

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **CABINET**

Held on: **WEDNESDAY 11 JANUARY 2006**

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

Present:

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

Also present: Cllrs Conley, Mounde (part meeting), Newbury, Payne, Phillips, While and Wiltshire

Officers: Chief Executive, Corporate Directors (PW (part meeting), IG and TD), Head of Finance (IJ), Head of Human Resources (SL), Policy and Communications Service Manager (PM) (part meeting), Principal Lawyer (AA-P) (part meeting), Member Support Team Leader (part meeting) and Member Support Officer (MS)

1. **Apologies**

An apology for absence was received from Cllr Brown.

2. **Minutes**

The minutes of the last meeting held on 14 December 2005 were approved as a correct record and signed by the Leader.

3. **Declarations of Interest**

No declarations of interest were received.

4. **Announcements from the Leader**

Chris Waters

A minute silence was held in memory of Chris Waters who died on New Years day. His funeral had been held earlier that day and was attended by Cllr Oakman on behalf of the Council as well as other members and officers. Chris had served 31 years with the District Council and was a well respected member of staff. On behalf of Members, the Leader extended sincere sympathy to his family.

Members Risk Management Training

Would be held in the Council Chamber on 24 January at 7pm

Crag Rats Training Event

The next and final training session would on 17 January.

SWRA Housing Quota

The latest draft showed that the District Council had nearly all of its housing allocation therefore would not have to deallocate.

A350

The A350 was now within the regional funding allocation

5. Update from Housing Portfolio Holder

Temporary Accommodation Update

The Window contract had been completed and the planning application for the change of use had been received for the bungalow. However, approval for Kingsbury Square was still awaited.

Contracts were currently out to tender and tenders were due back by the end of January. The anticipated start date, subject to cost being within budget etc, for Kingsbury Square was the second week of February. The anticipated start date on the Bungalow was mid March to coincide with the Wiltshire and Swindon Activity and Sports Partnerships' occupation ending.

Jointly Funded Secondment with WWDC

WWHS had agreed to jointly fund a 6-month secondment for a Choice Based Lettings Research Officer. Interviews would be held next week at WWHS offices with an anticipated start date being the end of January. The post would undertake research into various policies and procedures around CBL to ensure that clients were not disadvantaged, particularly those who were vulnerable and elderly and would also recommend any beneficial changes. The post would also assist with the implementation of the reporting package to ensure all appropriate reports were written and implemented. This would be a good example of joint partnership working to build and expand on.

Houses in Multiple Occupation (HMO)

The Housing Renewal team had previously identified 260 potential HMOs. To date 200 had been visited as the other 60 would need to be visited during evenings and weekends. Of the 200 properties only 30 fell within the new definition of a House in Multiple Occupation and only 6 would require a 5-year license.

Licence charges would need to be agreed ready for 31st April 2006, therefore housing renewal was currently in contact with the 6 identified landlords as well as other Local Authorities in the area to recommend a suitable charge.

Cllr Phillips requested that the PFH ensure that the effects on those adjoining properties are also taken into account when housing clients.

6. Gypsy Encampment - (Key Decision)

Open Forum Speakers:

Members of the Corsley Action Group:

Mr Chris da Costa, Mr Michael Hutchings, Mr David Bell,
Mr Steve Butler, Mr Paul Fong, Mr Malcolm Holley

Mr Francis Morland

As Portfolio Holder for Housing, Cllr James presented a report for Cabinet's consideration. The purpose of the report was to provide Cabinet with further information on the possibilities for providing a site for temporary accommodation for a gypsy family and to enable it to consider options and decide on the way forward.

Members were reminded that it had at its meeting on 23 November 2005 considered how to deal with a Court Order which was issued in September. The Order required that a gypsy family vacated a site in Melksham but at the same time required the Council to make an offer of temporary accommodation to the family.

The Order referred to land within the Council's control and initially work was undertaken to review the suitability of sites that the Council owned. Of these, the Council's site at Corsley Heath appeared to offer the most potential although it was recognised that it was not ideal in all respects.

Cabinet had previously decided that officers should look more widely than the Council's own land to see if other sites were available which might be more suitable. This work has been progressing and so far five possible privately owned sites and one County Council owned site have been identified. Further investigation of these sites and discussions with the land owners is still needed.

A large number of residents of Corsley attended this meeting to show their opposition to land at Corsley Heath being used for this proposal and members of the Corsley Action Group spoke during the open forum.

Cllr James outlined the two main options..

