

These minutes will be presented to the next Cabinet meeting for approval as a correct record

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **CABINET**

Held on: **WEDNESDAY 26 OCTOBER 2005**

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

Present:

Councillors: Content (Leader), Brown, Carbin, Cox, Hames, James (part meeting), Osborn and Syme

Also present: Cllrs Conley, Cunliffe-Jones, Fortescue, Phillips OBE, Rosier and Viles

Officers: Chief Executive, Corporate Director (IG), Head of Finance (IJ), Housing Renewal Manager (PY), Principal Planning Officer (Major Applications & Appeals) (CC), Communications Officer (LK) and Member Support Officer (SS)

Also in attendance:

604. Apologies

Apologies for absence were received from Cllr Chivers and Cllr James for lateness

605. Minutes

The minutes of the last meeting held on 28 September 2005 were approved as a correct record and signed by the Leader.

606. Declarations of Interest

No declarations of interest were declared

607. Announcements from the Leader

Customer 1st has successfully gone live at the depot.
Following the Standards Meeting at which the Constitution was discussed it has been agreed to postpone the adoption from 9 November to a Special Meeting of

Council on 15 December. There will be a Group Leaders meeting to discuss the revised Constitution before this date

608. Update from the Finance Portfolio Holder

Cllr Carbin informed the Committee that Shirley Sanchez was on the road to recovery and wished her well. In Shirley's absence there had been some concern about the leasing scheme which was being looked into.

609. Financial Monitoring

Cllr Carbin as Portfolio holder presented a report that detailed the Council's financial position for the period ended 30 September 2005. The report covered capital expenditure, investment income, the general fund spent to date, the general fund out-turn and contingency fund. He informed the Cabinet that the situation was being closely monitored and reported to CMT, Cabinet and Scrutiny Committee.

Resolved:

That Cabinet note the report

610. Update from the Planning & Development Portfolio Holder

Cllr Osborn updated the Cabinet on the following items

Scrutiny Committee

In his role as Portfolio Holder he had been asked to attend Scrutiny Committee on 19 October, he emphasised that it had been an interesting evening and looked forward to seeing the recommendations that arose from that meeting, and that he would be happy to return to the committee in 6 months time to update on progress made.

Trowbridge Conservation Area

Is being finalised for Council on 9 November although it won't be complete pictorially the text will be final.

Regional Spatial Strategy and Regional Economic Strategy

We are trying to make the outcome of these as beneficial for the district as possible and time is running out. If anyone has comments they should let Cllr Content know so she can express them at the executive meeting in November.

MSCP/Castle Place

We have been expecting a report on progress on this issue for the last few meetings. I wanted to take this opportunity to briefly update Cabinet on where we are with progress. Ian Gallin continues to be in touch with the developer of this scheme.

We have now received the District Valuers view of the values he believes are generated by the development. Officers are currently considering this report.

The next step is for officers to commission some further advice valuation in order that they can provide some clear some options to the next meeting of Cabinet.

Trowbridge Magistrates Court

A letter was circulated with MIS on 14 October from Her Majesty's Court Service, following this a report will be taken to Council on 9 November.

611. Waterside Project (Key Decision)

Cllr Osborn informed Cabinet that the purpose of this report is to seek authority to move to the next stage in the project which includes submitting an outline planning application and if granted to offer the site for sale on the open market.

The issue at Cabinet on the 20th July when we were advised that further work was being undertaken. Since then significant amounts of progress has been taking place on this project. The report updated Cabinet on the work including

- Traffic impact
- Geo-technical investigations
- Flood risk assessments
- Relocation requirements
- Ecological surveys:
- Market soft testing

In terms of the timescales the Project Plan is now entering Phase 3, we will submit an Outline Planning Application in November, planning consent will be hopefully be granted early in the first couple of months of next year, following which the site will be offered on the open market. Discussion will commence with developers and the preferred developer selected around July 2006, and contracts to be exchanged by the end of that year. Detailed Planning Consent will hopefully secured by April 2007.

