Turner – Warminster Independent Trade Association

Dr. Michael Turner presented a petition to the Leader from Warminster residents opposing the increase in car park charges. Dr Turner informed cabinet that the Mayor of Warminster Town Council had sent a letter to the District Council urging it to review car parking charges and to consider the issue at this evening's Cabinet meeting.

Mrs Marion Parker-Mortimer - Federation of Small Businesses

Expressed concern at the increase in car parking charges.

With the permission of the Leader, Cllr. Brown responded to the Open Forum presentations. She confirmed receipt of a letter from Warminster Town Council expressing its grave concerns regarding the level of charges levied in the car parks of Warminster.

The letter asked that Cabinet give "serious consideration to debate this issue as an urgent item at tonight's Cabinet meeting".

Cllr Brown reported that she would be writing back to Warminster Town Council to confirm that Cabinet was undertaking a review into the impact of the revised car parking charges.

Until the review was completed and as much evidence as possible had been collected, it was not appropriate that Cabinet have a formal debate on the subject of car parking charges.

Cllr Brown stressed the point that the review needs to be based on evidence in order for it to be well informed.

For other open forum presentations please refer to minute number 542.

535. NOTICE OF MOTION – SOUTH WEST REGIONAL ASSEMBLY

The following Notice of Motion had been presented to Council on 11 May and referred to Cabinet for consideration and report back to Council:

"This council offers community leadership and attempts to give the people of West Wiltshire confidence in their future. It strives for high quality service, and value for money, despite a severe shortage of funds.

In our quest for financial efficiency we should therefore determine that membership of the South West Regional Assembly is not necessary, as membership of this unelected assembly conflicts with this need.

Accordingly, this council gives immediate notice to cease membership of the South West Regional Assembly and avoid further misuse of council tax funds that would be better spent locally”.

The Leader asked Cabinet to consider the notice of motion and recommend to Council on whether or not the motion should be adopted. A further report had been circulated which gave the views of various officers including the Chief Executive on the role of the SWRA as far as this Council was concerned and the implications of withdrawing membership. Officers considered that the subscription to the SRWA was good value for money. A suggestion was made to review all external bodies the District Council was subscribed to and assess if value for money was being obtained from those organisations.

Recommend to Council:

That the above mentioned notice of motion regarding membership of the South West Regional Assembly not be adopted.

536. ANNOUNCEMENTS FOR THE LEADER

Customer First

The initial draft on the Customer First audit had been received following a recent audit inspection, to which the Council had made a robust response. The final draft had just been received which would be circulated in due course.

SMT/CMT Training Days

The first training day had been held on the morning of Thursday 8 July and had been very well supported. Further training days were planned for between September - December. Although this involved all Service Managers and Team Leaders, arrangements were in place to forward any urgent messages to them.

The feedback from those attending was very positive and included:

- Greater understanding of what the authority is trying to achieve and what the major issues are
- Good to involve service managers and team leaders together

The only negative comment received was about the venue due to background noise and poor acoustics

Staff Survey

The results in from this year's staff survey had now been collated and were extremely positive.

Over 70% of staff believed the Council was a good or very good employer (up nearly 10% from last year) and three quarters of staff said that their morale was generally good.

One particularly pleasing result from this year showed that 91.4% agreed or strongly agreed that we had clearly defined aims and objectives - up a massive 49% from last year.

Just over 83% felt that they are adequately informed about Council activity (up nearly 26% on last year). The vast majority of people used team meetings, Corridors and the Intranet to keep informed.

Two thirds of all staff completed the survey, and the full results had been previously circulated.

Cabinet/SMT Open Day

Another Cabinet/SMT Open Day has been arranged for 22 September

Key Dates for Diaries

25 July – Boundary Committee Seminar Meeting

11 August – Seminar Meeting of Council to start review of the Constitution

The Chief Executive emphasised the importance of training and that it would be of great help in the future to face the big challenges ahead.

537. UPDATE FROM THE FINANCIAL PORTFOLIO HOLDER

Cllr Carbin reported that an LGA meeting with Sarah Wood had been held that morning. An announcement had been made by the Government explaining the need for greater financial stability and that was an aim of the Government. The sale of Ethandune had been completed and the new owners were making good progress with the building. The Valuation Office was currently undertaking a revaluation of Council Tax. The District Council was not involved in the process.

538. FINANCIAL MONITORING

Cllr Carbin presented a report which updated Members on the Council's financial position for the period 1 April - 31 May 2005: -

a) Capital

Further schemes had been identified. These were either funded from external contributions or from additional capital receipts. Spending to the end of May was £1.037m. Spending at the end of March was expected to be £5.547m and slippage of £787k into next year would occur.

b) Investment Income

Net investment income was forecast to be £355k at the year-end. This was £50k more than the original estimate. This was due to slippage in the capital programme and additional capital receipts would mean that more cash would be available for investment.

c) General Fund

Land charges income was falling below expectations by £100k and there were additional costs associated with the extension of the grounds maintenance contract and environmental health services restructure. These were partly offset by additional income from investment, commercial properties and car parking enforcement.

The projected out-turn was indicating a small overspend of £19k, which the Corporate Management Team was monitoring.

Resolved:

That Members note the report.

Recommended to Council:

That Council approve the amended capital programme of £6.334m.

539. WRITE OFF REPORT

Cllr Carbin informed Cabinet that the purpose of the report presented was to propose the write-off of various debts as at 30 June 2005. It was only when all other avenues of recovery had been exhausted that debts were written off. All figures being proposed were covered within the budget. The three main categories of debtors were:

- Council Tax
- National Non Domestic Rates
- Sundry Debtors

Details of the amounts involved for all three types of debt were presented.

External bailiffs have so far collected and paid over £121,636.07 to the Council and £70,633.92 had been received directly by the Council following initial contact by the Bailiffs.

Resolved:

That Cabinet

1. **note the action of the Section 151 officer in writing off the debts under £300 totalling £73,418.61.**
2. **approve the write-off of the debts over £300 totalling £142,455.72.**
3. **approve the write-off of the Housing Rents former tenants' arrears of £83,798.72.**
4. **note that the total amount of debt written off from the proposals above equals £299,673.05.**

540 UPDATE FROM THE PLANNING & DEVELOPMENT PORTFOLIO HOLDER

Trowbridge Car Parking Strategy

Cllr Osborn informed Cabinet that the final report had now been received and accepted. A report would be presented to the next meeting of Cabinet to enable consideration of the Action Plan. Cllr Osborn hoped Cabinet would adopt a range of the recommended actions and move positively forward.

One key recommendation which the Transforming Trowbridge Steering Group felt should be prioritised and acted upon immediately was the establishment of a "Car Parking Forum". The Car Parking Forum would address key issues, be a forum for discussion and address some of the challenges and key tasks in relation to car parking within the Town.

This group has now been established and was being led by the West Wiltshire Economic Partnership (chaired by Len Turner, Partnership Manager) with representatives from the Town Council, Chamber and Federation of Small Businesses. Cllr Osborn would provide an update on the work of this group at the next meeting of Cabinet

It was asked if there was any intention of introducing a Car Parking Forum in any of the other Towns. Ian Gallin informed Cabinet that it was a good idea and that the Trowbridge Car Parking Forum would be tested before being introduced to any of the other towns.

Magistrates Court

Members were reminded of the following Notice of Motion presented to Council on the 11May:-

“This authority being mindful of the status of Trowbridge as the County Town, gives its full support for the provision of a magistrates court as part of the Vision for Trowbridge process.”

When Cabinet met to consider this it was agreed that

1. A letter be sent to the Lord Chancellors Department
2. That the Vision Steering Group be asked to examine the implications
3. And that Cabinet receive a further report

The letter had been sent to the Lord Chancellor and a reply was still awaited. The Steering Group had not yet met, but would consider it when it next meets on the 7 September.

Cllr Osborn would update Cabinet at the next meeting either verbally or in a report depending on progress with the response from the Lord Chancellor's Department and other work being undertaken by officers.

Resolved:

That a further letter be sent to the Lord Chancellor's Departments to chase a response.

Launch of Transforming Trowbridge

Cllr Osborn informed Cabinet that the Vision for Trowbridge re-launch on 27 June had been effective and very productive. It produced an excellent example of partnership working in action and attracted a lot of favourable media attention.

541. WATERSIDE PROJECT UPDATE

Cllr Osborn informed Cabinet that work on the Phase II Report was progressing well. At this stage there were a number of outstanding issues which would be incorporated in the report, these included:

- consultants advising on the traffic impact of such a scheme,
- topographic and geo-technical investigations,
- flood risk assessments
- identification of relocation requirements for existing occupiers of the County Hall Campus (including meetings with Unison, the Bustard Club, and Wiltshire Probation Service).

Consideration was also being given to soft testing the scheme with some potential developers. This work would not delay the timetable for the project and it was anticipated an outline planning application would be submitted towards the end of September.

A detailed report would be submitted at that time both to the District and County Councils' Cabinets advising of the financial viability of the project, seeking approval

to a detailed project plan and establishing a Project Partnership Board to oversee the project.

Cllr Osborn explained that Cabinet was being asked to note the progress and request officers to start work on the Partnership Agreement between the two Councils.

