

AGENDA SUPPLEMENT (1)

Meeting: Cabinet
Place: Council Chamber - Wiltshire Council Offices, County Hall,
Trowbridge
Date: Tuesday 27 November 2018
Time: 9.30 am

The Agenda for the above meeting was published on 19th November 2018. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Stuart Figini or Libby Johnstone, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 / 01225 718214 or email stuart.figini@wiltshire.gov.uk / libby.johnstone@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

5 **Public participation and Questions from Councillors (Pages 3 - 24)**

Documents included in this supplement relate to questions and statements provided prior to the Cabinet meeting.

- Question from Colin Gale – about the process used to make the decision by Cabinet on Everleigh HRC at its meeting on 9th October 2018
- Statement from Colin Gale about Everleigh HRC
- Question from Anne Henshaw about the Wiltshire Core Strategy
- Questions from Cllr Jon Hubbard –
 - Closure of Christie Miller Leisure Centre; and
 - Expansion of Melksham Cemetery

- Lance Allan – A number of statements and questions to be asked on behalf of Trowbridge Town Council, as detailed below:

Item 7. Devolution

Item 8. Freehold of Assets to be sold

- St Stephen's Place Multi-Storey Car-Park
- Manvers House

DATE OF PUBLICATION: 26th November 2018

Wiltshire Council

Cabinet

27 November 2018

Questions

Colin Gale - Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC) Comments and Questions on the status of the decision to close Everleigh Household Recycling Centre

**To Councillor Richard Clewer – Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism
Councillor Bridget Wayman – Cabinet Member for Highways, Transport and Waste**

The decision to close Everleigh Household Recycling Centre was taken by Wiltshire Council Cabinet at the Cabinet Meeting held on the 9th October 2018. PCAP/PPC and CPRE have identified a number of irregularities concerning the decision process and the reason for the decision to close Everleigh.

Both the Cabinet Agenda Item and the Consultation Report identified the proposal to close Everleigh HRC as a 'key decision'. The regulations for publicity in connection with 'key decisions' is stated in the 'Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012', see Appendix 1. The regulation identifies that where a decision maker intends to make a 'key decision', that decision must not be made until a document has been published at least 28 clear days before a 'key decision' is made and the document must be made available for public inspection. The Consultation Report was first made available to the public as part of the 'Cabinet Agenda Pack' via the WC website on 1st October 2018. Clearly the timeline of the publication of the documents did not satisfy the regulation requirement of 28 clear days.

Question 1:

The Local Authority regulation is believed to be a legislation requirement from central government through parliament to local authorities. Does the Wiltshire Council Monitoring Officer acknowledge that the non-compliance with the regulation by Wiltshire Council may be unlawful?

Response

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 sets out the publicity requirements for key decisions (as defined in the Regulations). Were there to be a failure to comply with

those requirements, then the validity of any relevant key decisions made by the Council may be affected.

In accordance with the 2012 regulations, the Council produces and publishes a public four month document, called the Cabinet and Council Forward Work Plan. (Referred to as Plan from this point forward). This Plan is the document, in bold type, referred to in the Regulations, as detailed below:

9 Publicity in connection with key decisions

(1) Where a decision maker intends to make a key decision, that decision must not be made until a **document** has been published in accordance with paragraph (2)...

The Plan is prepared on a monthly basis and each Plan covers a four month period beginning with the first day of month.

The Plan will contain matters which will be subject of a key decision (as defined in Part 1 of the Council's Constitution) to be taken by the Cabinet during the period covered by the plan. The Forward Plan is published 28 clear days before the matter is considered and a decision made.

Question 2:

What action is Wiltshire Council going to take to recover the breach of the regulation to publish the documents at least 28 days before the decision was made, which failure, we submit, renders the 9th October decision void?

Response

Details of the report on the Consultation on the future of Everleigh Household Recycling Centre, to be considered by Cabinet on 9th October 2018, was included in the 4 month Plan for October 2018 to January 2019, that was published on 10th September 2018. That was 29 clear days before the Cabinet meeting, therefore meeting the deadlines contained in the Regulations.

As the publication of the Plan was in accordance with Regulations, the decision of the Cabinet on 9th October 2018 was a lawful decision.