Development on site would commence shortly thereafter. Members will hopefully have had the opportunity to look at the display boards, it is this scheme which will be submitted as the outline planning application

However the design and mix of uses comprised within the eventual scheme will be a matter for the developers to submit in their bids for the site.

These will be evaluated at the end of the marketing exercise, and any scheme that does not encompass the primary objectives (cinema together with associated leisure facilities, and new library) will be rejected.

It must be noted that the plans that the Councils' consultants have devised merely demonstrate that a viable scheme is possible within the current development control, physical and financial parameters. The eventual scheme may look very different to those on display.

Members should also be aware that a Risk Assessment has been carried out, details of which are included in an appendix to this report.

Resolved:

That the Cabinet is recommended to:-

Authorise officers to proceed with the submission of an outline planning application, entering a Partnership Agreement with the County Council, forming a Partnership Panel, and offering the land comprising County Hall East, together with Court Street Car Park for sale on the open market.

Statement of reason for key decision	This is a significant project involving land currently in public ownership. The delivery of a cinema and associated leisure has long been an aspiration in the local community and is contained in many strategy and plan documents as a key outcome or objective
Options considered and rejected	Options considered are detailed in the report under the heading 'Options Considered'
Date of implementation	Key dates in relation to this project are contained in the report under the heading 'Timescales'. The specific recommendations will be implemented immediately

612. Enforcement Policy (Key Decision)

Cllr Osborn informed Cabinet that the purpose of the report was to consider adopting the Planning Enforcement Policy for dealing with planning enforcement compliance and complaints. The integrity of the Development Control service depends on the Council's readiness to ensure developments are implemented in accordance with the approved plans and conditions and to take enforcement action when appropriate.

The introduction of an enforcement policy is the next step in improving the service and will establish clear and open criteria for dealing with unauthorised or non compliant matters.

Because planning enforcement action is only taken when it is 'expedient' to do so the emphasis will be on negotiating a solution, e.g. submitting an application

In summary the Policy makes clear that :

- There are two distinct strands in planning enforcement which will be pursued
- Re-active enforcement (enforcement)– to respond to complaints about alleged unauthorised development or uses.
- Pro-active enforcement (compliance)– to secure compliance with planning permissions, associated conditions and planning agreements
- All enforcement complaints should be received in writing
- Anonymous complaints will not be investigated
- All complainants details will be kept in confidence
- All complaints will be given a priority with a specific set of time scales, as set out below. The Policy defines the priorities.
- The emphasis will be on negotiating a resolution
- Complainants will be kept informed of both progress and decisions.

For proactive enforcement cases (normally dealt with by the Compliance Officers) the following measures are being put in place to ensure decisions are followed up with the developers:

- Note attached to all permissions, consents and approvals advising of the need to comply with approved plans and details and all conditions and planning obligations
- Approval of any details required by conditions and agreements will be the responsibility of the planning case officer
- Failure to meet the requirements of the condition or agreement within specified time will be passed on to the Enforcement process.
- Case prioritisation will be the same as the reactive enforcement (see above)
- It will include monitoring the implementation of development to completion of all requirements of plans, details of conditions and obligations, Continuing monitoring of ongoing limitations and restrictions following completion

Resolved:

That Cabinet considers adopting the Planning Enforcement Statement, and that the adoption of the policy should be well publicised.

Statement of reason for key decision	This is a key decision because it will establish the basic policy, criteria and time scales for dealing with planning enforcement and compliance matters in the foreseeable future and form the basis for subsequent enforcement procedures and performance.
Options considered and rejected	Continuing with the existing ad hoc and unclear system.
Date of implementation (not less than five days after date of decision)	1 st December 2005

613. High Hedges – Multi property applications & means tested possibilities

Cllr Osborn informed Cabinet that this report had been brought to Cabinet in response to the decision of the Cabinet at its meeting of 31st August to get definitive guidance on multiple complaints about the same high hedgerow and in respect of the possibility of agreeing means tested concessions.