Resolved:

That Cabinet

- 1) note the ongoing progress with regard to the Waterside Project**
- 2) request that work on a Partnership Agreement between County Council and District Council is commenced**

542. REDEVELOPMENT OF CASTLE PLACE

Open Forum Speaker – Mr Cavill

An open forum presentation was made by Mr Cavill who was happy with the proposed development, but was concerned about the car parking aspect, especially as many car parking spaces would be lost for some time whilst the development was being built

Cllr Osborn informed the Cabinet that the redevelopment of Castle Place on schedule and that the developer had recently submitted a detailed planning application for the redevelopment of Castle Place, which included a new multi story car park.

The proposals included plans for an additional 2000 sq. metres of retail floor space within Castle Place, a new Shopmobility facility with associate disabled parking and a new improved location for the market.

In addition the developer is also proposing;

- The demolition and relocation of the current leisure facility
- The demolition of the multi storey car park and replacement with a new car parking facility

There were many issues for the Cabinet to consider and the scheme offered the potential for some very real benefits to the Town – a new leisure centre, improved retail facilities and replacement car park.

Cllr Osborn referred to the “negotiations” section of the report which officers will commence if the recommendations were agreed although there was scope to change or amend the recommendations at this meeting. Officers would begin to discuss those issues with the developer before bringing a report back to the next

Cabinet meeting. It would be at that stage, that the Council would be committing to a particular course of action.

Simon Best gave a presentation which explained the background and issues particularly in relation to the covenant which applied to the multi storey car park.

Resolved:

That Cabinet

- 1) note the proposals for the redevelopment of Castle Place**
- 2) note the request from the developer relating to the leisure centre and multi-storey car park**
- 3) offer any comments, observations or include additional items to the proposed Heads of Terms which offers will then use as the basis of negotiations**
- 4) request that officers provide a further report in August on progress on these issues and/or with a final negotiated package for consideration by Cabinet**

543. UPDATE FROM THE COMMUNITY PORTFOLIO HOLDER

No update was given

543. PROVISION OF SERVICES FOR YOUNG PEOPLE

Cllr Phillips, as Chairman of the Scrutiny Committee informed Cabinet that on 25 May 2005, the Scrutiny Committee considered a report concerning the provision of services for young people within West Wiltshire. The Committee considered a written report which detailed a range of services provided by a number of organisations within the District as well as a presentation provided by Wiltshire County Council's Youth Development Service.

Although responsibility for the provision of youth services was primarily with the County Council, the Scrutiny Committee acknowledged that the District Council also had a significant role to play. For this reason a number of recommendations were presented as detailed in the report.

There were resource implications to be investigated in respect of some of the recommendations and for this reason, Cabinet was recommended to accept the recommendations from the Scrutiny of 25 May in principle with a further more detailed report being presented to Cabinet in October.

Resolved:

- 1) agree to investigate appointing a member as Youth Champion**
- 2) Cabinet approval for the Leader to appoint said member if deemed appropriate**

- 3) **for the Youth Champion to select a diverse group of people from a wide age range in order for them to enter discussions with officers, and any other relevant organisation such as Wilts Youth Council, to compile a report with recommendations for a future meeting of the Cabinet.**

544. UPDATED FROM THE HOUSING PORTFOLIO HOLDER

PFI Scheme

The special meeting of Council held on 19 July 2005 gave approval to the PFI scheme.

ODPM Homelessness Survey West Wiltshire District Council was one of 100 councils who had been asked to assist in an ODPM survey of people who are going through the homelessness system. The ODPM were particularly interested in 16 and 17 year olds, the causes of homelessness and would be interviewing homeless people.

Poundbury Seminar A feedback session was held involving Councillors and officers who attended the visit to Poundbury in April. All members and officers from other parts of the Council were able to attend and discuss how the Council might learn from the Poundbury experience.

Licensing of Houses in Multiple Occupation The Government had expressed an intention that licensing for houses in multiple occupation would be introduced in October. However the formal Regulations had not yet been issued to confirm this. Cllr James stated that he intended to bring a report to the September cabinet meeting setting out proposals for the licensing of HMOs in the District. The report would include charges for licensing and details of how licensing appeals would be dealt with. It was not expected that there would be many properties that will be licensed.

New staff for Housing Renewal Team The latest phase of recruitment to the Housing Renewal Team has been successful with three part time and one full time posts being appointed. The new recruits will be able to catch up on some of the complaints and grants work as well as dealing with empty homes.

Planning, Housing and Legal awayday Last week around 30 staff from planning, legal and housing had a successful awayday to discuss the many issues that were common to both, such as, s106 affordable homes, houses in multiple occupation PFI and disabled access to the home. It proved a successful day.

Opening of new Society homes at St Johns Hospital 14 new homes had been completed through a s106 agreement by West Wiltshire Housing Society on the former hospital site off College Road Trowbridge.

Work being planned for Kingsbury Square, Melksham Contractors had been appointed to replace the windows and front doors to all the flats, and staff were also planning further improvements

New affordable homes started There has been a good boost to affordable homes in the District with over 40 being started in the first quarter

545. HOUSING STRATEGY

Cllr James informed the Cabinet that the Council was now in a position to consider the Draft Housing Strategy.

In November 2003 Cabinet agreed to set up a Policy Project Group to prepare a new Housing Strategy and to work with Partners and the Government Office to develop a Strategy that was Fit for Purpose. Originally that PPG was chaired by Cllr Mounde, followed by Cllr Fortescue and now by Cllr James.

The PPG was well represented with Councillors, and stakeholders representing a good cross section of the Housing sector, voluntary groups and the private sector. After a conference and widespread consultation with stakeholders and service users, the Strategy was now in its third draft, being updated to the 4th and hopefully the final draft. The process involves dialogue with the Government Office for the South West (GOSW) which had advised that much of the Strategy appeared to be now fit for purpose. There were still some amendments to be made, but nothing that would change the core elements of the Strategy.

The Action Plan attached to the report explained what the council will be trying to achieve by 2009.

The last Strategy had ambitious targets to eliminate bed and breakfast, introduce choice based lettings, deliver new affordable homes and set up a home improvements agency. These and many more had been achieved. The new would build on those achievements with targets to:

- Develop affordable home ownership to generate vacancies in existing social rented housing
- Deliver the PFI Project
- Create a letting pack to encourage local private landlords and tenants
- Improve temporary accommodation
- Develop a public service agreement target for a young persons' housing standard to ensure that 16 and 17 year olds receive life skills training, necessary support and do not use Bed & Breakfast
- Increase from 67% to at least 70% the proportion of vulnerable households in the private sector living in a decent home.

Cllr James asked cabinet to endorse the current draft Strategy subject to his approval of any amendments required by the GOSW.

It was then intended, subject to provisional indication by the GOSW that it was fit for purpose, to bring the final version to full Council in September 2005.

Resolved:

To endorse the current draft on the understanding that the amendments required by Government Office for the South West do not significantly change the thrust of the document and that these changes would only be incorporated into the final draft following approval by the Housing Portfolio Holder. Once the GOSW have given an informal indication that the document is fit for purpose it should then be submitted to full Council in September and then to the Government by the end of September. If the GOSW are unable to comply with the above timetable or further redrafting is required the final draft may not be presented to full Council until November.

Recommended to Council:

That the Housing Strategy be recommended to Council in September or November depending on the outcome of the above resolution.

546. UPDATE FROM THE POLICY CO-ORDINATION PORTFOLIO HOLDER

No update was given

547. UPDATE FROM THE ENVIRONMENTAL HEALTH PORTFOLIO HOLDER

Cllr Brown presented the update on behalf on Cllr Cox

Junior Good Citizen

Eight West Wiltshire schools took part in this year's Junior Good Citizen event, held between 4 -15 July. Staff from the Environmental Health department provided the staff cover during the first week of the event at Wiltshire College, Lackham.

The event was designed to help children avoid putting themselves at risk of accident or injury by raising awareness of hazardous situations. It also encouraged the children to respond appropriately in an emergency situation and showed how being a good citizen could create a safer community. Around 800 10 and 11 year olds visited the event.

Licensing Update

To date 122 premises license applications and 298 personal license applications have been received. Approximately 600 premises and 1500 personal application are expected.

R J Compton and Sons Permit Application

The public consultation stage had ended in relation to an application for a permit to continue operating as a rendering plant. Environmental Protection had received over 40 representations all objecting to the issue of a permit. Officers were currently considering the application in detail and a decision would be made before October. Complaints regarding odour had increased in recent weeks and officers were considering possible legal action in relation to recent events.

Air Quality Management

Public consultation took place at the beginning of July in Bradford on Avon regarding Air Quality Management. Capita Symonds, Wiltshire County Council consultants were producing a feedback report available at the end of July which would be used to develop the air quality action plan that would be presented to Cabinet in September 2005.

Summer Outdoor Events

Officers from Environmental Health chaired the Public Event Safety Group attended by representatives of the police, fire brigade, emergency planning, highways and the district Council Health and Safety Officer. The group meet regularly to prepare for outside events which generally fall outside the scope of licensing requirements. The group liaises with the event organisers to prevent problems and to help ensure a safe and enjoyable event.

