

## CABINET CAPITAL ASSETS COMMITTEE

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DRAFT MINUTES of a MEETING held in THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 17 January 2017.

Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills, Strategic Transport and Strategic Property
Cllr Baroness Scott of Bybrook OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Communities, Campuses, Area Boards and Broadband
Cllr Dick Tonge	Cabinet Member for Finance

Also in Attendance: Cllr Laura Mayes, Cllr Jonathon Seed, Cllr Stuart Wheeler, Cllr Philip Whitehead, Cllr Jerry Wickham, Cllr Glenis Ansell, Cllr Simon Killane, Cllr Chris Caswill, Cllr Chuck Berry, Cllr Richard Gamble, Cllr David Jenkins, Cllr Bob Jones MBE and Cllr Alan MacRae

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Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

### 63 **Apologies and Substitutions**

There were no apologies as all members of the Committee were in attendance.

### 64 **Minutes of the previous meeting**

The minutes of the meeting held on 15 November 2016 were presented.

#### **Resolved**

**To approve as a correct record and sign the minutes of the meeting held on 15 November 2016.**

### 65 **Leader's Announcements**

The Leader announced that the meeting would be webcast today.

### 66 **Declarations of interest**

There were no declarations of interest.

**67 Public Participation and Questions from Councillors**

The Leader invited Councillor Fleur de Rhé-Philippe to respond verbally to the questions received from Councillor John Knight, Richard Hames, Anne Henshaw, Kim Stuckey, Nick Murry and Stephen Eades.

A copy of the questions and responses is appended to these minutes.

**68 Schools Capital Infrastructure Update Report 2016 - 2019**

 Councillor Laura Mayes presented the report which asked the meeting to agree the Schools Capital Investment Programme for 2017- 2020. In giving her presentation, Councillor Mayes thanked the officers for their hard work.

Issues highlighted in the course of the presentation and discussion included: the progress made with the current programme; the limited funding available from central government; how officers maximise contributions from developers; and how work is prioritised.

**Resolved**

- 1. To note the status of March 2014 approved school capital schemes as shown at Appendix A (all complete).**
- 2. To note the updated (previously approved) School Capital Programme as shown at Appendix B.**
- 3. To consider and approve the proposed new Basic Need schemes subject to planning approval and completed S106 negotiations as at Appendix C.**
- 4. To approve the Schools Planned Maintenance Programme totalling £2.5M for 2017/18 as outlined at Appendix D and to agree that a further £2.0M be held pending identified priorities for 2018/19.**
- 5. To approve the Condition (Improvements) and Mobile Classroom Replacement Programme for 2017/18 as outlined at Appendix E.**
- 6. To authorise the Corporate Director for Children Services to invite and evaluate tenders for the projects described in this report, and, following consultation with the cabinet member, to award the contract for the project (subject to approval of any necessary statutory proposals) and to authorise, in consultation with the Head of Strategic Asset & FM (or the Asset Portfolio Manager (Estates), in accordance with the relevant scheme of sub-delegation (under**

**paragraph 7 of Part 3B of Wiltshire Council's constitution)), the acquisition of all land (and the completion of any legal documentation) reasonably required in order to facilitate the Schools Capital Investment Programme.**

*Reason for Decision:*

*The Council has a statutory duty to provide sufficient school places to meet the demand arising across Wiltshire, whether from demographic or population change, strategic housing development growth and the Army Re-Basing programme. The approved Wiltshire School Places Strategy 2015- 2020 and its Implementation Plan identifies the priority basic need schemes requiring capital investment in the short, medium and longer term and this updated proposed Schools Capital Investment Programme will enable the priority works to be progressed. The Council also has Landlord responsibilities for the effective management and maintenance of the schools (for which the Council is responsible) estate and the investment programme will enable urgent and priority repairs and maintenance projects to proceed.*

**69 Declaration of Sedgehill Estate as Surplus so that it can be sold on the open market**

Councillor Toby Sturgis presented the report which sought approval for officers to add the rural estate property in the Sedgehill area to the list of properties scheduled for disposal on the open market.

Issues highlighted in the course of the presentation and discussion included: the condition of the property; the current use of the property; and whether the investing in the property was preferable to its sale.

**Resolved**

- 1. To declare the rural estate property in Sedgehill area as Surplus so that it can be sold on the open market.**
- 2. To further delegate specific decisions on the lotting of the property, method of sale, negotiations with outgoing tenants and interim management arrangements to the Associate Director for People and Business in consultation with Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste.**

*Reason for Decision:*

*To enable the sale of the Council's rural estate property in the Sedgehill area as Surplus in order to generate capital receipts which will contribute to the*

*Council's Capital programme and Treasury Management Plan and to divest the Council of assets which have a high cost repairing liability in relation to their revenue potential.*

**70 Assets to be declared surplus**

Cllr Fleur de Rhé-Philippe presented the report which asked the meeting to consider whether to declare seven assets surplus and authorise their sale at or above market value.

The Leader invited any additional questions regarding the specific assets. In response to a question from Councillor Chris Caswill, Councillor Fleur de Rhé-Philippe stated that the decision today was to place sites on the surplus list, and that any subsequent decision to sell any of the sites would be subject to the normal due diligence procedures at which time further consultation. Furthermore, if the land with the cycle track was to be sold, it would remain a public right of way and any decision to alter this would remain with the Council as Highways Authority.

In response to questions from Councillor Alan Macrae and Andrew Hall, the Leader stated that officers were reviewing the status of the Martingate asset and would be in touch with parties in due course. Mr Hall further reiterated his company's commitment to refurbishing the site, and maintaining the car park, but stated that this would only be possible if they owned the freehold.