Having considered the Corsley Heath site in some detail and listened to the local views on the suitability of the site, Cabinet could decide that this site was not going to be suitable and rule it out of the search at this stage. The Council could

then concentrate on identifying a site that the Council could buy or rent and offer this as the temporary accommodation.

Alternatively, the Corsley site could remain as an option as the most realistic Council owned site and be evaluated alongside other emerging sites.

In both cases, further investigations and discussions would need to be undertaken.

A further report would be brought back to Cabinet as soon as possible but by no later than April.

It was also suggested that Cabinet amended its recommendation to Council so that up to £100,000 (and not £50,000 as previously recommended) is identified for the purpose of dealing with the Court Order. That would be an earmarking of funding only. Authority to spend it would be dependent on further specific Cabinet approval of a detailed scheme on a particular site.

Cllr James proposed the recommendations contained within the report. A further proposal was made to take on board a suggestion made during the open forum presentations which was to seek specialist legal advice on whether the Court Order could be varied or discharged.

Cllr James and his seconder agreed to incorporate this into their proposal to accept the recommendations.

Cllr James thanked in particular Tim Darsley, Corporate Director who had worked so hard on this matter. The Leader also thanked Tim Darsley and his team. She also paid tribute to the residents of Corsley for the manner in which they had conducted their campaign and for their attendance at this meeting.

It was therefore

RESOLVED:

- (a) The review of potential sites available through the private property market and the County Council be completed and availability and terms be established.**
- (b) The sites identified from this process be evaluated alongside the Council's Corsley Heath site in terms of policy CF12, suitability to the family and other relevant factors.**
- (c) A further report on the results of this work be brought back to Cabinet as soon as possible and in any case no later than April 2006.**
- (d) That officers be instructed to seek specialist legal advice to establish if the Court Order could be varied or discharged.**

RECOMMENDED TO COUNCIL:

Cabinet recommends to Council that capital funding of up to £100,000 be identified for the purpose of dealing with the court order. Authority to spend against this allocation to be dependent on Cabinet receiving and approving a detailed proposal for a particular site.

Statement of reason for key decision.	This is a key decision because of the potential impact on a number of areas in West Wiltshire and because of the significant expenditure that could be involved.
Options considered and rejected.	If the recommendations are accepted, a number of options will remain under consideration.
Date of implementation (not less than five days after date of decision).	20 January 2006.

At the conclusion of this item the Cabinet had a comfort break for 10 minutes and resumed the meeting at 7.30pm

7. Update from the Finance Portfolio Holder

Housing PFI Scheme

Business Case

The approval date for the business case had been delayed due to ODPM needing to reach agreement with the Treasury about how to consider land issues in housing PFI schemes. This is due to be agreed by the Treasury's Project Review Group (PRG) on 17 January. Therefore the Council had revised its land strategy so that it complied with ODPM's recommendations.

ODPM had confirmed that the Councils business case was ready to be signed off by Yvette Cooper, the Housing Minister. However, this could not happen until after the decision from the 17 January meeting had been published.

This unfortunately meant that the Councils scheme would miss the February PRG meeting. The next meeting that the scheme could be approved was on 21 March.

Cabinet was reassured that the Council had done everything to meet ODPM's deadlines and would be kept informed of any progress. Members would be updated via MIS.

Technical Advisors

Officers would shortly be interviewing for technical advisors to complete the team of lead consultants. One of the technical advisors would be a firm of architects to submit planning applications for the Council's land.

Council Owned Sites

The next decision that full Council would need to make was to agree the list of Council owned sites and to submit planning applications. A special Council meeting was currently being arranged, which was likely to be during March.

8. Financial Monitoring

Cllr Carbin presented a report detailing the financial position for the period 1 April -30 November.

Cllr Carbin explained that the Capital programme had been updated to reflect recent changes and stood at £6,523,000. Spending at the end of March was expected to be £5,661,000.

Slippage of £862,000 into next year would occur, mainly in respect of social housing schemes. Spending to the end of November was £2,087,000. This was £519,000 less than expected, mainly because the second phase rollout of green bins was later than originally planned

The Net investment income was forecast to be £475,000 at the year-end. This was £170,000 more than the original estimate. This was mainly because of slippage in the capital programme and additional capital receipts meant that more cash was available for investment.

The overall situation regarding the General Fund had not changed significantly. Defending the Council's affordable housing policy at a planning enquiry had cost £42,000 and the legal costs associated with enforcement action on the illegal gypsy encampment were £15,000. These costs were offset by the additional investment income.