This year two new events had been organised, both at Longleat, namely the Red Bull Air race on 6/7 August, the other event is the Iron Man triathlon on 11 September. Other events include the West Wilts Show and Trowbridge Village Pump Festival.

548. UPDATE FROM THE ENVIRONMENT PORTFOLIO HOLDER

Car Parking

Minute 534 refers

Recycling

The roll out of green bins was currently being planned and coordinated with Cleanaway and Hills Waste. The process should commence in October and be completed by March 2006.

Recycling figures for June were extremely encouraging. Total recycling was 28.5% (annual average to date was 26.7%). Kerbside recycling was 13.4% (annual average to date 13.1%) and compost recycling was 15.1% (annual average 13.6%)

Gwen Taylor

Gwen Taylor, who was based at the Riverway Depot sadly died on Monday 18 July after a short illness. The funeral would be held on Friday 22 July

549. UPDATE FROM THE COMMUNICATIONS PORTFOLIO HOLDER

Media monitoring

Cllr Syme informed members that during April to June, a total of 52 press releases and two letters were issued by the Communications section to the local press. Out of these, 94.5% were used in some way by the media.

In addition, in the same quarter, there were 248 articles and 27 letters relating to the Council in the local press. Of these, 226 articles (91.1%) and six letters (22.2%) were either positive or balanced.

All press cuttings were available to view in the Members' Room.

West Wilts Show

Members were reminded that the West Wilts Show would be held on 28-30 July. Over 220 exhibitors and dozens of entertainers would be taking part in the event over the three days.

Free evening concerts would be held on the Thursday and Friday - headlining on Thursday is the Ultimate Tribute to Bryan Adams, followed by a fireworks display, and Midge Ure will star on Friday.

Tickets were still available for the paid-concert on Saturday night in the Civic Hall, featuring comedian Greg Suggitt, Beatles tribute act Sgt Pepper's Only Dart Board Band and seventies chart-toppers The Sweet. Tickets are £5, available from the West Wiltshire TICs and the Civic Hall - proceeds to the Show charities, Larkrise Community Farm and Carers Support West Wilts.

550. CABINET FORWARD WORK PLAN

The Leader presented the latest version of the Cabinet Forward Work Plan for Cabinet's approval. The request to bring forward the full car park review had been noted. However in order to allow everyone the chance to comment and to ensure the full facts of the case as well as avoiding possible confusion that could occur if two different car park reviews were featured on the same agenda it was decided to have the full car park review on the September agenda. The Trowbridge Car Park review would remain on the August agenda.

Resolved:

- 1) That the Cabinet Forward Work Plan be noted**
- 2) That Ian Gallin write a letter to all Town Councils explaining the situation with the car park reviews.**

551. DATE OF THE NEXT MEETING

The next meeting of Cabinet was scheduled for Wednesday 31 August 2005 at 7.00pm in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge

(7.03pm – 9.50pm)

These minutes were prepared by Melanie Stimpson, who can be contacted on 01225 770322 or email mstimpson@westwiltshire.gov.uk

Agenda Item No. 3

Declarations of Interest

To receive declarations of interest from Members and officers as appropriate in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 1972 in respect of officers and in accordance with the provisions of the Local Government Act 2000 and the West Wiltshire District Council Code of Conduct in respect of Members.

Agenda Item No. 4

Announcements from the Leader

Agenda Item No. 5

Announcements from the Finance Portfolio Holder

Title: **Financial Monitoring 2005-06**

Portfolio Holder: **Cllr Carbin – Finance Portfolio Holder**

Reporting Officer: **Steve Harding – Management Accountant**

Key Decision: **No**

1 Purpose

To inform members of the Council's financial position for the period ending 31 July 2005.

2 Financial Performance

Capital Expenditure

- The revised Capital Programme for 2005-06 stands at £6.334m
- Slippage to future years of £0.787m has been identified mainly in respect of social housing schemes
- The profiled gross budget to 31 July 2005 is £1.941m
- Gross spend to 31 July 2005 was £1.260m, compared to the profiled budget the under-spend is £0.681m
- Expenditure is lower than profiled due to the second phase rollout of Green Bins being later than planned.

Investment Income

The performance of the Council's investments to 31 July 2005:

- Average Amount Invested £ 12,390,861
- Total Return £ 190,325
- Rate of Return 4.60%
- Average 7 day notice rate 4.67%
- Total investment income received to date is £190k. The net investment budget for the year is £305k. Net income for the year will exceed this, because of slippage in the capital programme, and is forecast at £375k.

General Fund Spend to Date

- The base budget for 2005/06 is £12.382
- Expenditure to 31 July for the General Fund is £ 3.797m
- Compared to the profiled budget the under-spend is £0.690m. The main reason being outstanding contract payments on waste collection

Projected General Fund Out-turn

The projected out-turn on the General Fund was £12.548m taking into account:

- 'One-off' pressures to be funded from the 2004/05 underspend that was added to the General Fund balance
- *Land charges income is below budgeted levels and is not expected to recover giving a shortfall of £150k*
- Investment income will be £70k higher because of slippage in the capital programme
- Commercial property has high occupancy levels and should generate and additional rental income of £30k
- *Additional staffing to carry out boundary review will incur costs of £20k*
- *Consultancy fees in legal requires further £20k to cover locum charges*
- *Additional legal fees to cover constitution revision £20k*
- *Pension costs on wages underbudgeted by £25k*
- *Register of electors canvass to cost an additional £10k*

The main changes are:

		£m
Base Budget		12.382
	£k	
Additional costs:		
'One-off' pressures	171	
Land charges income	150	
Boundary review	20	
Legal locum	20	
Constitution	20	
Pensions	25	
Register of electors canvass	10	
Grounds central contract	7	
Environmental health review	<u>14</u>	
		437
Savings:		
Investment Interest	(70)	
Commercial property income	(30)	
Contribution from reserves	<u>(171)</u>	(271)

Projected Out-turn	<u>12.548</u>
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The projected year end shortfall is £166k. Detailed work is being carried out on our investment income projections. This may result in a reduction in the projected shortfall. The position is being closely monitored and regular reports will be presented to Corporate Management Team, Cabinet and Scrutiny.

Contingency Fund

The position on the contingency fund is:

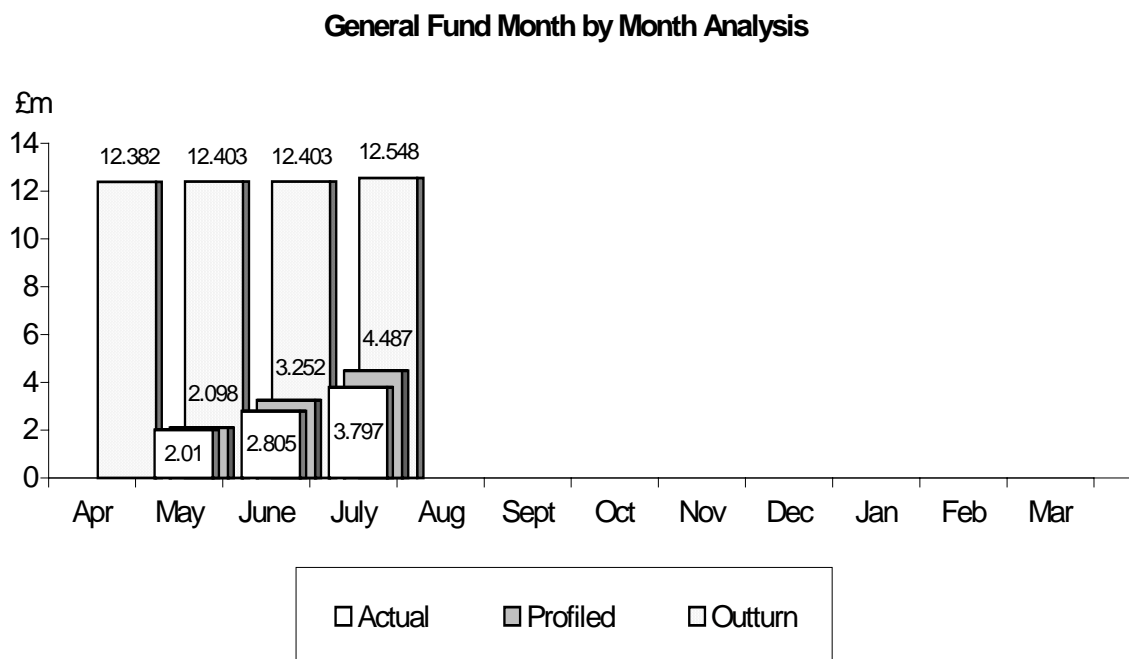
	£k
Base Budget	100
Allocated	
Leisure contract payment	23
Balance	<u>77</u>

Additional payments have been made to the contractor for loss of income due to Christie Miller Sports Centre being closed for repairs. Three payments have been made with the balance being paid in August.

Projected General Fund Out-turn

The projected out-turn on the General Fund is £12.548m.

