

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **CABINET**

Held on: **WEDNESDAY 23 NOVEMBER 2005**

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

Present:

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

Also present: Cllrs Bower (part meeting), J Clegg (part meeting), M Clegg (part meeting), Cunliffe-Jones (part meeting), Newbury (part meeting), Swabey (part meeting), Payne (part meeting) and Viles

Officers: Chief Executive, Corporate Director (IG, TD (part meeting), PW), Head of Finance (IJ) (part meeting), Leisure Manager (TS) (part meeting), Solicitor (SH) (part meeting), Principal Lawyer (AA-P) (part meeting), Urban Design and Conservation Officer (HM) (part meeting), Communications Officer (LK) and Member Support Officer (MS)

624. Apologies

An apology for absence was received from Cllr James as he was attending the Grand Final Award Evening at the Civic Hall in Trowbridge with Adele Lodwig, Housing Needs Policy & Research Officer, who had been nominated as employee of the year. The winner of the competition would be announced that evening.

625. Minutes

The minutes of the last meeting held on 26 October 2005 were approved as a correct record and signed by the Leader.

626. Declarations of Interest

No declarations of interest were declared

627. Notice of Motion – Telecommunications Bill

A report of this notice of motion was presented to Cabinet by Cllr Osborn. The notice of motion was previously presented to Council on 9 November 2005 and

was then referred to Cabinet for consideration before being reported back to Council.

Andrew Stunell MP had prepared a Private Members Bill relating to planning controls for telecommunications masts and associated apparatus. The Bill proposes that alterations be made to the Town and Country Planning Act 1990, the Town and Country Planning (General Permitted Development) Order 1995, the Telecommunications Act 1984 and the Communications Act 2003. The Bill recommends the following amendments: -

- a) Every application for planning permission for telecommunications masts and associated apparatus shall be accompanied by a precautionary principle statement. This is a statement for telecommunications masts and associated apparatus which describes the effect upon the environment or human health which might arise from the installation or use of the telecommunications masts and associated apparatus.
- b) Where the above statement indicates that there is a threat of damage to health or the environment, it shall not be a ground for granting permission that there is a lack of full scientific certainty about the extent of the threat of damage to health or the environment.
- c) Every application for planning permission for telecommunications masts and associated apparatus shall be accompanied by a Certificate confirming the area and maximum range of the beam of greatest intensity, where that greatest intensity is and information on where radiation “falls off”. Information on this should be made publicly available.
- d) Where a beam of greatest intensity falls on any part of an educational, medical or residential property, planning permission shall not be granted before first taking into account the information contained with the certificate and any representations received in respect of that information.
- e) Amendments are proposed to the Telecommunications Act 1984.

RECOMMENDED TO COUNCIL AND THE CHAIRMAN:

This Council seeks support from the Local Government Association and Local MP’s Michael Ancram and Andrew Murrison and asks them to give their full support to this Bill and asks the Chairman of Council to write seeking their full support for the reintroduction of this Bill in new parliamentary session

628. Announcements from the Leader

Christmas Closure

The Council offices would be closed for Christmas on Friday 23 December at 1pm. The offices would also be closed on 26 and 27 December, open for

business on 28, 29 and 30 December and closed on 31 December, 1 January and 2 January. Business would resume as usual on 3 January 2006.

Police Consultation Events

The Council had been offered a further meeting which was to be held at the District Council Offices, possibly on 30 November. It was important to have another meeting before the consultation period finishes. Unfortunately the date clashed with a meeting of the Scrutiny Committee. Officers were currently trying to change the date of the police meeting. Members would be formally notified of the date.

Crag Rats Training Event

Had taken place to assist in improving/developing the customer service skills of Service Managers.

Constitution Review

The adoption of the new Constitution would be discussed at a Special Meeting of Council on 15 December. Town and Parish Councils had been sent letters asking for feedback on the proposed amendments.

District Auditor

Update letters would be sent to members.

Employee of the Year

During minute 639 – Leisure and Recreational Needs Assessment – Next Steps, the Leader announced that Adele Lodwig had won Employee of the Year. On behalf of the Cabinet she congratulated Adele on her fantastic achievement.