Question 3:

From experience of attending Cabinet Meetings over a long period, PCAP do not believe that Wiltshire Council have been observing the Local Authorities Regulation with respect to publicity for 'key decisions' possibly since the regulation was enacted in 2012. What retrospective action does Wiltshire Council propose to take to identify which 'key decisions' may have been affected and what action will be taken to reconcile the individual shortfalls?

Response

The Council has been aware of, and has complied with, the Regulations since they came into force. In summary, the inclusion of the report in relation to Consultation

on the future of Everleigh Household Recycling Centre in the Forward Plan, and the publication of this Plan did comply with the Regulations.

Question 4:

The 9th October Cabinet Meeting draft minutes identifies one of the reasons for the decision as:

“1. The proposed option generates the combination of the greatest annual revenue saving coupled with avoidance of additional in-year capital spend.”

PCAP believe that the reason for the decision as stated is incorrect reference to the Wiltshire Council response at the Cabinet meeting at which question 9 was put is identified.

The question asked: The conclusion that ‘The proposed option is the one that generates the combination of the greatest annual revenue saving’ is not substantiated. No comparison has been published showing the annual revenue cost for all of the 11 sites. The argument that the closure of Everleigh generates the greatest annual revenue saving is clearly false as Everleigh operates for the least number of hours out of all of the HRC sites, and therefore cannot have the largest annual revenue cost.

and the response stated: The sentence in full reads ‘The proposed option is the one that generates the combination of the greatest annual revenue saving coupled with avoidance of additional in-year capital spend to ensure the site is made safe and can comply fully with relevant environmental legislation.’. Closing the site generates the greatest revenue saving of the options considered based on the saving from the current operation and the avoided cost incurred should the site remain open and further investment be required. Everleigh was selected because it has the lowest number of visitors and collects and diverts from landfill the lowest number of tonnes of waste.

Response

Appendix 3 to the report considered by Cabinet on 9 October 2018 contains details of seven options considered in concluding that the closure of Everleigh generates the combination of the greatest annual revenue saving coupled with avoidance of additional in-year capital spend to ensure the site is made safe and can comply fully with relevant environmental legislation. For each of the seven options, details were given of the actions required, the annual revenue cost and the initial capital investment cost.

The capital investment cost required to keep Everleigh open and compliant was estimated to be £102,500. The operating costs of Everleigh were £100,000 per annum and these were contrasted with average operating costs of other, far busier, sites of £135,500. In addition, had Everleigh remained open, new containers and a new compactor would have been required for the remainder of the eight year contract period. These would have increased the revenue costs of the contract by £43,000 per year.

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20th November 2018

STATEMENT TO CABINET 27TH NOV

Pewsey Community Area Partnership (PCAP) with the support of Pewsey Parish Council (PPC) and the Campaign to Protect Rural England (CPRE) wishes to make the following Statement to Wiltshire Council Cabinet on 27th Novemebr 2018 in connection with the decision to close Everleigh HRC.

PCAP wishes to draw Cabinet's attention to two items of correspondence that have sent to the Cabinet Member for Waste since the last Cabinet Meeting on 9th October.

- 1). PCAP letter dated 20th November 2018 commenting on the history of consultations over the matter of the closure of Everleigh, and prospects for improving consultations generally for the future, while at the same time enclosing a letter from solicitors Bates Wells Braithwaite dated 19th November 2018 which comments on a number of specific flaws in the consultation process that took place between June and September 2018.
- 2). Bates Wells Braithwaite's letter of 19th November 2018.

The Democratic Services Officer has been requested to provide this Statement and the above two letters, as a Supplement to the Agenda pack for today's meeting.