A graph showing the month by month changes is given below:




Legal Implications: **There are no legal implications arising from this report.**

Human Rights Implications: ***The Human Rights implications of the actions recommended in this report have been considered and are acceptable and the checklist has been addressed.***

3 Recommendation

Members note the report.

 Plain English guidance given

1 August 2005

File ref. N:\Monthly budget monitoring\General Fund 2005-06\04 to end July 2005
Financial Monitoring Report.doc

File location: Financial Services room F33

Title:	Annual Treasury Management Report
Portfolio Holder:	Cllr Carbin – Finance Portfolio Holder
Reporting Officer:	Tracey Gay – Financial Accountant
Key Decision:	No

1. Purpose

The Annual Treasury Report is a requirement of the Council's reporting procedures and covers the treasury activity for 2004/05. The report also covers the actual Prudential Indicators for 2004/05 in accordance with the requirements of the Prudential Code.

2. Background

The Council's treasury management activities are regulated by a variety of professional codes, statutes and guidance.

This Council has adopted the CIPFA Code of Practice for Treasury Management in the Public Sector and operates its treasury management service in compliance with this Code and the other statutory requirements. These require that the prime objective of the treasury management activity is the effective management of risk, and that borrowing activities are undertaken on a prudent, affordable and sustainable basis.

The Code requires, as a minimum, the regular reporting of treasury management activities to:

- Forecast the likely activity for the forthcoming year (in the Annual Treasury Strategy Report – Cabinet 9 February 2005); and
- Review actual activity for the proceeding year (this report).

This report sets out:

- A summary of the strategy agreed for 2004/05;
- The Council's treasury position at 31 March 2005;
- The main Prudential Indicators and compliance with limits;
- A summary of the economic factors affecting the strategy over 2004/05;
- The treasury decisions taken and their revenue effects;
- The associated risks of any of these decisions;
- The performance of these decisions;
- Risk and performance.

3. Key Issues

The Strategy Agreed for 2004/05

The strategy for 2004/05 was based upon the Head of Finance's views on interest rates, supplemented with leading market forecasts provided by the Council's treasury advisor.

The Council's investment priorities were the security of its capital and the liquidity of investments whilst aiming to achieve optimum returns.

The Council anticipated its fund balances for 2004/05 to range between £8m and £14m. £4.836m had been earmarked for capital spend, however, slippage of this spend was anticipated.

£8m was committed to long term investments and it was considered prudent to manage surplus funds through the business reserve accounts to facilitate their access.

Base rate rises were anticipated to rise in 2004/05, therefore, surplus funds were kept short in order to take advantage of any increases in rates available.

Treasury Position at 31 March 2005

The treasury position at the 31 March 2005 compared with the previous year was:

	31 March 2005		31 March 2004	
	Principal	Average Rate	Principal	Average Rate
Fixed Interest Investments	£8m	4.475%	£8m	4.475%
Variable Interest Investments	£2.610m	4.75%	£0.239m	3.4%
Total Investments	£10.610m	4.61%	£8.239m	3.94%

The change in the treasury position was due to movements in the Council's working balances and slippage on the capital programme.

Prudential Indicators and Compliance Issues

The Council is required by the Prudential Code to report the actual prudential indicators after the year end. Appendix A provides a schedule of all the mandatory prudential indicators. Certain of these indicators provide either an overview or a limit on treasury activity, and these are shown below:

	31 March 2005 Actual	31 March 2005 Original Indicator
Net borrowing position	£-10.610m	£-8.0m
Capital Financing Requirement	£- 0.784m	£-0.520m

The Capital Financing Requirement (CFR) shows the Council's underlying need to borrow for a capital purpose, and this is a gauge for the Council's debt position shown above. In order to ensure that over the medium term borrowing net of investments will only be for a capital purpose, net borrowing should not, except in the short term, exceed the CFR for 2004/05 plus the expected changes to the CFR over 2005/06 and 2006/07. The table above highlights that the Council has complied with this requirement.

	2004/05
Original Indicator - Authorised Limit	£6m
Original Indicator - Operational Boundary	£4m
Maximum gross borrowing position during the year	£0m
Minimum gross borrowing position during the year	£0m

The Authorised Limit is the "Affordable Borrowing Limit" required by s3 of the Local Government Act 2003. The table demonstrates that during 2004/05 the Council has maintained gross borrowing within its Authorised Limit.

The Operational Boundary is the expected borrowing position of the Council during the year, and periods where the actual position is either below or over the Boundary is acceptable subject to the Authorised Limit not being breached.

Economic Background for 2004/05

The rising trend in UK interest rates which commenced in mid-2003 continued during the 2004/05 financial year as the Monetary Policy Committee tightened policy to combat the effects rising economic activity might have upon inflation. These concerns were most in evidence during the early stages of the year and Base Rates were raised in quarter-point steps in May and June to 4.5%.

Official rates were raised again in August to 4.75%, the peak for the year. Thereafter, the MPC adopted a comparatively neutral stance. A steep rise in world oil prices triggered a slowdown in economic activity in industrialised economies, notably the US. This, together with the low domestic inflation environment, caused the Bank of England to adopt a more optimistic view of medium-term inflation prospects, a tack that was

seen as a hint that the rate cycle may have peaked. Money market rates adjusted to accommodate this assessment and longer fixed interest rates slipped lower.

Base Rates remained unaltered for the balance of the year but confidence that the rate cycle had peaked was undermined in the last few months of the period. Money rates rose in reaction to the view that a further tightening of monetary policy was not out of the question.

Actual Strategy During 2004/05

Borrowing - Capital expenditure for the year was £3.638m. No borrowing was required to finance this.

Investment Policy – The Council's investment policy is governed by ODPM Guidance, which is implemented in the annual investment strategy approved by Cabinet on 11 February 2004. The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Investments Held by The Council – The Council maintained an average balance of £13.959m and received an average return of 4.57%. The comparable performance indicator is the average 7-day LIBID rate, which was 4.50%.

Alliance and Leicester £5 million @ 4.5%

National Australia Bank £3 million @ 4.45%

Abbey Business Reserve Fluctuating short/medium term cash @ variable rate, following the base rate.

Risk and Performance

The Council has complied with all of the relevant statutory and regulatory requirements which limit the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable, and its treasury practices demonstrate a low risk approach.

Shorter-term variable rates and likely future movements in these rates predominantly determine the Council's investment return. These returns can therefore be volatile and, whilst the risk of loss of principal is minimised through the annual investment strategy, accurately forecasting future returns can be difficult.

Legal Implications: ***There are no legal implications arising from this report.***

Human Rights Implications: ***The Human Rights implications of the actions recommended in this report have been considered and are acceptable and the checklist has been addressed.***

4. Recommendations

Members are recommended to:

1. Approve the actual 2004/05 prudential indicators within the report.
2. Note the treasury management stewardship report for 2004/05.

Plain English Guidance Given

Cllr Trevor Carbin
Portfolio Holder

Tracey Gay
Financial Accountant

10/08/05 Appendix A - Estimated and Actual Treasury Position and Prudential Indicators

Appendix A

Estimated and Actual Treasury Position and Prudential Indicators

	Figures are for the financial year unless otherwise titled in italics	2004/05 Actual	2004/05 Original Indicator
1	Capital Expenditure	3.638m	4.836m
2	Capital Financing Requirement (CFR) <i>at 31 March</i> Non Housing Total	 0.784m	 0.520m
3	Treasury Position <i>at 31 March</i> Borrowing Other long term liabilities Total Debt Investments Net Borrowing	 Nil 10.610m -10.610m	 Nil 8m -8m
4	Authorised Limit (<i>against maximum position</i>)		6m
5	Operational Boundary		4m
6	Ratio of financing costs to net revenue stream	-5.46%	-4.29%
7	Incremental impact of capital investment decisions on the Band D council tax	£3.32	£4.79
8	Incremental impact of capital investment decisions on the housing rent levels	N/A	
9	Upper limits on fixed interest rates (<i>against maximum position</i>)		100%
10	Upper limits on variable interest rates (<i>against maximum position</i>)		50%
11	Maturity structure of fixed rate borrowing (<i>against maximum position</i>)	N/A	
	Under 12 months		
	12 months to 2 years		
	2 years to 5 years		
	5 years to 10 years		
	10 years and above		

Agenda Item No. 8

Planning & Development Portfolio Holder Update

Agenda Item No. 9

Title:	Affordable Housing Supplementary Planning Guidance
Portfolio Holder:	Cllr Osborn – Portfolio Holder Planning
Reporting Officer:	Mark Russell, Planning Policy Manager
Key Decision:	Yes

Purpose

To report responses received to public consultation and to recommend adoption of the affordable housing supplementary planning guidance.

Background

On 30 March 2005 Cabinet approved revised draft affordable housing supplementary planning guidance (SPG) for the purposes of development control and for the purposes of public consultation.

A period of further public consultation was held between 8 April 2005 and 20 May 2005. Responses were received from 10 organisations and individuals.

Main Issues

A schedule of all comments received during the period of public consultation has been produced for Cabinet members and a copy is also available in the members room. The schedule includes a summary of the comments and a recommended Council response to each comment, including recommended changes to the SPG where appropriate.