629. Update from the Housing Portfolio Holder

Due to Cllr James absence no update was received.

630. Gypsy Encampment

Open Forum

The Leader gave permission for the following open forum presentations.

| Speaker | Representing |
|-------------------|------------------------|
| Mr Malcolm Holley | Corsley Parish Council |
| Mr Stephen Butler | Corsley Heath |

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| Mr Chris De Costa | Corsley Heath |
| Mr Michael Shaw | Temple |
| Mr Ben Compton | Corsley Heath |
| Mrs Marion Titt | Birchwood Close |
| Mr Francis Morland | Himself |

In the absence of Cllr James, Cllr Osborn presented this report to Cabinet. The purpose of the report was to update Cabinet on the unauthorised gypsy encampment at Challeymead, Melksham and to propose a way forward for implementing the resulting court order.

On 9 August a gypsy family had entered and occupied land at Challeymead Bridge in Melksham, without authorisation. Soon after the Council obtained a temporary injunction that prevented any further persons occupying the land until the Court had considered the request of the Council for an order to clear the site. On 16 August, officers visited the site to assess and record the welfare needs of the gypsies. On 23 August, at a hearing at the High Court, the temporary injunction was confirmed pending a full hearing on 22 September. The order of the court required that both the Council and the gypsies were required to use their best endeavours to find an alternative site for the gypsies to occupy. The site at Challeymead was unsuitable due to access and the risk of flooding.

At the hearing on 22 September 2005, the Council was granted a 12 month injunction preventing the residential occupation of the land at Challeymead. The order stated that the Council must provide temporary accommodation on land in its control for the family of gypsies. It required that the Council makes an offer of temporary accommodation as soon as reasonably possible. The site must enable the family to occupy land sufficient for their mobile homes and associated materials.

Following the order from the Court, land owned by the Council was reviewed and three sites were identified as possible sites for gypsy accommodation. An analysis of each was carried out in order to assess their suitability in either a temporary or permanent capacity. Two of the three sites were found not to be suitable following the initial site analysis. The third site, on the edge of Corsley Heath, was considered to be the site most likely to gain planning permission for gypsy accommodation when assessed in terms of the criteria for the Gypsy Caravan Sites Policy CF12 of the District Plan 1st Alteration.

The conclusion of the investigation was that the Council's land at Corsley Heath is the most realistic option for the Council to make a temporary site available as soon as reasonably possible, as required by the court order.

Councils have a number of duties relating to gypsies and travellers. These are mainly in the housing and the planning realms. These duties are being pursued by an inter-departmental working group as a medium term programme. This internal group is in turn working in partnership with the other councils in Wiltshire

to co-ordinate activity and share information. Currently a jointly commissioned Needs Survey is being planned. The results of this will inform our work to identify and allocate sites through our forward planning process.

The court order means that the Council must act in advance of this work to offer a temporary site until longer term facilities have been planned for and made available.

Cabinet was asked to approve the proposed way forward as outlined below:

- (i) Applying for planning permission for the temporary use.
- (ii) Surveying the site and specifying the physical works needed to make the site suitable for temporary occupation.
- (iii) Specifying the works and arranging contracts for their implementation.
- (iv) Liasing with the family and with the County Council's Gypsy Liaison Unit to ensure that the offer is suitable and appropriate.
- (v) Preparing a license for the temporary occupation, to include the setting of a reasonable rent to cover the Council's costs.

And that:

- (ii) Cabinet recommends to Council that capital expenditure necessary to establish the temporary site, up to a maximum of £50,000, be authorised.

During open forum concern was raised as it was believed that the land proposed for the gypsy encampment had been left to the Council for the purpose of affordable housing for young people. It would be investigated if a covenant did exist for the land and if so, what the covenant included. Should the land be approved for affordable housing it could accommodate several hundred people rather than a one family.

Disappointment was expressed that the local Parish Councils and residents had not been informed of the consideration of the Corsley Heath site and that the residents had had to find out via the local press. There was established protocol that local ward members should be informed by officers of plans/issues within their areas and that it should not be the onus of Ward members to inform residents.