Colin Gale

Vice-Chairman PCAP

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20th November 2018

PCAP LETTER TO CLLR WAYMAN I.R.O BWB DRAFT LETTER 19th NOV 2018

RE: CLOSURE EVERLEIGH HRC

Councillor Bridget Wayman
Cabinet Member for Waste
Wiltshire Council
County Hall
Trowbridge BA14 8JN

By e-mail

Dear Councillor Wayman,

Re: Closure of Everleigh Household Re-cycling Centre

It is public knowledge that PCAP has had concerns over the way that Wiltshire Council conducted its recent consultation concerning the closure of the Everleigh HRC and was taking legal advice as a result. This was done in the same way as on a previous occasion (i.e on a “shared advice” basis with a local resident), all as more fully described in a letter from PCAP dated 20th February 2017 that was sent to the then Cabinet Member for Waste, to which was attached a letter dated 30th January 2017 from the London solicitors, Bates Wells Braithwaite, specialists inter alia, in local authority law and practise.

That letter indicated the numerous shortcomings in the consultation (confirmed, as such by an e-mail dated 10th February 2016 signed by the then Cabinet Member for Waste) that was purported to have taken place on 8th January 2016 with regard to the closure of the site, concluding that for the Council to come to any decision that was based thereon, would be unlawful. Assurances were requested, and given, that no account would be taken by the Council in any eventual decision making process that concerned the closure of Everleigh.

PCAP has no reason to believe that the events referred to above, in any way influenced the Council’s decision taken on 9th October to close the site, but while there has been an improvement in the way the Council carried out its June-September consultation on this matter, (and PCAP considers it was acting well within its rights, given previous events, to monitor the situation on behalf of its local residents), it now appears that, despite a number of unfortunate flaws in the process that have emerged in the light of legal advice, the Council’s overall handling of the consultation did not sufficiently contravene the principles laid down by the Supreme Court for public consultations, to a point where further legal action would be considered necessary. This is, however, subject to any further consideration of the Council’s apparent failure to comply with the publicity requirements required in respect of “Key” decisions under the Local Authorities(Executive Arrangements) (Meetings and Access Information) (England) Regulations 2012. This point is already the subject of a PCAP Question to Cabinet on 27th November, put forward with the support of Pewsey Parish Council and CPRE.

With regard to the flaws in the Everleigh consultation process, a letter dated 19th November 2018 is attached from Bates Wells Braithwaite. The criticisms are obviously specific to the consultation, and are forwarded for a reason, in the expectation that lessons can be learned for the future. PCAP suggests that the present standard of consultation generally adopted by the Council is not properly fit for purpose,

inasmuch as, among other problems, the process reaches far too few of the public, who have no confidence that they will be listened to anyway. A perfect example of the latter is found, despite the Council's assurances to the contrary, in its disregard of a 94% majority in favour of keeping Everleigh open. It was noted, however, at the Cabinet meeting held on 9th October, after discussion between the Leader of the Council and the Chairman of the Overview and Scrutiny Management committee, that the Council's consultation procedures should be reviewed, with the objective of improving them. PCAP welcomes this proposal, and looks forward to co-operating with the Council in general, and the Overview and Scrutiny Management committee in particular, as to how the present, somewhat abysmal, situation can be bettered. PCAP will be in contact with the Council in due course with suggestions in this regard, but in the meantime, an acknowledgment of this letter would be appreciated, together with any comment you may wish to make.

Yours sincerely

Dawn Wilson
Chair
Pewsey Community Area Partnership

c.c. Baroness Scott – Leader of the Council
Councillor Graham Wright – Chairman, Overview and Scrutiny Management Committee
Councillor Jerry Kunkler - Pewsey Area Board
Councillor Paul Oatway - Pewsey Area Board
Councillor Stewart Wheeler - Pewsey Area Board
Councillor Chris Williams - Tidworth Area Board
Councillor Ian Blair-Pilling
Mr Ian Gibbons – Wiltshire Council Monitoring Officer

19 November 2018

Ms Dawn Wilson
Chair
Pewsey Community Area Partnership
Giddings Cottage
Huish
Marlborough
Wiltshire
SN8 4JN

By email: dawnwilson917@yahoo.com

Dear Ms Wilson

Wiltshire Council: decision to close Everleigh Household Recycling Centre

As you know from our previous letter of 30 January 2017, we act on behalf of a resident of Pewsey Vale, Wiltshire. We have been advising this individual in relation to concerns they have over the decision making process (including consultation) which led Wiltshire Council (“the Council”) to close Everleigh Household Recycling Centre (“Everleigh”). Our client has requested that we share with you, on behalf of and as the Chair of the Pewsey Community Area Partnership (“PCAP”), a summary of areas where the decision making was arguably deficient and could be improved in future. We have provided a summary of these points below.