Whilst welcoming the intention of the revised draft SPG to add clarity to the policies in the District Plan 1st Alteration, a number of additional concerns have been raised by consultees.

The policy in villages is contrary to Government policy and is different to that operating in neighbouring authorities;

The policy for up to 50% affordable housing provision on sites within village policy limits is in line with government policy and has been through a public inquiry process before adoption. Each Council develops its own policies in accordance with local circumstances and needs. The policy for affordable housing in neighbouring Kennet District is similar to that in West Wiltshire. Many other Districts are in the process of developing policies in line with West Wiltshire's approach.

The SPG prioritises social rented housing whereas the Council should be encouraging the full range of affordable housing solutions

The revised draft SPG makes it clear that need is the determining factor. At the current time social rented is the priority housing need in the District, but provision should be made in accordance with the needs at the time. The Council welcomes other options for the delivery of affordable housing within the District, provided that it will meet the types of local housing needs identified in up-to-date housing need surveys or from other sources and will be provided in proportion to their local priority. It is proposed that amendments are made to clarify this point and that other options for low cost home ownership should be set out in the SPG.

The Council is expecting developers to provide replacement grant. This is strictly contrary to government guidance;

The Council is seeking to deliver Policy H2 of the District Plan to meet affordable housing needs through the funding which is available. Supporting text to the District Plan already sets out the Council's approach to delivery affordable housing through a nil subsidy approach. The SPG does not seek to change that policy, merely to expand on how it can be implemented. If financial viability becomes an issue the SPG sets out a process by which applicants can demonstrate this and achieve a reduction in the affordable housing provision.

Developers should be free to choose which partners they work with;

Most development currently takes place through the Preferred Development Partnership and it is expected that this will continue. However, the Council cannot insist that a developer work with a particular RSL partner and the Council will consider other partners should it be thought that they are better able to deal with a specific project. Changes are proposed to clarify this point. It will, however, be made quite clear that other partners seeking to work with the Council will be required to provide evidence that they are equal to the task and that there are the necessary safeguards in place to ensure that potential residents, and the subsidy are protected.

There are numerous concerns regarding the proposed model for the delivery of shared ownership within the District;

The Council recognises that there are weaknesses in the shared ownership appendix to the SPG and therefore it is proposed that amendments should be made. The guidance will now include reference to other forms of low cost home ownership e.g. on a shared equity basis, which the Council, after taking legal advice, is satisfied that is both legal and workable. The mortgage required is no different than any taken in the open market and the shared equity would be secured by a second charge, effectively giving the mortgage lender a better security than would usually be the case. Other models will be considered if it can be demonstrated that they meet an identifiable need and are robust in operation.

Financial Implications

There are no direct financial implications. The SPG sets out an approach to the delivery of affordable housing without public subsidy, which the Council is already successfully implementing.

Legal Implications

Counsel's advice will be sought on the content of the final document and any recommended changes will be reported to Cabinet.

Options

Cabinet has approved the production of SPG to explain and clarify the ways in which planning policies contained within the District Plan 1st Alteration will be implemented. At this stage, Cabinet can choose to amend the document as appropriate and adopt the document as Supplementary Planning Guidance.

The proposed amendments to the SPG, following public consultation, can be summarised as:

- Introduce new Foreword and explanatory notes
- Split SPG into chapters
- Plain English document
- Provide contact details (para 4.6 and chapter 12)
- Delete model legal agreements

Objective: to make the guidance easier to understand and to improve access to the service for our customers

- Clarify that Council does not prescribe partners and allows for other providers, but does have a Preferred Development Partnership (para 5.5, para 6.3.1)
- Open book exercise - allow for the re-evaluation of financial viability once the development is complete (para 5.12)

- Management of rented housing - allow for other management partners provided that management standards are high and levels of affordability can be maintained (para 6.3.2)
- Provide more flexible options for low cost home ownership - including shared equity options (chapter 10)
- Occupancy criteria - Expand to provide for future, more imaginative solutions to ensure that developers produce what the community needs (chapter 11)

Objective: to provide a more flexible approach to the delivery of affordable housing

A copy of the recommended SPG, including amendments, has been produced for Cabinet members and a copy is also available in the members room.

The production of this SPG commenced under the old planning system. The new planning system has replaced SPG's with Supplementary Planning Documents (SPDs), but it is not possible to change draft SPG into SPDs at this stage, as the process for their production is quite different.

The Council's Local Development Scheme (2004 to 2007), approved by Government in April 2005, clearly states that the draft affordable housing SPG will be adopted as SPG during this period and will be treated as a material planning consideration in the determination of future planning applications, as it is based upon "saved" District Plan policies which have full development plan status.

Consequently, the draft SPG, as amended, can be adopted by this Council at this stage as non-statutory guidance and the Council will be able to give additional weight to its contents when considering and determining future planning applications received after this date.

The implementation of this Council's affordable housing policies will be monitored and reported in the Council's Annual Monitoring Report, published in December each year. The results will be fed into the review of these policies, scheduled to commence during 2006 and to be completed by 2008.

Recommendation:

It is recommended that Cabinet:

- (i) approves the recommended responses of this Council to each of the comments received;
- (ii) adopts the amended Affordable Housing Supplementary Planning Guidance, subject to (iii) below;
- (iii) delegates authority to the Portfolio Holder to make any necessary minor changes to the SPG that are recommended by Counsel.

Human Rights

There are no human rights implications.

Background Papers

File Ref: Affordable Housing

File Location: Planning Policy and Conservation Section

Plain English

Title:	Statement of Community Involvement
Portfolio Holder:	Councillor Jeffrey Osborn
Reporting Officer:	Karol Jakubczyk, Planning Policy & Conservation
Key Decision:	No

Purpose

To inform the Cabinet of the results of the recent consultation and to recommend the amended document for approval by Full Council.

Background

The District Council has to produce a SCI as part of the Local Development Framework process, which has to be submitted to the Secretary of State before the end of September 2005. The SCI provides a clear statement of how the District Council will engage with the community during the preparation of the West Wiltshire LDF and during the planning application process. The West Wiltshire SCI contains an additional section that explains how the District Council will engage the community within its other, non-planning, service areas.

The adoption of the SCI will help achieve the Corporate objectives of improving services and Council management, and help to strengthen the culture of corporate working. The adoption of the SCI will also help to strengthen the links between the District Council and the wider community, in particular through the Local Strategic Partnership.

The draft SCI was prepared by an internal officer-working group composed of representative officers from appropriate key service areas. Further input came from a specially convened PPG, which met on two occasions to discuss the contents of the draft SCI. The preparation of the draft SCI included an informal issues and options consultation exercise that sought the views of key consultees, including members of LSP and local town and parish councils. An additional informal consultation exercise sought input from all service managers.

The SCI has been the subject of a statutory six-week period of consultation that commenced in June and ended on 12 August 2005. The District Council has received 78 representations from a broad range of the community. These representations are summarised under Appendix 1. The SCI PPG has considered the representations and the District Council's response.

The adoption of the SCI will have an immediate impact on the way that the District Council engages with the community throughout all its services. The SCI document sets out a template, which along with other corporate mechanisms (such as ICT and CRM), will help to improve the District Council engagement with the community.

Key Issues

Set out in Appendix 1 is a summary of all representations made during the statutory six-week consultation period and the District Council's draft response. In general a significant majority of representations were broadly supportive of the draft SCI. Those representations that objected to the SCI, in the majority, tended to focus upon detail elements of the document rather than the principles used.

In summary, the key issues raised by the consultation are:

The length of the document

It is suggested that the draft SCI is too long and as a consequence ungainly. These objectors have not suggested how the District Council could shorten the document.

The use of a list of generic consultees

The SCI includes, as an appendix, a list of generic consultees that together make-up the community. It has been suggested by a number of respondents that such a list should identify all consultees either by title or name.

Detailed objections relating to development control

The SCI sets out in detail how the District Council will engage the community throughout the development control process. A number of representations have been made in relation to the community involvement mechanisms proposed through the SCI.

Financial Implications

There are no immediate financial implications.

Legal Implications

There are no legal implications.

Options

At this stage, Cabinet can choose to agree or amend the draft SCI before submitting the document to Full Council for formal adoption, prior to submission to the Secretary of State.

The proposed amendments include; providing a specific list of key consultees, improvements to the executive summary and sign-posting section, and addressing some of the concerns, raised by respondents, relating to the development control section,

The adoption of the SCI will have an immediate impact on the way that the District Council engages the community. In the longer term, following the independent examination, the

SCI will become a valuable component of the West Wiltshire LDF and in determining planning applications.

A copy of the recommended SCI, including amendments, has been produced for Cabinet members and a copy is also available in the Member's room.

Human Rights

There are no human rights implications.

List of Background Papers

File Ref: Statement of Community Involvement

File Location: Planning Policy and Conservation Section

Recommendation

The Cabinet recommends the amended document to Full Council.

Appendices

Appendix 1: SCI Reps Report

Appendix 2: SCI Completed Document (avail. to Cabinet Members & SCI PPG Members under separate cover)

Plain English

Title:	Draft Residential Design Guide SPD
Portfolio Holder:	Cllr Osborn – Planning Portfolio Holder
Reporting Officer:	Hilary Maclean – Urban Design and Conservation Officer
Key Decision:	No

Purpose

The purpose of this cabinet item is to approve the Draft Residential Design Guide for public consultation with a view to adoption in November as a Supplementary Planning Document.