£50,000 was a considerable amount of money to spend, especially on a temporary site, which some suspected could develop into a permanent site. The search for a more suitable site should be extended to include not just land which had been considered by the PFI project, as the report did not do enough to convince members that Corsley Heath was the most appropriate site. It was also suggested that summer campsites should also be included as possibilities.

A problem with extending the search to any piece of land within the Councils ownership is that it would take more time which may not satisfy the terms of the Court Order, therefore could result in sanctions against the Council or officer/s.

District Council officers had approached the County Council and the Gypsy Liaison Officer but were informed that the County Council did not have any land available to rent and that there was only one vacant pitch at an existing gypsy site. This was unsuitable as there were four caravans to accommodate. Members were pleased to note that the District Council had been liaising with the County Council.

RESOLVED:

That

Officers continue to investigate further sites and specify physical works needed to make sites suitable for temporary accommodation

That a further report be brought back to the Cabinet meeting on 14 December 2005

RECOMMENDED TO COUNCIL

Cabinet recommends to Council that capital expenditure is necessary to establish a temporary site, and that up to a maximum of £50,000 be authorised.

At the conclusion of this item the Cabinet adjourned for 10 minutes and resumed the meeting at 8.40pm

To allow Cllr Carbin to leave the meeting early, Cabinet agreed for the following two agenda items to be brought forward: -

- Finance Portfolio Holder Update
- Financial Monitoring

631. Update from the Finance Portfolio Holder

Wiltshire Customer 1st Partnership

Cllr Carbin informed the Committee that the presentation planned for 15 December at Urchfont had been cancelled due to lack of interest and that the Partnership would hopefully be updating District Councillors individually.

632. Financial Monitoring

Cllr Carbin presented a report that detailed the Council's financial position for the period ended 31 October 2005. The report covered capital expenditure, investment income, the general fund spent to date, the projected general fund out-turn and contingency fund. Cllr Carbin informed the Cabinet that the projected out-turn was still indicating an overspend, but had been reduced to £3k

and that the contingency fund now stands at £67k. The situation was being closely monitored and reported to CMT, Cabinet and Scrutiny Committee.

Resolved:

That Cabinet note the report

At the conclusion of this item, Cabinet resumed the meeting as per the set agenda

633. Update from the Environmental Services Portfolio Holder

Cllr Brown gave the following updates.

Recycling

Green bin deployment in Warminster was underway with the first collections beginning on Monday 28 November. The publicity and communication had been very successful and to date only a few phone calls had been received about this. It is expected that some additional calls will be received when collections start but Officers are confident that the extensive pre-deployment campaign will result in a smoother introduction to the change in service compared to the previous experience in Trowbridge and Melksham.

Recycling figures for October were again encouraging but now reflect the reduced volume of green waste expected over the winter months. Monthly total - 24.52% (annual average to date - 26.03%). Kerbside recycling in month - 14.1% (annual average to date - 13.53%). Compost recycling in month - 10.42% (annual average to date - 12.5%).

Missed collection complaints, which increased over the summer, had drastically fallen to a new low. Overall levels of complaints about the refuse service have also dropped to the lowest level since monitoring started in January 2005.

Scrutiny Task and Finish Group

The scrutiny task and finish group had completed their work looking at street cleaning and grounds maintenance. Many of the recommendations were covered by actions in the commercial services improvement plan and additional recommended actions would be added to the plan.

Loo of the Year

The District Council again came away with a range of honours at the recent Loo of The Year 2005 Awards in Belfast. Of the 10 conveniences entered 7 were given 5 star awards. This result puts West Wiltshire District Council 6th in the UK public sector toilet league!

Staff Issues

Laura Forward, xxxxx, left the District Council a week ago and although a disappointment she brought the street cleansing and grounds maintenance records a step closer to completion. The post had been advertised and a good response had been received. It is hoped to appoint quickly to make ensure this key activity continues without delay.

A range of service development bids have been submitted with the emphasis on improving performance in recycling and street cleansing.

John Follows the new Property & Estates Service Manager was now in post and is settling in well. Charlotte Melville Kirk - the Burials Admin Officer would be moving to Property & Estates in the next few weeks so that the management of cemeteries and the administration of burials could be integrated

Municipal Waste Disposal

On 1 April the Government introduced the Landfill Allowance Trading Scheme (LATS) to change the way in which waster disposal authorities manage their waste. LATS brought in tight landfill allowances for biodegradable municipal waste and fines would be levied on authorities that landfill in excess of their allowances.