Please note that the advice and opinion contained within this letter was provided specifically to our client based on the information that they provided to us. It is not intended to constitute legal advice to any other third party, including the PCAP, and should not be relied upon as such. Should you wish to rely on any of the content you would need to seek your own independent legal advice.

1. **Lack of clear information for consultees.** In order for a consultation to be lawful, the consultation exercise must comply with a number of principles. One such principle is that sufficient reasons must be given for any proposal to permit for intelligent consideration and response by consultees. In our view, the consultation paper was unclear in several areas. In particular, the presentation of the various “options” (page 3 consultation paper) made it difficult to assess whether the Council would in fact be saving any money by closing Everleigh as against other options. It was not clear what new equipment was needed at Everleigh or why, and why this would be an annual rather than one off cost. An average saving of £135,500 was given for the closure of other sites, with no information about how this figure was calculated (and presumably the savings would have been greater in relation to some sites). These issues made it difficult for consultees to give properly informed responses. Such issues are particularly problematic given the Council’s conclusion that closing Everleigh “*generates the combination of the greatest annual revenue saving couple with the avoidance of additional in-year capital spend*”: it is difficult to work out from the information in the consultation paper how the Council reached this conclusion. The report to Cabinet and minutes of the decision of 9 October 2018 do little to clarify how the various savings were calculated, or the cost implications over a mid or long term period.

2. **Requirement for an open mind in decision making.** Whilst it may be permissible to have a preferred option when consulting, the arguable bias shown in a number of consultation questions might create doubt as to whether the Council would have had an open mind when making the decision. Question 10 of the consultation, asks consultees whether they would support the closure of Everleigh, “*Wiltshire’s least used HRC*”, arguably attempting to influence consultee’s answers. Question 12, asking how consultees would be impacted, required a choice between “*significant impact – I will not be able to access an alternative site*”, “*minor impact – it will cause inconvenience as I will have to travel further to another site*” and “*no impact – it will not personally impact on me*”. We understand that some consultees have highlighted that they considered the inconvenience of having to go to another site more than a “*minor impact*”.
3. **Regard to the public sector equality duty.** There was nothing in the draft minutes of the meeting of 9 October 2018 to demonstrate that the Council had due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (such as disability) and persons who do not share it (section 149(1)(b) and (3) Equality Act 2010). Particular consideration may be required of the needs of disabled persons (section 149(4)). There was little evidence of a proper and conscious focus on the statutory criteria, and the Council certainly did not comply with best practice of referring to the public sector equality duty explicitly.
4. There were a number of other potentially problematic areas of the consultation and decision making process:
 - (a) For a substantial period of time, individuals wishing to submit their views were prevented from being able to do so meaningfully and in full, due to a low character count being imposed in the free text boxes for responses to some questions to the consultation online.
 - (b) In relation to consultation responses about an increase in the potential for fly tipping after the closure of Everleigh, the Council appeared to rely on existing data about fly tipping levels. It is difficult to see how this could provide an indication of the likely position once Everleigh closed (the closure providing an incentive to fly tip rather than to drive further to an alternative site).
 - (c) Paragraph 38 of the report to Cabinet dated 9 October 2018 was arguably misleading by stating that alternative facilities were within a 10 mile radius, when in fact the actual distances required to drive to alternative sites are much further.
5. Finally, we have recommended to our client that they check that the publicity requirements in relation to “key decisions” under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 were met.

Yours sincerely



Bates Wells Braithwaite

Questions

Anne Henshaw – Campaign to Protect Rural England (CPRE)

Comments and Questions on Wiltshire Core Strategy

**To Councillor Toby Sturgis – Cabinet Member for Spatial Planning,
Development Management and Property**

Statement

CPRE requested during the consultation process preparation of the Wiltshire Core Strategy 2006 – 2026 that a policy should be created to cover the land area surrounding Junction 17 M4. This was ignored.

We raised the same issue, and that of employee transport linkages, at the subsequent Public Examination of the Core Strategy and were told that this was not relevant since the area was not included in any development proposals.