The current position was that projected out-turn was still indicating an overspend of £10,000. The balance on the contingency fund remains at £67,000, but there may be a requirement to fund the costs of a planning appeal.

The situation was being closely monitored and reported to CMT, Cabinet and Scrutiny Committee.

Cllr Phillips reminded the Cabinet that £65,000 of Capital expenditure required to purchase grounds maintenance and plant following the extension of the English

Landscapes contract had not yet been approved. It was necessary for the equipment to be ordered within the next fortnight due to the delivery times.

The Chief Executive explained that the Service Manager and Legal team were currently trying to resolve this issue and the equipment was required prior to the growing season. At a previous Cabinet meeting, on 28 September, members had agreed that it would be more financially viable for the Council to purchase its own equipment.

The Corporate Director, Peter Woodcock, stated that the urgent decision procedure was the most likely way forward to resolve this issue.

RESOLVED:

That Cabinet

- i) Members note the report**
- ii) Recommend the increased capital programme to Council**

9. Budget 2006/07 – (Key Decision)

Cllr Carbin presented a report detailing the revenue budget, capital programme, fees and charges and level of reserves for 2006/07 budget. The assumptions in the report were based on the provisional local government settlement, which would be finalised at the end of January. Detailed budget pages were available on the intranet and summary pages were attached to the report.

Resolution (b) was amended from that stated in the original report, which included an adjustment to the percentage increase of council tax. The proposal was to reduce the Council Tax increase to only 4.99% and not to use the museum adjustment as a way of increasing 'capping' limit

The Chief Executive summarised the alternative budget proposals to balance without the Museum adjustment being that the development bids for policy officer and LRNA resource would become unsuccessful. There was an improved assumption regarding the planning delivery grant but that the District Council was negotiating with the County Council to bring in money to help reinstate the service development bids. Those adjustments are consistent with a Council Tax increase of 4.99%.

Cabinet thanked Ian Jamieson and his team as well as all Service Managers.

RESOLVED:

That Cabinet:

- a) Approve the Fees and Charges for 2006/2007 as detailed in Appendix 2.**

- b) agree the overall budget for each service and the projected General Fund revenue budget of £13,963m for 2006/2007 and recommend a council tax level band d of £134.26 an increase of 4.99% to Full Council on 22 February 2006.
- c) agree each capital project and the capital programme of £2.5m for 2006/2007 as shown in Appendix 3.
- * subject to any comments received from Scrutiny Committee on 1 February and the consideration of those comments at Cabinet on 8 February

Statement of reasons for key decision	Requirement of constitution
Options considered and rejected	Councillors had opportunities to consider alternatives at various budget meetings
Date of Implementation (not less than 5 days after date of decision)	15 January 2006

10. **Tax Base Report 2006/07 – (Key Decision)**

Cllr Carbin explained that the report was to seek approval of the calculation of the Council's tax base for 2006/07. This was the average number of 'band d' equivalent properties in the district after adjusting for new properties, second homes discount and long term empty homes discount.

The discount for second homes was being recommended to continue at the minimum of 10%.

The discount for long term empty homes is being recommended to be reduced from 50% to 10%.

Band D equivalent properties	46,046.70
New houses to be completed within the year	192
Reduction in discount on second homes	103.48
Reduction in discount on longterm empty homes	156.80
	46,498.98

RESOLVED:

That the:

- a) **Second homes discount continues unchanged.**
- b) **Long term empty homes discount is recommended to Council to be reduced to 10%.**

c) Calculation of tax base as per Appendix A be approved.

d) In accordance with LA regulations 1992, tax base for year 06/07 is 46,498.98

Statement of reasons for recommendation	To approve the tax base calculation for 2006/07
Options considered and rejected	Statutory requirement
Date for implementation	1 April 2006

11. Update from the Environment Portfolio Holder

In the absence of Cllr Brown, the Leader delivered the update.

Support for Local Food Businesses

Environmental Health's Food and Safety Team had been successful, in partnership with the other Wiltshire Authorities, in attracting a grant of over £100,000 from the Food Standards Agency. This grant was for training local businesses over the next 18 months in the skills required to help comply with a set of new laws that came into force at the start of this year.

In West Wiltshire this meant that up to 125 local firms would be able to attend a three-hour training course for free. They would also receive a personal coaching visit from a consultant. It was intended that training would initially be offered to independent pubs and restaurants, and later in the year to the take away trade.

New Principal Environmental Health Officer

Graham Steady, Principal EHO, started as the new team leader for the Environmental Protection team on 2 January. Graham joined the Council from Maidstone Borough Council.