Multiple complainants, one hedge, one owner

Discussions have taken place with the Trees and Hedgerows Team at the Office of the Deputy Prime Minister. These have confirmed that it is the intention of the legislation that all complaints about high hedgerows should be based on the effects of the high hedgerow on individual properties. Where several properties adjoin a single hedgerow in one ownership an individual assessment should be made of the impact of the hedgerow on each property. Consequently a complaint accompanied by the appropriate fee, as set by the Local Authority is required from each affected property.

Concessionary fees

Guidance indicates that councils may charge different amounts for different groups of people. 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. This council has set a fee of £345. A concessionary fee of £175 (just over 50%) would be in line with the level of concessions offered by other councils in England and by this council in respect of other services. The concessionary fee should be subject to the same review process agreed in respect of this fee after the first ten cases. It is not anticipated that a great many of the first ten cases will attract the concessionary fee and that therefore on this basis any shortfall could be met from elsewhere within the planning budgets.

The Planning Department were also asked to keep an eye on changes at national level on the multiple complainants issue, to provide costings and make maps available when the review takes place after 10 cases.

Resolved:

That Cabinet:

- **Agree that in cases where there are multiple complainants about one hedge with one owner all complainants pay the requisite fee in line with the confirmation of the guidance from the ODPM.**
- **Agree a concessionary fee of £175 for people on means tested benefit subject to annual review and a comprehensive review of high hedgerow complaints fees based on the experience of the first 10 completed cases.**

614. Update from the Housing Portfolio Holder

Cllr James update the Cabinet on the following items

Employee of the year Adele Lodwig from Housing Needs was nominated by her manager for employee of the year. The annual competition is designed to find the employee who has done the most to uphold the criteria of the Trowbridge Customer Charter. Adele was informed that she is one of the 12 people who have been shortlisted and now awaits a visit from the judges. If she is then selected as one of the six finalists she will be required to attend the Grand Final Award Evening on 23rd November 2005.

Houses in Multiple Occupation The Government has announced that the new licensing regime for HMOs will be introduced in April 2006. It is thought that we may have as few as 20 premises that will need to be registered.

Homelessness Grant Last week Nicole Smith met with the ODPM's Homelessness Advisor at the Government Office. He was extremely impressed with West Wiltshire's programme for halving the amount of temporary accommodation we use by 2010, and the government have agreed to award the Council £78,000 in grant for 2006/7 to spend on homelessness prevention.

Choice Based Lettings Survey In October we analysed the results of a survey of housing association partners on the first 4 months of running CBL. Eight associations responded. Between them they had successfully let 434 homes through Homes 4 West Wilts with only 29 homes not being let. They overwhelming feeling was that the new system had improved choice and that customers are happier with the homes they are choosing. They also felt the partnership is working well but that they would like access to more information on the computer system.

Capital Allocation for Housing The Government recently announced that they have given a capital allocation of £424K. It is intended that this is money for Private Sector Renewal. However in previous years this has simply been a borrowing approval and as a debt free authority we have not used the approval. However, the Government have not yet decided if this will be awarded as a capital grant of a borrowing approval again. Clearly if it is a capital grant that will be of some benefit to the council. If it is a borrowing approval they have invited us to consider if we would like to transfer the allocation to the Housing Corporation if we do not intend to borrow ourselves. Officers will be considering our response on this.

Octagon Motors Having just submitted our proofs for the McCarthy and Stone appeal concerning their planning application for Frogmore House in Westbury, we now find that we will have to deal with an appeal in respect of their site at Octagon Motors Warminster. You may be interested to know that they have

appealed on the grounds of non determination only a week after commencement of negotiations on the commuted sum.

Graham Hogg going on secondment to GOSW Graham will be leaving on 7 November for a 2 year secondment with GOSW/ODPM to work with Councils who still have council stock to work with them on setting up LSVT, PFI and Arms Length Management Organisations. Interviews took place today for an internal secondment to cover Graham's post.

615. Empty Homes Policy

Cllr James informed the Cabinet that Council Tax records list more than 600 properties which qualify for discount because they are empty. Some of these are vacant for good reasons; for instance, their owners may be working on contracts abroad, or they may be receiving long-term care. From a survey carried out last year, we believe that about 400 long-term empty houses could be brought back into use. Some of these have been empty for many years.