Now a major business development permission has been granted south-east of Junction 17 to St. Modwen and it is no secret that other developers have land interests to the north-east of the junction.

The rapid growth of economic development on part of Hullavington former airfield is a third factor.

We have subsequently asked again who determines plans for this area and were told the Joint Spatial Framework.

Is this area is to identified under the Swindon and Wiltshire Local Enterprise Partnership's Strategic Economic Plan, (SEP) presently A350 corridor south/west, (but could extend north over the next Plan period to 2036) and, we repeat,

Question 1

Could it be explained why the land is not covered by a suitable policy to take into account rapid land use changes anticipated with economic development over the next 18 years.

Response

The policy considerations and merits of the proposal for the permitted development at Junction 17 is set out in the report to Strategic Planning Committee (SPC) of 28 February 2018, which can be viewed via this link:

<https://cms.wiltshire.gov.uk/documents/s140844/17.03417.OUT%20Chippenham%20Gateway.pdf>

Following completion of the Section 106 agreement the decision was issued on 23 August 2018.

Junction 17 was considered through the Core Strategy process, but was not taken forward as an allocation due to the focus of the strategy on delivering economic growth at Principal Settlements and Market Towns to provide a better balance of jobs and housing at these places.

The SPC report refers to Core Policy 34 'Additional Employment Land' in assessing the development at Junction 17. This forms appropriate strategic policy against which proposals for additional land that emerge during the plan period can be assessed alongside other policies in the development plan. Paragraph 6.13 of the supporting text states:

“Core Policy 34 also includes an element of flexibility to allow new employment opportunities to come forward outside but adjacent to the Principal Settlements, Market Towns and Local Service Centres, and in addition to the employment land allocated by this Core Strategy, where such proposals are considered to be essential to the economic development of Wiltshire. It also allows for the possibility of development essential to the wider strategic interest of the economic development of Wiltshire. In considering criterion viii of Core Policy 34 any such proposals should be supported by evidence to justify that they would not have a significant adverse impact upon existing, committed and planned public and private investment at sites identified in the Plan for employment development at Principal Settlements or Market Towns. Support for such proposals will be an exception to the general approach, and any applications of this nature will need to be determined by the relevant planning committee (and not by officers using delegated powers).”

Question 2

Has a review of strategic employment locations taken place along with the review of housing allocations and the review of the Core Strategy as a whole?

We note from the consultations held in November 2017 that a) the Joint Spatial Framework is a non-statutory document and is used as a basis for coordinating Local Plan reviews and b) it forms the basis for plan making. We understand a review of the Core Strategy is under way.

Response

The Wiltshire Employment Land Review (May 2018) has been prepared to inform the review of the Core Strategy (known as the Local Plan Review). It updates the Wiltshire Workspace and Employment Land Strategy published in 2011, which informed the Wiltshire Core Strategy. The report is available on the Council's website at <http://www.wiltshire.gov.uk/planning-policy-local-plan-review>.

Question 3

Will the Spatial Planning Team now inform us whether a land plan in the form of a Policy for the wider area around the Junction has been prepared through the Joint Spatial Framework as part of the review of the Core Strategy?”

Response

Information on the review of the Wiltshire Core Strategy (known as the Local Plan Review) and the proposed Joint Spatial Framework can also be found on the link to the Council’s website provided in the response to Question 2.

It is too early to say whether the site will be allocated as part of the Local Plan Review. However, consideration will be given to the Employment Land Review referred to in response to Question 2, which forms part of the evidence informing the review of the plan. Junction 17 is discussed at paragraph 7.22, Page 65:

“...the supply of employment sites in Wiltshire will broadly accommodate the county’s forecast demand, although there will be a need for some further allocations in certain places, and the situation should be monitored to ensure that there is ongoing supply available. Two potential sites at M4 Junction 17 have been suggested for development, and so considered as part of this Employment Land Review. However, it is not necessary to allocate these sites to meet the forecast demand in Wiltshire. Given the size of the two sites – a combined 77 Ha – their allocation would lead to a significant excess of supply over demand, which could affect the deliverability of other employment sites in Wiltshire. Although able to accommodate large units, and well located for motorway access, the sites are not adjacent to any reasonably sized towns. Most of the existing supply is in close proximity to BUAs, to maximise sustainability through proximity to workforce.