Background

As part of the Local Development Scheme a residential design guide is proposed as a daughter document to the *Principles – Design Guide* which was adopted in September last year.

Following the decision of the Cabinet on 9th February 2005 to set up a Policy Project Group (PPG) to consider the content and production of a Residential Design Guide, the draft has been produced.

Relationship to the District Plan: The Residential Design Guide is primarily produced to identify how development proposals can meet the requirements of Policy H24: New Housing Design. However, numerous other policies which will impact on the design of residential developments have been referenced. As an SPD the Residential Design Guide cannot create policy only provide additional detail to support existing Policies within the District Plan.

Scope: This document aims to create a complete picture of the design implications for residential developments of differing scales across the district, including urban, rural and historic areas.

Consultation to Date: In addition to setting up a PPG issues consultation was undertaken prior to the commencement of the first draft. This included letters to all of the agents on our database, town and parish councils, relevant District and County Council employees and other local interest or professional bodies e.g. CABE, adjacent local planning authorities and civic trusts.

An exhibition was held in the Civic Hall to identify relevant issues. Local members and agents were invited to attend. It was also open to local residents. In addition the residential design guide was also represented at the West Wilts Show where a number of

individuals completed issues questionnaires. Issues arising from these consultation exercises are summarised as follows:

- Include reference to all four sustainability elements
- Encourage flexibility through designing adaptable buildings
- Include access for disabled people
- Include access for fire fighters
- Housing schemes should make provision for private open space
- Landscape schemes need to consider maintenance
- Emphasise the need for design statements and a context analysis
- Make specific reference to development within the historic environment
- Consider impact on services and the need to adopt new sewerage systems
- Include reference to ecology, tree surveys, affordable housing and contaminated land.

Planning Policy Group: The PPG for the Residential Design Guide has met on two occasions. Issues raised by the PPG include:

- Language should be “Plain English”, as far as possible and there should be a glossary to explain urban design terminology.
- The document should refer to such documents as *Landscape Character Assessments* and *Village Design Statements*
- The guide should make specific reference, under individual headings to: density; mix of units, lighting design, the historic environment and designing for wildlife.
- The existing policy stated that design statements “may be required”, consequently this guide cannot require design statements with every application, although this is considered desirable.

Main Issues

Objectives of the Residential Design Guide: Broadly the design guides has sought to highlight relevant policy issues and guide applicants and decision makers in both how to achieve good design and in determining what a residential application should comprise. The detailed objectives as outlined in the guide are:

1. To improve the quality of design in applications for residential development
2. To raise awareness of the basic policy requirements for residential development
3. To raise awareness of other policies and guidance which influence design
4. To provide guidance on the principles of good design and how to use them to create a quality, sustainable, residential development
5. To enhance people’s understanding of design statements and the design process.

Implementation: This guide is intended to be a tool for both developers and decision makers. Not only does it provide information on what constitutes good residential design, but it is should also serve to streamline the planning application process, through reducing

the need for pre-application discussions and securing all necessary information prior to registering an application.

Sustainability Appraisal: In accordance with the requirements of the Planning and Compulsory Purchase Act 2004 and the Strategic Environmental Assessment Directive 2004 a sustainability assessment has been produced in parallel with the Residential Design Guide. The Sustainability Assessment Scoping Report was produced and sent to statutory consultees for comment prior to the completion of the draft design guide. The design guide has responded to the issues raised in the sustainability appraisal to ensure, where possible, that it can help to achieve sustainable social, economic and environmental objectives.

Financial Implications: None

Legal Implications: None

There are no legal implications as this is not creating new policy only seeking to provide guidance on how to meet the requirements of existing policy

Options

This draft has sought to respond to the issues identified during the targeted consultation and the issues raised in the PPG, however the Cabinet are able to make recommendations for amendment prior to the commencement of the public consultation period.

The Cabinet agree to the commencement of a 6 week public consultation period.

Recommendation

Cabinet is recommended to Approve the draft document for public consultation.

Human Rights: There are no human rights implications.

Background Papers:

Draft Residential Design Guide

Draft Sustainability Appraisal

Plain English: to be sought for the final draft

Title: **High Hedgerow Complaints – Fees**

Portfolio Holder: Cllr J Osborn

Reporting Officer: David Hubbard – Development Control Service Manager

Key Decision: No

Purpose

To consider a request from the Bradford on Avon Area Seminar that Cabinet reviews the charges made in respect of high hedge complaints, particularly for group complaints and ensuring that costs are kept to a minimum.

Background

At its meeting on 26 July, the Bradford on Avon Area Seminar considered fees charged by the Council in respect of formal complaints about high hedges. The draft minute of that meeting was as follows:

‘High Hedges

Part 8 of the Anti-social Behaviour Act 2003 gives local authorities powers to deal with complaints about high hedges and came into effect in England on 1 June 2005. Councillor Repton was very concerned about the amount each individual must pay to complain about a high hedge. She quoted that each individual must pay approximately £300 with no group concessions. This was highlighted in a recent case in Meadowfield, Bradford on Avon against the owners of Belcombe Court. Councillor Repton asked if the Council could consider other forms of funding.

RESOLVED

That Cabinet reviews the charges made in respect of high hedge complaints, particularly in respect of group complaints and to ensure that costs are kept to a minimum while recovering costs.

Main Issues

Part 8 of the Anti-social Behaviour Act 2003

The key elements of this legislation include:

- Came into force on 1 June 2005.
- Requires local authorities to consider complaints about high hedges.

- The act relates only to evergreen or semi-evergreen hedges greater than two metres in height, measured from the base of the hedgerow.
- Complaints can be based only on the height of such a hedge adversely affecting the reasonable enjoyment of the complainant's property.
- Height is the sole issue for a complaint - for example, root damage is not an issue covered by the act.
- A complaint can be brought by the owner or occupier of a property adjoining the land on which the hedge is situated.
- The role of the Council is to act as an independent and impartial third party which will adjudicate on whether the hedge is adversely affecting the reasonable enjoyment of the complainant's property and what steps should be taken to mitigate the adverse affects. The Council's role is not to negotiate or mediate between the parties involved.
- Before the Council can accept a complaint, the complainant must demonstrate that every effort has been made to settle the issue of the high hedge, amicably, through negotiation or mediation. The Council becomes involved only when these steps have failed to achieve a solution.
- Both the owner of the land and the complainant have the right to appeal against the Council's decision.

Costs

'High Hedges Complaints: Prevention and Cure' sets out the Government's policy about administering complaints about high hedges. In respect of costs it states:

'The Act allows councils to charge a fee for determining a complaint about a high hedge. The Secretary of State has not at present used his powers to prescribe through regulations a maximum fee. Each council is free therefore to charge for this service as they think fit.

Should they wish to do so, councils may provide this service for free, or charge different amounts for different groups of people. In certain circumstances, councils may wish to offer the service at a reduced fee, or for free, e.g. to the disabled, the unemployed, those on low incomes or benefits, while making a charge to others based on the full cost of providing the service.

It is also for each council to decide whether or not to provide refunds. In certain circumstances, councils may wish to return any fee paid – e.g. if the matter is subsequently settled without their intervention. There is no requirement, however, to offer refunds. In particular, complainants should not expect councils to return money where the complaint has been formally determined, whether or not the outcome is favourable to them. Nor is it appropriate for the council to get involved in any attempts by the complainant to seek reimbursement of their fees from the hedge owner.

It is good practice for councils to publish details of the local fees scheme for dealing with high hedge complaints so that it is clear to people what the cost of making a complaint will be.

All formal complaints must be accompanied by the right fee. As a general rule, each complainant will pay one fee, irrespective of the number of hedges or hedge owners that might be involved.'

This council has set a fee of £345, which was agreed with the portfolio holder on 1 June 2005.

In reaching this fee, the following was taken into account:

- The need to cover the costs of this new service
- The aim to be reasonable so as not to deter the making of justifiable complaints
- The aim of deterring frivolous or vexatious complaints
- Testing by benchmarking against other councils

This figure is based on the hourly cost of the Tree and Landscape Officer and the time it is estimated that it will take for a high hedgerow complaint to be taken through its various stages.

The intention is that the Council will recover its costs in processing the complaint. The Management Accountant has advised that there is no other financial support that the Council has received to meet the cost of this new service.

This figure is very much an estimate at this stage, based on the time taken for other tree and landscape work. The cost is open to future variations, for example taking on board any changes in the costs of running the service.

Also, as the costs currently given are an estimate of what is expected to happen, monitoring of the first 10 –20 cases in respect of the time taken to process complaints and any additional costs will take place to test this figure and inform any future review of costs.

No complaints had been received at the time of preparing this report (the legislation requires a further attempt to be made by complainants to resolve the issues with the owner of the high hedge after the legislation came into force). It is unlikely that many cases will have been through all of the various stages for a review to be completed in time to revise the fee for the next financial year. Realistically, it is unlikely that this can be done before the financial year 2007/08.