During August 2004 Wiltshire County Council was notified of its provisional landfill allowances, which rapidly decrease over time. Despite the County Council projecting to achieve 32% recycling it was apparent that additional methods of waste management would be required. The County Council forecast the first year that it would incur fines would be 2008/09.

In November 2004 Cabinet resolved to seek competitive tenders for the disposal of up to 100,000 tonnes annually of residual waste by non-landfill means. The County Council had taken steps towards two waste management contracts that could transform the way waste is managed in Wiltshire. This would divert 100,000 tonnes from landfill sites and be used to generate energy.

The first contract involves building a mechanical biological treatment (MBT) plant. From 2008 this would process 60,000 tonnes per year of household waste from West Wiltshire. The process involves mechanical and natural biological treatment, enabling further material to be diverted from the waste before it is converted into a concentrated organic fuel. As little as 10% of the original waste could end up in landfill sites.

Up to 30, 000 tonnes per year of the concentrated organic fuel would be transported to Lafarge cement works, where it would be used as an alternative fuel in the cement making process.

The second contract would be for the transportation from 2008 of 50,000 tonnes per year of household waste from Salisbury district to a new energy from waste (EfW) plant.

634. Provision of Cemeteries (key decision)

Cllr Brown presented a report, detailing the lack of space in the District Council cemeteries, which recommended that two cemeteries should be extended and paths and drainage should be installed in two other cemeteries, to allow for more space.

The report also recommended a number of minor measures which would improve the service to customers, improve the District Council records and help to maximize the use of existing cemeteries.

The financial implications were covered in detail in the report. However the service would cost the council less if it invested in land and infrastructure now. Some of the minor revenue costs would be covered by the proposed increases in fees for 2006/07.

Comments were received that a portion of the revenue obtained from the increase in fees should be spent on updating some of the buildings in the cemeteries, the maintenance of the cemeteries and improving access to graves, bearing in mind the mixed mobility of visitors.

Peter Woodcock, Corporate Director, explained that Officers had discussed the possibility of local funeral directors or the Crematorium playing a role in providing a burials and cemeteries service.

The initial indication was that the Crematorium operators might be interested in providing a cemetery if they could acquire land and planning permission for land adjacent to their existing site and would not want West Wiltshire District Council to extend Melksham cemetery if this was allowed.

There had been some interest from local funeral directors, on the basis that the Council provides the land and probably the infrastructure.

Officers were aware that some Church graveyards are becoming close to full capacity, but are filling up at a steadier pace due the option of cremation. When Church grave yards cease to expand the overflow will be accommodated in the District Council cemeteries.

Resolved:

- (i) Subject to the successful service bids for the necessary resources, Council should proceed with the following short term options: -**

Option 1: Make capital available in the 2006/07 budget to put in the necessary infrastructure to make the extension to Warminster cemetery usable. Carry out infrastructure works at Trowbridge in the current year.

Option 2: The Property and Estates Manager allocates one of the Section's officers to take responsibility for managing our cemeteries, providing support to the Burials Administration Officer. Extend the Burials Administration Officer's hours from 18.5 to 29.6 hours.

Option 3: Allocate resources in 2006/07 to assemble the old burial records and compile a complete computerised database.

Option 4: In Bradford on Avon and Holt, establish whether there are unused private graves, neglected graves over 100 years old, and available depth in areas used for public graves.

Option 5: Implement the recommendations of the Institute of Cemetery and Crematorium Management (report of March 2005) to improve administration and records.

Option 6: Consider charging more for burials in general, with an additional charge for deeper graves and graves beside paths.

(ii) **Subject to a successful bid for the necessary capital, Council should proceed to implement with the following long term: -**

Buy additional land at Melksham and Bradford on Avon. Invest in the necessary infrastructure. This work would have to be started in 2006/07. Continue to provide the current service.

