

# Minutes

**Special Meeting of** : The Council

**Meeting held in** : The Auditorium, City Hall, Malthouse Lane, Salisbury

**Date** : Wednesday 25 July 2007

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**Present:**

Councillor Mrs E A Chettleburgh - **Chairman**  
Councillor I D McLennan - **Vice-Chairman**

**Councillors:**

R Britton, Ms J V Broom, D W Brown, K A Cardy, P M Clegg, R J Clewer, J A Cole-Morgan, I C Curr, B E Dalton, Mrs S L Dennis, C Devine, E R Draper, P D Edge, Mrs M I Evans, S R Fear, M G Fowler, M A Hewitt, Mrs C R Hill, J Holt, S J Howarth, G E Jeans, J P King, Ms J F Launchbury, M D Lee, D J Luther, Mrs H McKeown, C G Mills, I M Mitchell, Ms C J M Morrison, W R Moss, J C Noeken, M J Osment D O Parker, L Randall, A C Roberts, J C Robertson, B M Rycroft, P W L Sample, J F Smale, Mrs C A Spencer, J R G Spencer, A A P Thorpe, I R Tomes, Miss M A Tomlinson, J M Walsh, I C West, F Westmoreland, K C Wren and G Wright

Apologies were received from Councillors R A Beattie, J M English, Mrs J A Green and C R Vincent

**Officers:**

David Crook (Acting Chief Executive), Stewart Agland (Head of Democratic Services), Steve Milton (Principal Democratic Services Manager), James Chamberlain (Democratic Services), Alan Osborne (Head of Financial Services), John Crawford (Head of Legal and Property Services)

**39. Declarations of Interest:**

Councillor Sample declared a personal and prejudicial interest in all the legal issues surrounding the appropriation of land at Bourne Hill.

**40. Public Questions/Statement Time:**

Peter Downing, Vice-Chairman to the Audit Committee, reported back on the informal meeting of the Audit Committee held on 24 July 2007, attached as **Annex A** to these minutes.

Mrs Janet Davies made a statement regarding the recent Consultation Document, attached as **Annex B** to the minutes.

Mrs Sheila Warrander made a statement regarding the cancellation of the Office Project. This is attached as **Annex C** to the minutes.

Mr John Collier made a statement regarding the cancellation of the Office Project. This is attached as **Annex D** to the minutes.

Mr C H Duller asked a question relating to the Council House at Bourne Hill. The question, together with the Chairman's response, is attached as **Annex E** to the minutes.



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**41. Minutes:**

**Resolved** - that approval of the minutes of the meeting held on Monday 25 June 2007 (previously circulated) be deferred to a future meeting so that certain omissions can be included.

**42. Chairman's Announcements:**

The Chairman expressed disappointment over the Government's decision to approve Wiltshire County Council's unitary bid for Wiltshire, and hoped that the District Council would continue working as efficiently as possible throughout the period of transition to the new authority.

The Chairman congratulated Councillors Tomes and Vincent on their recent weddings.

The Chairman welcomed David Crook back to the Council following his recent operation.

The Chairman, on behalf of all the Members, offered her sincere condolences to both Councillor Dalton and Stewart Agland, who had recently suffered bereavements.

The Chairman congratulated Stephen Thorne, Head of Development Services, and his staff on receiving a provisional allocation of £296,442 in Planning Delivery Grant for 2007-08.

Finally, the Chairman drew Members' attention to the Members' Development Programme, which had been circulated at the beginning of the meeting, and thanked all those involved in its production for their hard work.

**43. Urgent Business – Monitoring Officer's Report:**

The Chairman agreed to take as Urgent Business the report of the Monitoring Officer, previously circulated under cover letter dated 23 July on the office project consultation, together with a letter of complaint made to the Audit Commission and Counsel's advice on the matter (summary version open, full version exempt). A copy of the consultation leaflet and cover letter, together with a summary analysis of the results was also previously circulated. Members agreed to accept the advice of the Monitoring Officer to demonstrate the weight given to the results of the consultation.

**Resolved:** that the advice of the Monitoring Officer and the recommendations contained therein be accepted, and the full version of the Counsel's advice remain exempt.

**44. Cabinet Recommendation:**

**Office Project Bourne Hill: Councillor Sample**

The Council considered the Cabinet's resolution from the special meeting held on 23 July 2007 (Minute 038), together with the previously circulated report of the Acting Chief Executive and the advice of the Head of Financial Services (as Section 151 Officer) and Head of Legal and Property Services (as Monitoring Officer).