12. Clean Neighbourhoods & Environment Act

The Environmental Health Manager, John Carter, explained that the Act was unusual as it gave the Council new powers but with discretion of how some of these powers could be implemented.

The Clean Neighbourhoods and Environment Act received Royal Assent on 7 April 2005, and contained both discretionary and mandatory elements. It provides parish, town and district councils with a number of new powers and duties which deal with a variety of environmental issues. A few of the powers were enacted in June of this year, but the majority will be subject to new regulations and be enacted after April 2006.

It was explained to members that the priorities listed in the report were all discretionary. John Carter agreed to provide the mandatory priorities for members via the MIS.

RESOLVED:

That Cabinet:

- **Note the findings of the consultation**
- **Note the service development bid for enforcement, agreeing for further detailed work to be carried out on how the bid will be deployed**
- **Agree the priorities suggested from the consultation**
- **Agree to further investigation of the option to work with town and parish councils in the use of the NPTs.**
- **Approve further discussions with the Five Towns Initiative on how to develop these new areas of work in a partnership approach**

13. Update from the Planning and Development Portfolio Holder

Cllr Osborn explained that substantial costs had been incurred due to the Staverton appeal.

The Transforming Trowbridge Steering Group had met. Of the two designated sites, one had planning permission and the outline planning permission for the Waterside Project would be submitted on 16 February.

The next stage would be to market the sites with developers to provide a new Library, cinema and bowling alley.

Business Link Berkshire and Wiltshire

Training was being provided for women in rural business on 21 February in Warminster Assembly Rooms. The training was aimed at women who had an existing business or were thinking of starting a new business.

14. Update from the Communications Portfolio Holder

Media monitoring - October to December

During the quarter October to December, a total of 60 press releases and letters had been sent to the local media - this compares to 61 in the same period last year.

Of the 60 press releases and letters, 98.3% were used in some way, shape or form by local newspapers and 68.3% were used in at least half of all relevant publications.

During the same three months, there were 297 articles and 10 letters relating to the Council in the local press. Of these, 93.9% of the articles and 50% of the letters were either positive or balanced.

15. Update from the Leisure Portfolio Holder

Bradford on Avon Swimming Pool

Bradford on Avon Swimming Pool, which had been closed since just before Christmas because of the fire in the sauna area would reopen to the public on Monday 16 January 2006. Although the fire was contained within the sauna area smoke damage to other parts of the building was worse than expected requiring significant redecoration.

The majority of the cleaning and repair work had now been completed allowing the facility to reopen. However, there was still further work to be undertaken but this work would now be incorporated into the planned maintenance closure to undertake major repair and replacement of the swimming pool roof. That closure was planned for 13 February to 6 March 2006.

Wiltshire and Swindon Activity and Sports Partnership

The Wiltshire and Swindon Activity and Sports Partnership is part of the national network of 45 county partnerships. The Wiltshire partnership is an alliance of local, regional and national bodies working together to boost levels of participation in activity and sport throughout the county. The Wiltshire partnership had developed a 3 year strategy called 'First Active' which aimed to influence individuals, groups and organisations to contribute to the government's target of 50% of the population being regularly physically active by 2020. The strategy 'First Active' is being launched in West Wiltshire at an event hosted by West Wiltshire District Council on Tuesday 17 January in the 8trium at Bradley Road at 7pm.

Leisure and Recreational Needs Assessment (L&RNA)

The first meeting of the L&RNA Project Board would be held on Tuesday 24 January 2006 at 5pm .

16. Update from the Policy and Community Portfolio Holder

Meetings

Cllr Hames had taken part in the Annual Grants Panel which worked in close partnership with Voluntary Action West Wiltshire. A key requirement for making a grant application was it must help towards meeting the Council priorities.

Cllr Hames also had various meetings with Officers concerning the budget.

Future meetings he would be attending was the LSP and a Community Policing meeting.

17. Cabinet Forward Work Plan

Resolved:

That the Cabinet Forward Work Plan be approved.

18. Date of the Next Meeting

The next meeting of Cabinet was scheduled for Wednesday 8 February 2006 at 7.00pm in the Council Chamber, at the Council Offices, Bradley Road, Trowbridge.

(6.30pm – 8.44pm)

Minute no. 672 was prepared by Yamina Rhouati. The remainder of the minutes were prepared by Melanie Stimpson, who can be contacted on 01225 770322 or email mstimpson@westwiltshire.gov.uk