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| Statement of reason for key decision. | To address the lack of space in some of our cemeteries. |
| Options considered and rejected. | See long term options above – 1, 2 and 4 have been rejected. |
| Date of implementation (not less than five days after date of decision). | Implementation will start five days after the decision. |

635. Update from the Planning & Development Portfolio Holder

Cllr Osborn updated the Cabinet on the following items

Bradford on Avon

There have been concerns over the economic development of Bradford on Avon. Therefore Bradford on Avon Town Council had established an Economic Development Committee to consult with the District Council on pre applications.

WVEC Partnership

This has been established to discuss the long term future of ABRO.

South West Lottery Fund

There is less money in the funds due to the successful Olympic bid.

Performance Indicators

The performance indicators of the planning department had suffered due to the delays with major applications as called in by the Secretary of State.

636. Redevelopment of Castle Place – Report Back on Negotiations and Potential Agreement to Dispose

Cllr Osborn presented a report to update Cabinet on the current negotiations regarding the redevelopment of Castle Place.

Cabinet, at its meeting on the 20 July 2005, had previously considered an initial report on the redevelopment of Castle Place. The report had asked for authority from the Cabinet to enter into negotiations with the developers over the

- relocation of the Council's leisure facility currently situated at Castle Place and
- the demolition of the multi-storey car park and replacement with an improved facility

The report had also incorporated the proposed heads of terms on which negotiations would be undertaken.

Members had previously questioned whether the proposed heads of terms represented the most benefit that the Council could achieve from the proposed redevelopment. Consequently in progressing this issue, officers have taken advice from the District Valuer in order to ensure that the Council is receiving a satisfactory package of benefits in exchange for the current MSCP and lease of Castle Place.

The report from the District Valuer did not provide advice to the Council about how it should now proceed, in respect of the current negotiations, as it limits itself to a view about the values potentially generated by the proposed scheme. It also does not take account, for example, issues such as the risk being carried by the developer, nor of options for how the Council may seek to take any benefit which may accrue as a result of the development.

Officers, in considering how best to progress, had appointed a firm of specialists with understanding and detailed knowledge of the commercial and retail development market to advise on how best the Council proceeds with its negotiations. This is to ensure that the Council adopts a strong negotiating position and is well supported in achieving the best outcomes.

Resolved:

That Cabinet notes and supports the actions taken by officers in the appointment of external professional advice in relation to the redevelopment of Castle Place.

637. Residential Design Guide (Key Decision)

Cllr Osborn informed Cabinet that the purpose of the report was to adopt the final draft Residential Design Guide as a Supplementary Planning Document (SPD)

Following approval from Cabinet on 31 August 2005, the draft Residential Design Guide had gone out to public consultation for six weeks (9 September – 21 October).

The response had not been extensive but was on the whole very positive and constructive. The main areas of concern generally related to existing policies and misunderstandings regarding the purpose/restrictions associated with Supplementary Planning Documents.

There had been some changes to the formatting and structure of the document but limited change to the content. The visual illustrations had now been included although due to the tight deadlines some lacked explanation. Those which did had been displayed on an exhibition board, for Cabinets consideration.

It was proposed that the final publication would be produced to visually relate to the Design Guidance – Principles document. Once the publishing had been completed it was proposed to undertake a publicity exercise, at which time it was also proposed to re-launch the Design Guidance – Principles document and the House Alterations and Extensions Guide.

Cllr Osborn also commended and thanked officers and all who had served on the PPG's.

Resolved:

That Cabinet:

- **Approve the adoption of the Residential Design Guide; and**
- **Approve the undertaking of a publicity exercise including the production of an informative leaflet.**

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| Statement of reason for key decision | This is a key decision because it will impact on numerous individuals and companies involved in housing development and it will be a material consideration for both the determination of planning applications and appeals. |
| Options considered and rejected | Not producing a residential design guide – rejected as existing policies are not being fully implemented or not appropriately interpreted. |

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| Date of implementation (not less than five days after date of decision) | 30 th November 2005 |
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638. Update from the Community & Leisure Portfolio Holder

No update was received

639. Leisure and Recreational Needs Assessment

Cllr Chivers presented a report informing Cabinet of the proposed project management arrangements for the delivery of the LRNA.

The findings of the Leisure & Recreational Needs Assessment had previously been presented to Members at a Seminar Meeting of Council on the 5 October, as well as at a stakeholder's consultation event on 13 October and a Parish Forum on the 19 October.