Benchmarking against other councils

At the time of writing this report the 'Hedgeline' web site ('Hedgeline' is a pressure group, which campaigned for legislation to control high hedges) lists the fees for high hedge complaints of 169 English district councils and unitary authorities. This shows:

Average fee - £354.88p
Highest fee - £650 (Sevenoaks District Council)
Lowest fee - 0 (South Derbyshire District Council and Staffordshire Moorland District Council)

With a fee of £345.00p West Wiltshire is just below the average figure and ranks 106th lowest on this list.

48 councils offer a concession to complainants mainly on means tested benefits, of which three extend this to old age pensioners. Three councils make the fee partially or totally refundable if the complaint is upheld.

West Wiltshire currently has no concessions and does not make the fee refundable if a complaint is upheld.

Fees for the other Wiltshire councils are:

Kennet	£300
North Wiltshire	£350
Salisbury	£500
Swindon	£375
West Wiltshire	£345

This gives an average for the Wiltshire councils of £374.

Multiple complainants, one hedge, one owner

Underlying the concerns of Bradford on Avon Area Seminar is a case where several householders border the same high hedge. The supporting guidance document has identified this scenario as one of four uncommon cases. It advises as follows:

‘Multiple complainants, one hedge, one owner: For example where there has been infill development, a hedge that bounds a large garden could affect several smaller neighbouring properties.

Councils must consider separately and individually the impact of the hedge on each property that is affected. Separate complaints should, therefore, be submitted by the owner or occupier of each of the affected properties, together with the requisite fee. If they are submitted at the same time, Councils are advised to link the complaints as they are processed so that the relationship between them and the practical implications for the hedge owner can be considered.’

The guidance also refers to other scenarios where, in each case, there is a single complainant but variations of the numbers of owners and hedgerows. In all of these circumstances, it concludes that just a single fee should be paid.

The principle from this advice, clearly, is that each individual property affected by high hedgerows should be assessed on the merits of that case and that separate complaints (each paying the requisite fee) should be made for each affected property.

Financial implications

The current proposals are calculated to recover the Council's costs in administering this new service.

Any reduction or removal of fees or refunding of fees will need to be met from elsewhere within the Council's budget.

At this stage, it is difficult to estimate the number of formal high hedges complaints which we may receive and consequently it is difficult to calculate the costs to the Council of introducing a new fees regime.

It is known that there are up to 30 cases that had been brought to the Council's attention prior to the high hedges legislation. It is anticipated that there will be several complaints made in the near future but that the numbers of complaints will then fall away. Also, it is clearly intended that the presence of legislation and the sanctions open to councils will be sufficient to make owners of high hedges take steps to bring those hedges under control without affected neighbours having to resort to a formal complaint.

Legal implications

The Council has a legal duty to consider high hedgerow complaints.

Options

Cabinet has three options:

- To dispense with a fee for high hedges complaints
- To agree a different level of fee
- To agree the current level of fee subject to annual review and a comprehensive review based on the experience of the first 10 to 20 completed cases, likely to take place in time for the financial year 2007/08

Cabinet may wish to also consider concessions in some circumstances (mainly people receiving benefit).

Recommendation:

Cabinet is asked:

- 1 to agree the current level of fee subject to annual review and a comprehensive review based on the experience of the first 10 to 20 completed cases, likely to take place in time for the financial year 2007/08.
- 2 that a further report be brought to cabinet regarding the possible means tested concession to be implemented 2006/7 [this should a simple form of means testing]

Human Rights

Article 8 of the Human Rights act 1988 states:

‘Everyone has the right to respect for his private and family life, his home and his correspondence.’

This prevents interference by a public authority in the exercise of this right such as is in accordance with the law and is necessary in a democratic society in specified interests including the protection of the rights and freedoms of others.

Background Papers

Part 8 of the Anti- social Behaviour Act 2003
High Hedges Complaints: Prevention and Cure
www.hedgeline.org

Plain English

Title: **Melksham Area Seminar Request - PCT**

Portfolio Holder: **Cllr Osborn - Portfolio Holder Planning
Cllr Chivers - Portfolio Holder Community**

Reporting Officer: **Mark Russell, Planning Policy Manager**

Key Decision: **No**

Purpose

To consider the following request from Melksham Area Seminar:

"Request that Cabinet consults with the Primary Care Trust (PCT) on the need to provide adequate medical and dental facilities and personnel before full planning permission for large housing developments is granted."

Background

The above request was made at the Melksham Area Seminar on 7 July 2005. Planning Committee considered planning applications relating to the strategic housing site at East Melksham on 13 July 2005 and resolved "to defer consideration of the application(s) for a report on the medical and dental services and to consult with the PCT regarding the requirement, funding and recruitment of Doctors and Dentists in the area".

Main Issues

It is important that all providers plan for the future infrastructure needs arising from major new development. The strategic health authority is a statutory consultee when the Council is preparing the long term development plan for the District. The NHS was consulted through the preparation of the District Plan 1st Alteration. However, at that time, the authority did not identify any specific health requirements arising from the large new housing allocations which could have been set out in the Plan.

The District Council's East Melksham Development Brief, approved by Cabinet in October 2004, did, however, identify the need for the local centre to include sites for additional community facilities, such as children's nursery, doctor's and dental surgeries, if required. Officers have written to the PCT with regard specifically to the East Melksham proposals. The PCT response will be reported to Planning Committee.

The PCT is not consulted as a matter of course by the local planning authority on any planning applications.

Financial Implications

There are no direct financial implications, although better links with the PCT in assessing the impact of new housing development on public services may affect the type and level of planning gain achieved through the planning process.

Legal Implications

There are no legal implications.

Options

The most practical short term approach is to resolve the particular concerns relating to the East Melksham development through Planning Committee's consideration of the various applications.

It would also be appropriate for the local planning authority to consult the PCT, as a matter of procedure, on any planning application for the development of major housing sites. The PCT welcomes this in principle.

Officers are also currently seeking to establish better co-ordination between those public bodies which seek developer contributions towards infrastructure improvements arising from new developments.

In the longer term, the Council will consult the strategic health authority and PCT, both individually and through the Local Strategic Partnership, on the review of its planning policies.

The PCT is undertaking a wider review of local health policies, called "Pathways for Change", and the Council will respond to the emerging options.

Recommendation:

Cabinet is asked to:

- (i) note that Planning Committee will be considering the provision of medical and dental facilities at Melksham when it determines the East Melksham planning applications at a future date;
- (ii) recommend to Planning Committee that the local planning authority should consult the PCT, as a matter of procedure, on any planning application for the development of major housing sites.

Human Rights

There are no human rights implications.

Background Papers

Melksham Area Seminar minutes 7 July 2005

Planning Committee minutes 13 July 2005

Plain English

Agenda Item No. 14

Community Portfolio Holder Update

Agenda Item No. 15

Policy Co-ordination Portfolio Holder Update

Title: **West Wiltshire's Five Community Area Plans**

Portfolio Holder: **Cllr Duncan Hames - Policy Co-ordination**
Cllr Jeff Osborn - Planning Development

Reporting Officer: **Gwilym Gibbons – Community Initiatives Manager**
Lee Boyes - Economic Development Manager

Key Decision: **No**

Purpose

To update Cabinet on the progress of the five community area plans emerging from the five community area partnerships within the District.

To highlight the Council's role in delivering these community area plans as well as managing the response to the issues and aspirations they promote.

To bring forward resolutions from each of the five Area Seminars regards the Cabinet response to the five community area plans – see appendix 2

Background

The Local Government Act of 2000 established a new duty for local authorities to 'promote and improve the economic, environmental and social well being of the area', through the development of a community strategy.

The level at which engagement with the community should occur was left open, however, developing Local Strategic Partnerships (LSP's), particularly at district and county levels has subsequently become a requirement for enacting this duty.

It is widely recognised that if LSP's are to develop community strategies that reflect local needs and aspirations, a mechanism is required to bring those ideas together at a 'neighbourhood' level, a level in which local people feel they relate to and engage with. In response, the County Council drew upon a piece of research commissioned by the Wiltshire County Council in 1998 'A Sense of Belonging'. The research suggested the main building blocks for community planning in Wiltshire should be the creation of 19 Community Areas to support community planning and engagement at a local level. Following negotiation with District Councils and a period of consultation with the wider community West Wiltshire drew up boundaries for the new 'Community Areas' with consisted of a market town and a varying number of parishes that made up each towns hinterland.

West Wiltshire has five Community Area Partnerships (CAP's):

Bradford on Avon Community Area
Melksham 1st
Trowbridge Community Area Future
Warminster and Villages
Westbury Area Action group

Each of the five CAP's has either published or has a draft Community Area Plan in the public domain. All have undertaken extensive consultation to bring together a community view on the development of local services and paint a picture of the communities priorities and aspirations for their community area.

All five community area plans are set out in eight key themes:

Education Skills and Learning
Economy
Crime and Community Protection
Transport
Culture
Social Care and Health
Housing and the Built Environment
Countryside and Land Based Issues

Discussions are currently underway regards how best the Council can work at a local area level, a report will be brought to Cabinet in due course.