These houses are literally a waste of space. If we were able to bring every one of these houses back into use, it would save up to 13 hectares of development land from being built upon.

In West Wiltshire, there are nearly 3 long-term empty homes for every household accepted as homeless last year. (*146 homeless acceptances in 2004/05*) Empty homes attract vandalism, anti-social behaviour, drug abuse, arson and other types of criminal activity. Living next door to one of these houses reduces the value of your own house by 7% on average.

The South West Regional Housing Strategy emphasises the importance of reducing the numbers of empty homes in helping to balance housing markets. This Empty Homes Strategy details what we are going to do and how we are going to do it. We are putting in place advice and financial assistance for those owners who wish to bring their houses back into use.

Earlier this year, it was agreed that £100,000 from the sale of Ethandune would be used to fund works to repair empty homes where this was necessary to bring them back into use. The Housing Renewal Strategy which I will shortly be introducing contains the detail of how these grants will work, including how we will re-cycle the money in later years.

Where we can't get the co-operation of the owners, we have a range of powers we can use, and the policy explains when and how we will use those powers. By a sensitive use of these 'carrots and sticks' we intend to make significant inroads in the number of long-term vacants.

The action plan lists the main activities, and sets out a timetable. There will be publicity targeting the owners of empty homes, but also more general information so that members of the public know how to find out more and who to contact . The Housing Renewal section is drawing up a list of 25 houses for priority action based on length of vacancy and level of complaint. However, if Members know of

particular properties which are causing problems, then please bring them to the attention of Sonia Clark who is the Council's contact officer for empty homes.

Resolved:

That Cabinet adopt the Empty Homes Policy

616. Review of Housing Renewal Policy

Cllr James report that the Council's Housing Strategy had received the approval of Government Office. As that significant milestone has been passed, I am now able to present to Cabinet the first revision of the Housing Renewal Policy. The policy sets out how we aim to maintain and improve the quality of private housing in the district, by the use of grants and loans, and, where appropriate, the exercise of our statutory powers.

We face a significant problem in funding our responsibilities under the Housing Acts. We have a specific duty to pay for Disabled Facilities Grants, and the number of applications we receive is growing each year, whilst government subsidy is not, and this is putting a severe strain on our resources. This is made worse by several factors:

- an ageing population,
- an emphasis on people remaining in their own homes
- improvements in the efficiency with which we deal with applications.

The report explains the steps we have already taken to reduce the impact on resources, but we can't avoid the fact that the demand for capital funding of Disabled Facilities Grant is increasing beyond our ability to meet it.

Besides mandatory DFG, the policy also details the other forms of assistance which we are introducing to replace Renovation Grants and Home Repair Assistance. The policy introduces new discretionary grants for disabled households which address particular issues, such as children with disability and people who need urgent assistance.

Other discretionary assistance aims to help householders to bring their homes up to the Decent Homes standard, either through grants or loans, and there is support for our empty homes policy and contaminated land initiatives. We have also included provisions to ensure that most discretionary grants are repaid when householders move, so long as this does not cause undue hardship. Such provisions, taken with closer focus on delivering the aims of the housing strategy, should ensure that the overall cost to the Council is contained.

We are still waiting for the new legislation contained in the Housing Act 2004 regarding housing standards and enforcement. The government has recently announced that it has postponed these provisions from November until April next year. Housing Services is already preparing for this, and we look forward to receiving government regulation and guidance to help us take our housing policies forward.

Resolved:

That Cabinet adopted the revised Housing Renewal Policy, with effect from 1st January 2006

617. Update from the Community & Leisure Portfolio Holder

No update was received

618. Update from the Environmental Services Portfolio Holder

Cllr Brown informed the Cabinet of the following information

All is in place to commence the roll-out of the Green Bins in Warminster. The first bins will be delivered during week commencing 17 November and collections will start week commencing 28 November. Generic communication has started and will be followed in the next week or two by specific targeted information, member briefings and roadshows.