Despite there being little case for these large sites to meet locally derived demand within Wiltshire, they may be appropriate for and attractive to businesses in strategically important sectors searching for sites at the regional or national level, or for strategically important activities which cannot be located anywhere else in the county.

These sites could be considered for development if any high value, exceptional proposals in target growth sectors are seeking sites in the county. The sites could accommodate high value inward investment that would not otherwise come to Wiltshire. The target growth sectors identified in the Wiltshire Core Strategy and the Swindon & Wiltshire Strategic Economic Plan include: Advanced Manufacturing, Business Services, Biosciences, Digital Security, Environmental Technologies, Food & Drink, Health, ICT, and Life Sciences. They could also accommodate growth in the key areas, or grand challenges, identified in the UK Industrial Strategy (currently a White Paper) i.e. Artificial Intelligence & Data, Clean Growth, Mobility, Ageing, R&D, electric vehicles, life sciences, and construction.”

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Questions

Cllr Jon Hubbard

Comments and Questions on the Closure of Christie Miller Leisure Centre

**To Councillor Toby Sturgis – Cabinet Member for Spatial Planning,
Development Management and Property**

Question

At the Area Board we received an update on the closure of the Christie Miller Leisure Centre and several people asked what was going to happen to the site once Places for People hand it back over to the Council. Are there plans to declare the building, and the highways builds adjacent to it, as surplus and dispose of them? And if so, what is the intended use?

Answer

The council is working to empty and decommission both the sports centre and the adjacent former highways depot building. We are considering all of the potential options for the site, including disposal, and those options will be brought before Cabinet at the appropriate time for decision.

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Questions

Cllr Jon Hubbard

Comments and Questions on the Expansion of Melksham Cemetery

To Councillor Bridget Wayman – Cabinet Member for Highways, Transport and Waste

Statement

In July 2015 Wiltshire Council submitted a planning application (15/06652/FUL), which was subsequently approved on 7 September 2015, for the expansion of Melksham Cemetery. In September 2017 Melksham Area Board voted to support the allocation of some of the grave space for the Muslim community.

To date there is little evidence of any work having been undertaken to commence the works as promised and the Muslim community in Melksham and surrounding area is still without provision of a local burial space where they are able to properly respect their traditions and requirements of their faith.

Questions

1. As more than three years has passed since the awarding of planning permission, is the permission originally awarded still valid?
2. What is the timeline for the completion of the works and making the new grave space available?
3. What is the status of the repairs to the “historically significant” wall that appears to be the cause of these delays?

Response

The extension at Melksham Cemetery was granted planning permission in 2015 and work commenced in 2016. In the interim additional land has been made available for a further extension to Melksham Cemetery. This additional land would require its own change of use planning application. To expedite the use of the first extension the council will clear the site and replace the heras fencing with post and rail. This will allow the first extension to be used by the Muslim community and the wider

public, whilst the new planning application is submitted. The first cemetery extension will be available for use in the new year.

The 2015 planning permission has been partially implemented, so will not expire whilst the additional planning approval is sought.

The cemetery boundary wall, which has been partly demolished, is of no historical significance; however it does run along the boundary of the conservation area. The new boundary wall will be located in the conservation area and must be constructed of a different material to the existing blocks. The council submitted a second discharge of condition application to allow the wall to be constructed in a faced stone rather than the heritage bath stone initially approved. This will make a major saving to the project.

The originally approved extension should provide burial space for ten years, hence the decision to seek planning permission to provide a larger extension to accommodate burials for another ten years (twenty years in total), without incurring the expense of building the cemetery wall twice.



Questions

Lance Allan – Trowbridge Town Council

Comments and Questions on Service Devolution

To Councillor Richard Clewer – Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism

Agenda Item 7 – Service Devolution.

Statement - Trowbridge Town Council is pleased to note that; after almost ten years of suggesting to Wiltshire Council that it must invest resources in devolution to parish and town councils and that it must not ignore the easy wins afforded by transfers of small parcels of land and services to the many parish councils, rather than just concentrating its efforts on the significantly more difficult larger town councils; Wiltshire Council is now doing both of these, evidenced by recent changes and this proposal.