Main Issues

The five Area Seminars have resolved to ask Cabinet along with other statutory partners to give serious consideration to the issues raised through the community planning process and how the Council will support the delivery of the outcomes emerging from the community area plans.

Community area plans on the whole demonstrate a consensus of how the community wishes to see the future for their area, however life is not always that simple and the plans also reflect various tensions. For example tensions that arise as a result of: actual need versus perceived need; differing and conflicting needs and aspirations.

Where there is tension or elements that could pose contradictions between desired outcomes, there lies a unique role for elected members supported by officers in leading communities and brokering solutions. For example: engaging with the Community Area Partnerships to gain an understanding of the tensions that may exist; forging agreement among divergent communities and; taking responsibility for tough choices when they have to be made.

The plans form just part of a range of evidence and information that should inform change. It should be recognised that some expressions of community actual need within the plans may represent a community feeling of need.

Community area plans should form a key part of the evidence base for the design and delivery of council services. Where other information/ data suggest that service planning should take another route, the aspirations/ needs expressed in the plans should inform the methods of consultation with community area.

There may be elements of the community area plans that the district council cannot influence or deliver directly e.g. transport, health etc. In these instances the council should ensure that community needs are promoted to the appropriate organisation.

Examples of direct WWDC activity linked to community area plans

- **5 Towns Initiative (5Ti)**

Over the past year a concerted effort has been made by the council's economic development and community initiatives teams to develop market town action plans in partnership with town councils and community area partnerships. This exercise culminated in the production of 3-year action plans that deliver on:

- The district council's spotlight area of market town regeneration
- Community area partnership needs and aspirations
- The town councils' priorities.

In the main, the plans will be delivered through the 5Ti where partners have agreed to allocate resources (time and funding) to implement the market town action plans. The district council allocates £130,000 (£100,000 capital and £30,000 revenue) which is 100% match funded by the town councils bringing the total fund to £260,000 annually. The process of developing these plans with unique schemes in each of the towns that is supported by all three parties has led to a significant improvement in relationships and has seen dividends beyond the 5Ti fund alone. Pooling resources in this way and working collaboratively to produce the action plans increases the potential for attracting other external funding sources.

Appendix 1 is a matrix that demonstrates how the market town action plans will be delivering elements of the community area plans.

In addition, a number of council services are already delivering elements of the community area plans e.g.: the council's 'small grants' fund. In future there will be a need to demonstrate that community area plans form an integral part of council service plans.

Financial Implications

- Where community area plans suggest a change in service delivery it should be noted that capacity is required in service areas to manage the change management process.

Resources maybe required to assess the value and impact of service redesign and the transitional costs incurred to effect change

- Delivering the Market Town Action Plans over the next three years will require at least the same level of funding from the District Council as current year (£130,000) in order to lever in match funding from town councils and to possibly attract other external funding.
- The provision of resource will be subject to the Service and Resource Planning process when developing the budget for the relevant year

Legal Implications

There are no legal implications.

Recommendations:

1. To note receipt of the five community area plans.
2. To note the resolutions as brought forward by each of the five Area Seminars in appendix 2.
3. To agree that community area plans should form a key part of the evidence base for the design and delivery of council services through the service and resource planning process.
4. Note market town action plans and the 5Ti as the main vehicle for delivery of the 3-year plans

Human Rights

There are no human rights implications.

Background Papers

Copies of the full five community area plans can be found at the following location:
S:\Community Leadership\Community Initiatives\community area plans

Plain English

List of Appendices

- 1: Matrix of Market Town Action Plans 2005-08 (5Ti) and Community Area Plans
- 2: Area Seminar Resolutions: April – July 2005
- 3: West Wiltshire's Five Community Area Plans Summaries

Title:	Funding Agreement Contractual Issues with Melksham 1st
Portfolio Holder:	Cllr Duncan Hames - Policy Co-ordination
Reporting Officer:	Gwilym Gibbons – Community Initiatives Manager
Key Decision:	No

Purpose

To bring forward the second part of following resolution from Melksham Area Seminar of the 7th July 2005:

RESOLVED:

That:

- (i) Melksham Area Seminar ask Cabinet to give serious consideration to the issues raised in the Melksham Community Area Action Plan with **consideration of the contractual problems mentioned by David Richards as explained in the meeting and further with Cllr Duncan Hames**

Background

The Melksham Area Community Action Plan has been developed by Melksham 1st the community area partnership for the Melksham area and the trading name for Melksham Area Community Development Trust Ltd, a new organisation that forms the legal entity behind Melksham 1st.

Since the beginning of February a process of negotiation regards the development of a joint 3 year Funding Agreement with Melksham 1st and its core funding partners, Melksham Town Council, West Wiltshire District Council, Melksham Without Parish Council and Wiltshire County Council has taken place. The funding agreement was modelled on the Wiltshire County Council Service Level Agreement currently in place with a number of the District Councils SLA funded voluntary sector organisations.

It became clear in June that Melksham 1st were not happy with the content of the 'Funding Agreement' and in particular what has been describe as the one sided feel of the agreement maximising risk with Melksham 1st and minimising risk for the District Council and other funders.

As a result, the negotiation regards the terms of funding for a 3 year agreement came to an end in early July, with the District Council reverting to an agreement fund Melksham 1st on an annual basis with similar terms as agreed with the other remaining community area partnerships.

At the heart of the breakdown in negotiations was the District Councils position of not fully committing to 3 year funding and maintaining a 3 month notice of withdrawal clause. Although the 'Funding Agreement' signals the Councils wish to secure funding over a 3 year period, currently the Council reserves the right with in all its voluntary sector SLA's to reduce or withdrew funding should a new financial year necessitate a change in our ability to pay and/ or our corporate priorities shift the focus of our resources.

Main Issues

- The District Council should consider its position regard shifting risk of funding pressures on the District Council onto the voluntary and community sector and recognise the subsequent impact on the voluntary sector in managing the financial and legal risks associated with potential reductions in core funding. The District Council should way up the desire to minimise risk and ongoing liability against value for money. The more the Council can offer security to the organisations it funds, the less those organisations will spend supporting contingency and fundraising costs.
- The equity of funding support from the District Council across all five community area partnerships is of concern, with the risk of some areas benefiting from greater security and financial support. The issues Melksham 1st are experiencing are not isolated to this one Community Area Partnership, the remaining four CAP's would greatly benefit from receiving a 3 year commitment of future support.

Current financial position and budget allocation

Community Area Partnership	2005/06	2006/07	2007/08	Total 3 years
Melksham	£6,000	£6,000	£6,000	£18,000
Trowbridge	£6,000	£6,000	£6,000	£18,000
Brad on Avon	£4,000	£6,000	£6,000	£16,000
Westbury	£4,000	£6,000	£6,000	£16,000
Warminster	£4,000	£6,000	£6,000	£16,000
Total	£24,000	£30,000	£30,000	
Budget allocated: <i>LPSA</i>	£20,000	£20,000	£Nil	
<i>Community Dev</i>	£ 4,000	£Nil	£Nil	
Balance	£0	(£10,000)	(£30,000)	

- The above table shows current resource allocation for 2005/06 and potential budget impact of adopting a 3 year equitable commitment to the Districts 5 Community Area Partnerships
- The additional £2,000 for 2005/06 allocated to both Trowbridge Future and Melksham 1st is due to an urgent need at this time to support (along with our partners) a dedicated

project worker. Both posts have attracted a package of funding of which the District Councils £6,000 is a vital part. It is envisaged that all five community area partnerships will be in a similar position of need from 2006/07, this has been reflected in the table above.

- 2006/07 shortfall of £10,000 will be subject to a Service Bid in the coming budgeting round.
- The impact of LPSA funds ceasing in 2007/08 maybe replaced by a new source of funding succeeding LPSA. However there is no confirmation of a new LPSA or an equivalent fund becoming available post 2006/07 at this time.

Financial Implications

- An August commitment to additional funding or to enter three year agreements ahead of the Service and Revenue Planning process may lead to funds not being allocated to the Councils highest priorities when considering the overall funds available.

Legal Implications

There are no legal implications at this stage.

Recommendation:

1. Cabinet to note that the Portfolio Holder for Policy will explore with Officers options to strengthen the Councils financial commitment within its 3 year funding agreements with a view to extending the current 3 month notice period.
2. That Cabinet agree to seeking 3 year financial security for the 5 Community Area Partnerships within the District

Human Rights

There are no human rights implications.

Background Papers

Support for Project Officer: Trowbridge Community Area Future
CABINET 9TH February 2005

Melksham Area Seminar Minutes
7th July 2005:

Plain English

List of Appendices

Agenda Item No. 18

Environment Portfolio Holder Update

Agenda Item No. 19

Housing Portfolio Holder Update

Agenda Item No. 20

Environmental Health Portfolio Holder Update

Agenda Item No. 21

Communications Portfolio Holder Update

Agenda Item No. 22

Cabinet forward Work Plan

Date of Next Meeting

The next scheduled meeting of Cabinet has been arranged for Wednesday 28th September 2005 to be held in the Council Chamber, at the Council Office, Bradley road, Trowbridge at 7.00 pm