Councillor Sample moved the following Motion at the meeting, which was seconded by Councillor Fear:

"To authorise the Chief Executive, in consultation with the Leader and Deputy Leader of the Council, to instruct Bluestone to proceed with the existing centralisation project and contract subject to the modification set out on the attached plan (annex F) and to seek modified planning permission and listed building consent as works proceed.

And, failing agreement with Bluestone, for the matter to be brought back to full Council on 7 August 2007."

A recorded vote was requisitioned and the voting was as follows:-

**FOR**

Councillors Ms J V Broom, Mrs E A Chettleburgh, P M Clegg, I C Curr, B E Dalton, Mrs S L Dennis, P D Edge, Mrs M I Evans, S R Fear, Mrs C R Hill, J Holt, S J Howarth, M D Lee, Mrs H McKeown, C G Mills, I D McLennan, M J Osment, D O Parker, A C Roberts, J C Robertson, P W L Sample, J R G Spencer, I R Tomes, A A P Thorpe, Miss M A Tomlinson, J M Walsh and I C West and G Wright. **(28)**

**AGAINST**

Councillors R Britton, D W Brown, K A Cardy, R J Clewer, J A Cole-Morgan, C Devine, E R Draper, M G Fowler, M A Hewitt, J P King, Ms J F Launchbury, D J Luther, I M Mitchell, Mrs C J M Morrison, W R Moss, J C Noeken, L Randall, B M Rycroft, J F Smale, Mrs C A Spencer, F Westmoreland, and K C Wren **(22)**

**Resolved** – that:

1. the Chief Executive, in consultation with the Leader and Deputy Leader of the Council be authorised to instruct Bluestone to proceed with the existing centralisation project and contract, subject to the modification set out on the attached plan (annex F), and to seek modified planning permission and listed building consent as works proceed; and
2. failing agreement with Bluestone, the matter be brought back to full Council on 7 August 2007.

**45. Notice of Motion 143: Bourne Hill – Have your say Leaflet:**

Councillor Hewitt indicated that he wished to withdraw Notice of Motion 143.

**Resolved** – that the above be noted.

**46. Notice of Motion 142: August Recess 2008 and Onwards:**

The Council considered Notice of Motion 142 proposed by Councillor P W L Sample and seconded by Councillor Miss M A Tomlinson (as set out at Agenda Item 8).

[Note: this matter could not be determined as the Council did not agree to extend the meeting further to allow conclusion of this item. It will therefore be carried forward to the next scheduled Council meeting.]

**47. Extension of Meeting:**

In compliance with Council Policy, as the Council could not conclude its business within 3 hours, it resolved to extend the meeting by 30 minutes (during which time the matters recorded under minutes 43 – 45 were considered).

*The meeting finished at 9.30 pm  
Members of the public: 80*

**Personal Statement to full Council on 25 July 2007**

It may seem odd to you that an Independent Member and the Acting Chairman of the Council's Audit Committee stands before you making a personal statement.

I need to fill in some background to explain.

Due to an administrative error insufficient notice was given for the Audit committee meeting we had yesterday about Bourne Hill project. The Council's legal officer advises that such a meeting has to be treated as an "informal" meeting.

This has the knock on effect of not allowing me to represent the committee to the Council and telling you the unanimous view of the voting members attending that meeting.

However, I am allowed to make a personal statement.

The Council face a three-way choice –

- Cancel the contract and incur write-off costs of about £6.0 million.
- Modify the existing contract and incur costs of between £2 – 3.0 million.
- Continue with the present project.

Cancelling or modifying will incur large costs that give no Value for Money.

The resultant call on Reserves will blow apart the budgets already planned.

I am advised that a Section 114 legal notice would have to be issued to the Council by our Chief Finance Officer that, in effect, would place the Council into the control of a Responsible Finance Officer and unable to enter any new spending commitments. I would liken it to a school under Special Needs.

My personal recommendation to the Council is to continue with the existing project that is the best Value for Money, avoids significant services cuts and also avoids Section 114 constraints and stigma.

## **Annex B**

Mrs Janet Davies  
21 St Mark's Rd  
Salisbury

Tel 01722 322254

### **Statement for Whole Council Meeting on Wednesday July 25th**

I appeal to Councillors to bear in mind the vast number of returns on the recent Consultation Document.

10,746 members of the community felt strongly enough to voice their opinion. Of these, 53% asked for the modified, scaled down version of the building as in Option B

24% voted to scrap the building altogether as in option C.  
The smallest proportion of all, 21% voted to go ahead with the original project.

This means that 77% of respondents asked NOT to go ahead with the original building.

I would like to thank the council for asking our opinion on the future of the project and trust that when you vote you will acknowledge the overwhelming response from your community.