Trowbridge Town Council remains concerned that the policy proposed for the parish councils appears to treat them differently from the larger town councils and potentially treats the parishes more favourably.

Question

Why has Trowbridge Town Council been informed that it can no longer take over the Bradford Road car-park which is identified as a non-strategic car-park, yet the parish councils are being offered the opportunity to take over their own non-strategic car-parks?

Response

The car parks referred in the paper are those already leased to Parish Councils, there will be consistency between the non-strategic car parks offered to all Town and Parish Councils.

The council uses parking charges and restrictions to manage traffic flow, with the income for 'off street' parking supporting vital services such as public transport. Officer recommendation to service delegate or asset transfer chargeable car parks would be that this is not appropriate due to the loss of management of traffic movements and the financial impact upon supported services. The car parks previously transferred are non-chargeable car parks.

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Questions

Lance Allan – Trowbridge Town Council

Comments and Questions on Freehold of Assets

**To Councillor Toby Sturgis – Cabinet Member for Spatial Planning,
Development Management and Property**

Agenda Item 8 – Freehold of Assets to be Sold

St Stephen's Place Multi-Storey Car-Park

Statement - Trowbridge Town Council is concerned that; at a time when the town is about to lose its Crown Post Office, likely to lose its Birthing Centre, still waiting for development of Wiltshire Council's Local Plan allocation at Ashton Park to commence, still waiting for the promised Campus/Hub/new health and leisure facility at Bythesea Road; Wiltshire Council sees fit to consider the sale of the town's free to use multi-storey car-park to a commercial organisation. A proposal put to this cabinet meeting today without any consultation with the town council, with the people of the town or with the local Wiltshire Council member.

Question 1

Can the cabinet explain what is meant by the phrase *'save obligations in respect of parking charges in the future, should they be applied.'*?

Response

As part of any potential sale the Council will require parking charges to be comparable to overall charges in Trowbridge. Should the site be sold, it is for any future operator to determine parking charges but these charges should not exceed any currently charged in car parks retained by Wiltshire Council.

Question 2

What safeguards are in place to ensure that sufficient parking is provided for the safe and efficient operation of the St Stephen's Place Leisure facility including the cinema and hotel if the multi-storey car-park were to be redeveloped both during redevelopment and following redevelopment?

Response

At this stage there is no indication that the car park itself is subject to redevelopment and to operate a successful shopping centre car parking is a key consideration. Development of the multi-storey car park would be subject to a statutory planning

process, during which community consultation would take place, as set out in the Cabinet paper.

Question 3

Has Wiltshire Council obtained a legal opinion on the legality of the removal of the covenant contained within the deed of agreement between West Wiltshire District Council and Ernest Ireland (Properties) Limited dated October 14th 1974?

Response

The beneficiary of the covenant is the owners of the shopping centre, which would fall away should they purchase the site.

Question 4

Has Wiltshire Council obtained a legal opinion on the legality of imposing a condition on the sale or on any future planning consent with regard to; '*a connection to Wiltshire Council's charging regime [being] . . . part of the sale*' ?

Response

Should the site be sold, a covenant will be included in the transfer by way of a positive or restrictive covenant

Manvers House

Statement - Manvers House is situated on the corner of Church Street and Manvers Street, the area of land between the red line shown on the plan and the junction, which currently comprises an area of grass, shrubs and a footway, which are all open to the public, is maintained at Wiltshire Council's expense. Trowbridge Town Council considers that the sale of Manvers House should also include the sale of the whole of the area between Manvers House and the highway, to be maintained by the owners as public open space and that this should be a condition of the sale.

Question

Will Wiltshire Council consider the sale of the area of land to the north of Manvers House, between Manvers House and the highway as part of the sale of Manvers House and impose a condition on the sale that the area should continue to be maintained as public open space? If not, why not?

Response

It is not prudent to burden commercial development sites with onerous conditions such as maintenance of open spaces, as it potentially impacts on the viability of a scheme. The area continues to be maintained as open space by Wiltshire Council.