Recycling figures for September were again encouraging. Total recycling = 25.08% (annual average to date = 26.26%). Kerbside recycling = 13.35% (annual average to date = 13.45%). Compost recycling = 13.09% (annual average to date = 12.82%).

Cleanaways performance on missed collections has dramatically improved over the last month.

The CRM system was due to go live at Riverway depot on 17 October but due to technical problems and will go live on Friday 21 October.

We are proposing to employ a further enforcement officer to help provide additional excess charge income and also help us deal with new requirements for abandoned vehicles.

The Improvement Plan for Commercial Services has been revised and will be tabled at CMT next week. Although it is early days work is on schedule.

John Follows the new Property and Estates Service Manager will be starting on 31st October.

619. Update from Environmental Health Portfolio Holder

Cllr Cox informed the Cabinet that R J Compton and Sons had appealed the decision of refusal to the Secretary of State, and that the new form Lafarge Liaison group would meet at WWDC and Cllr Cox would update Cabinet at a future meeting.

620. Update from the Policy Co-ordination Portfolio Holder

Cllr Hames as Portfolio Holder updated the Cabinet on the following items

Meetings

He had attended meetings with the Service Managers from within his Portfolio, as well as meeting the chairman and attending the LSP meeting at which he had been asked to be a co-champion for the Cultural theme.

Funding

Village Hall Grants, First round small grants, Play Area grants and LPSA funding for Community Area Partnerships have all been awarded according to the established criteria.

The highlight was the opening of the Greenland View play area which WWDC own the land have co-funded the refurbishment.

Central Bidding

We have not submitted a bid to the ODPM for funding across Wiltshire to support capacity building, including the Community Leadership role.

Forward Work Plan

Work is underway to strengthen the Councils corporate complaints procedure streamlining the process improving co-ordination and monitoring to ensure lessons are learned.

Gershon Efficiency

We have submitted our 'Use of Resources' statement which forms part of the Audit Commissions assessment of our 'Direction of Travel' for the CPA. Joint working across Wiltshire is generating projects to improve efficiency which will be able to opt into from the next financial year.

CPA

The Audit Commission is consulting on the future of the District CPA, WWDC is participating and I have opened that opportunity also to my predecessor from the previous administration in light of his extensive experience of the last CPA.

621. Update from the Communications Portfolio Holder

Media monitoring - July to September

During the quarter July to September, a total of 63 press releases and letters were sent to the local media - this compares to 46 in the same period last year.

Of these 63 press releases and letters, 96.8% were used in some way, shape or form and 68.2% were used in at least half of all relevant publications.

During the same three months, there were 351 articles and 35 letters relating to the Council in the local press. Of these, 94% of the articles and 34.3% of the letters were either positive or balanced - the vast majority of negative letters related to car parking charges.

A full breakdown of the quarterly monitoring is available from the Policy & Communications team.

Media monitoring - annual report

It is now a full 12 months since the Policy & Communications team started to monitor our media coverage, and the following may be of interest.

During the year October 2004 to September 2005, a total of 205 press releases and 10 letters were issued - so 215 overall compared to 137 overall in the same period of 2003-04.

Of these 215 press releases and letters, 96.7% were used in some way, shape or form and 76.7% were used in at least half of all relevant publications.

In future, an annual report will be produced at the end of the Council year in line with our other performance monitoring.

West Wilts Matters

The latest edition is being distributed to households across the district via Royal Mail this week. The next issue is due out in February.

622. Cabinet Forward Work Plan

Portfolio Holders asked for an up to date copy of the Forward Work Plan be e-mailed as soon as possible.

It was agreed that the Customer First Corporate Monitoring Report would be moved to January due to the workload in December.

Resolved:

That the Cabinet Forward Work Plan be approved with the above amendment.

623. Date of the Next Meeting

The next meeting of Cabinet was scheduled for Wednesday 23 November 2005 at 7.00pm in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge

(7.03 pm – 8.56 pm)

These minutes were prepared by Suzie Stanier, who can be contacted on 01225 770322 or email sstanier@westwiltshire.gov.uk