Yours sincerely  
Janet Davies (Mrs)

**Statement for Full Council on 25 July 2007 for Chairman**

from Sheila Warrander 1, Netheravon Road, Salisbury

Cllr. Sample told the electorate that he would cancel the office project. He knew on January 12<sup>th</sup> 2007, long before the election he could not do so without bankrupting the Council. He told the electorate there was no consultation, but there were several and there was ongoing information available to everyone in the Citizen, on the web-site and in frequent press releases.

On his own admission, we now know the consultation was legally flawed and I believe it contravened the Local Government Act of 1986. He would not let me ask at Cabinet why it had been officially declared flawed.

He admitted changing the acting Chief Executives original draft of the document, and while he informed us that the acting CEO was at the meeting which agreed the finished document that does not necessarily mean it was approved by the CEO. Amazingly, he said he did not bother to get the approval of the legal department.

The document should have been factually accurate and balanced and not designed to persuade nor should it have been politically biased.

It was not.

It was flawed in terms of process and lack of sufficient time for individuals to do any research.

It was politically biased and the covering letter on Council headed notepaper was even signed in his political capacity not as leader of SDC.

True costs and very real risks were left out, especially in option B, and the annual future savings of £600,000 plus for Council Tax payers in option C was not even mentioned. It was skewed towards option B.

Only heads of households were sent a form to return and less than 7% of the electorate voted for modification. Hardly "a clear verdict" as claimed by Councillor Sample.

He said he left it to councillors to decide the weight to give the consultation. I finally know that legal opinion that says Cabinet and Full Council should be advised that they can take into account the flaws in the consultation process.

The consultation has little credibility, the public were misled by it, and it is not a clear popular mandate for modifying the project.

Sheila Warrander

**Statement to Full Council Wednesday 25 July 2007 –**

From Mr John Collier Bouverie Avenue, Salisbury

My statement refers to the Office Project

Last Monday evening, I attended the Cabinet meeting (23 July) hoping to hear the views of the Executive and what they intended to recommend to Full Council tonight over the future of the office project. What a complete and utter waste of time it turned out to be, and I left the meeting wondering why it had been called. By not making a recommendation to Full Council on the future of the office project, I believe the Cabinet is failing in its duty as the Executive of this authority.

Even if councillors, in the end, do not agree with a Cabinet recommendation, the members of Full Council have a right to expect that the Executive should help you come to a sound decision. After all, Cabinet has the opportunity to examine carefully all the various options open to the council, and to do so in a much less time-constrained way than is possible in one evening's debate at Full Council. The other advantage Cabinet has - is that it can benefit from being able to obtain full and detailed briefings from relevant officers to help it formulate a recommendation that is in the best interests of ALL the citizens of the District.

Cabinet's responsibility is to make decisions or to make recommendations to Full Council as appropriate – they're paid extra allowances to do just that. In failing to make a recommendation on the office project, supported by what it believes to be the relevant facts, Cabinet has, I believe, wilfully neglected the most important duty this Council has the right to expect of it.

And finally, notwithstanding the Secretary of State's announcement today on unitary status for Wiltshire, I hope that this Council – together with all the other District Authorities in the County – will now mount a determined opposition to overturn Miss Blear's decision and keep democracy local.

Mr Colin H Duller  
59 Essex Square  
West Harnham  
Salisbury  
Wilts SP2 8JA

01722 507009

**Question to Council – Special – 25 July 2007**

From: Mr C H Duller

Has the council and its planners given themselves greater development rights than would be given to any other developer or applicant?

I believe in the Council House saga the reply must be yes, as quite recently a school was refused permission to remove "one tree" on safety grounds, whilst the council has removed several.

Point number two:

Since purchasing the property in 1927, several parts of the surrounding land has been hived off contrary to Mayor Hunson's wishes and that off his council.

This creeping development has seen the building of Government offices in the Belle Vue road area and a car park and road behind St Edmunds Church prior to 1960.

Then came the swimming pool onto a clearly marred recreation ground in 1973/74.

Portacabins were added to the building footprint in the 1970's to the rear of the Council House and two for the BBC near the front of the left wing.

Now we have this latest incursion onto a Grade II listed building, backed by English heritage.

How are the public to view all of these changes and what hope do we have of protecting other listed buildings and properties.

Seemingly each time Local Government changes so do public right (1974 & 2001)

**Reply**

From the Land use planning perspective the council has not given itself greater development rights. All proposals are treated on its merits in accordance with the development plan and current government guidance. A full environmental impact assessment was undertaken

With regards to the Grade II\* Listed Building and the new extension attached, a robust and detailed appraisal was undertaken and the recommendation of the Planning and Regulatory panel were passed to the Secretary of State for a decision. Therefore in this respect it was not a decision of the council.