Council now needed to consider all the key issues raised in the report and agree a plan of delivery. As a major project for the Council it needed to be carefully managed

The report identified a structure including a Project Board of Officers and Members, an Officer Operational Group and a number of Sub Groups focused on the key themes identified in the reports findings.

The Board, Operational Group and Sub Groups would be able to draft in additional support when required.

The work of the Sub Groups, Operation Group and Project Board would ultimately lead to a decision being taken by Cabinet as the process develops.

Cabinet were only asked to agree the process for the delivery of the Leisure and Recreational Needs Assessment at this stage.

Resolved:

That Cabinet approves the implementation of the project management structure and proposed membership of the Project Board as identified in the report.

640. Update from Environmental Health Portfolio Holder

Cllr Cox as Portfolio Holder updated the Cabinet on the following: -

Licensing Update

The new Licensing Act 2003 system would come into force on Thursday 24 November. From then Premises Licenses would be required in order to sell alcohol, provide Regulated Entertainment or sell hot food between 2300 and 0500. Existing Justices, Public Entertainment, Cinema and Theatre would cease to be valid.

It is estimated that 93% of the premises in the West Wiltshire area, that require to be licensed, had now applied. The vast majority applied early enough to have a license granted ready for 24 November.

Hackney Carriage Tariffs

Proposals would be advertised in the local press during the next two weeks following a request from the taxi trade to raise rates.

641. Update from the Policy Co-ordination Portfolio Holder

Cllr Hames as Portfolio Holder updated the Cabinet on the following: -

Meetings

He had attended a Lafarge Liaison Group meeting 9 November as well as meetings with the Service Managers from within his Portfolio, to discuss the budget. He had also attended briefings with the Town Councils.

ODPM Capacity Building Bid

The Wiltshire capacity building bid on community leadership had been formally submitted to the ODPM. Initial feedback had been encouraging. The application was considered to be strong, with many merits. It was being used by GOSW as an example of a good approach to improving partnership working. A copy of the bid is available from the Policy and Communication department.

Complaints Process

A new revised complaints process was launched this week. It includes new guidance, a new single leaflet on how to make a complaint and a new monitoring process. In future complaint information would be reported to Cabinet as part of regular quarterly performance monitoring. A report on the process would be presented at the December Cabinet meeting and is currently being viewed by Scrutiny Performance Group.

642. Update from the Communications Portfolio Holder

Cllr Syme, as Portfolio Holder, updated the Cabinet on the following: -

Staff briefings

The policy & communications team had been working with the Chief Executive to prepare for the forthcoming staff briefings, which were being held on 28 November, 30 November, 1 December and 5 December.

A major focus of these briefings would be progress on Customers First. Customer Services Manager Wayne Smith would be updating all staff on the roll-out of the new Lagan system.

West Wilts Matters

At the previous Cabinet meeting a redesign of West Wilts Matters was suggested.

How the newspaper would be produced from June 2006 onwards would be determined by the current service development bid process. Once this is known the policy & communications team would prepare a questionnaire for all members asking for views on any design changes. The survey is anticipated in February/March, once the next edition was completed.

At present the Wiltshire Times was not making the required revenue to make it worthwhile continuing. Therefore the current arrangements would end with February 2006 edition. To keep three editions per year of West Wilts Matters the number of pages per edition would need to increase from 20 to 24. This would allow for the additional revenue required by the Wiltshire Times. There would however be cost implications for the Council and the budget.

Communications Support

Communications strategies are being developed for the next stage of the PFI and development work around the leisure & recreation needs assessment. A member of the policy & communications team is involved on the officer operational groups for both projects.

Communications officers are also involved in the on-going work around the recycling roll-out, Transforming Trowbridge, Customers First and developing the induction process for new staff.

643. Cabinet Forward Work Plan

Cabinet members agreed to add 'Gypsy Encampment' to the forward work plan for December

Resolved:

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

644. Date of the Next Meeting

The next scheduled meeting of Cabinet was scheduled for Wednesday 14 December 2005 at 7.00pm in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge.

(7.05 pm – 9.41 pm)

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