**Resolved**

- 1. That members declare the seven assets listed in the report as assets held for sale.**
- 2. To authorise the Associate Director for People and Business, in consultation with the Cabinet Member for Economic Development, Skills, Strategic Transport and Strategic Property and the Cabinet Member for Finance, to dispose of the assets at or above market value.**

*Reason for Decision:*

*To declare assets surplus so that they can be sold in order to generate capital receipts in support of the council's capital programme.*

**71 Urgent items**

There were no urgent items.

**72 Exclusion of the Press and Public**

**Resolved**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the following items of business because it is likely that if members of the public were present there would disclosure to them of exempt information as defined in paragraph 3 and 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

Reason for taking the item in private:

Paragraph 3 – information relating to the financial information or business affairs of any particular person (including the authority holding that information)

Paragraph 5 - information subject to legal privilege

No representations have been received as to why this item should not be held in private.

**73 Declaration of rural estate property near Sedgehill as Surplus so that it can be sold on the open market**

The meeting noted the content of the report.

**74 Assets to be declared surplus - Part ii**

The meeting considered the content of the report.

**Resolved**

**To approve the recommendations contained in the report presented with the exception of the recommendation for site two which was not adopted.**

**75 Castledown Business Centre - Innovation Suite**

Cllr Fleur de Rhé-Philippe presented the report which: provided an update to the committee on negotiations with the parties involved in the design and construction of the Business Centre relating to the remediation of the glazed façade; asked the Committee to consider the options available to remediate the glazed façade and propose a preferred option; and, on the basis of the preferred option, sought delegated authority to proceed with implementation of the remedial works required to ensure full operation of the Business Centre.

**Resolved**

**To delegate authority to the Associate Director for People & Business, in consultation with the Cabinet Member for Economic Development, Skills, Strategic Transport and Strategic Property, to appoint contractors to**

**deliver the remedial works required for the glazed façade at Castledown Business Park, and subsequently recoup these costs from the insurers of the designers.**

*Reason for Decision:*

*To expedite delivery of the required remedial works to enable full operation of the council's business centre at Castledown, Ludgershall, thereby maximising the benefit of the council's existing investment and helping boost the local economy in line with council's Business Plan 2013-17 Outcome 1.*

(Duration of meeting: 10.00 - 11.00 am)

These decisions were published on the XXXX and will come into force on XXXXX
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The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935 or e-mail [william.oulton@wiltshire.gov.uk](mailto:william.oulton@wiltshire.gov.uk)  
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# AGENDA SUPPLEMENT (2)

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**Meeting:** Cabinet Capital Assets Committee  
**Place:** The Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 17 January 2017  
**Time:** 10.00 am

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**The Agenda for the above meeting was published on 9 January 2017. Additional documents are now available and are attached to this Agenda Supplement.**

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email [william.oulton@wiltshire.gov.uk](mailto:william.oulton@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](http://www.wiltshire.gov.uk)

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5 **Public Participation and Questions from Councillors** *(Pages 3 - 14)*

Responses to written questions received.

DATE OF PUBLICATION: 17 January 2017
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**Wiltshire Council**

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## **Questions from Councillor John Knight, Trowbridge Central Division**

### **Questions**

1. Could the retained area of the car park be free car parking for the first 30 minutes to allow the public to collect prescriptions from the proposed new pharmacy and assist with short visits to the adjoining park?
2. Could officers investigate how to mitigate the loss of car parking during construction as the pharmacy may well require the retained area of the car park as a builders compound, supplies deliver and turning. Possibly using land forming part of the park either immediately adjoining the car park or the area formerly occupied by the youth centre at Innox Road/Linden Place?
3. What arrangements will be made for existing parking permit holders?
4. Has the company considered that there already pharmacies nearby at Shires Gateway and Wingfield Road?

### **Responses**

1. Parking Services will consider the request although such arrangements do not generally prevail elsewhere in similar circumstances
2. If Members are minded to approve the recommendation then officers in Strategic Assets & Facilities Management together with those in Amenities & Leisure will discuss with the pharmacy how best to mitigate any inconvenience to the public both in respect of car parking and enjoyment of the adjoining park.
3. It is anticipated that these will be suspended for the period of the construction works. However officers will investigate opportunities to mitigate any inconvenience.
4. The company has done so but believes this site would best serve the local community.

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**Questions from Richard Hames**

**Questions**

1. Could you please explain why the council consider six days is sufficient time for the public to read the agenda, understand what is behind the agenda and then comment on it. The agenda was published on 11 January and the meeting is on 17 January. I would hope in future you would agree that in order to be transparent and democratic a longer period should be given.
2. Could you please explain why you are selling and whether it is linked to potential development at Rawlings Green?
3. How is the price determined? Can you confirm that it will be widely publicised and unless there is a good reason the highest price will be accepted. Will anyone other than the developer be interested in purchasing it?
4. What guarantees will there be that the current public right-of-way continues?
5. Who will maintain the land after the sale?
6. As you are aware Rawlings Green is being looked at by the inspector and the current planning application has been referred to the Secretary of State. Therefore it seems totally premature to consider any such sale until the inspector has reported, the planning decision made either for or against, and the Secretary of State has given his approval to whatever the decision is.

**Responses**

1. The agenda was in fact published on 9 January and within the legally prescribed timescale giving 5 clear (working) days' notice of the meeting. In addition, notice that the Committee intended to consider the item 'Assets to be declared Surplus' was first published in the Council's Forward Work Plan for the Cabinet Capital Assets Committee on 19 December 2016.
2. As part of the process we are declaring this site as an asset held for sale, surplus to operational requirements

The recommendations refer to a whole series of assets surplus to council requirements therefore it is listed and if asset is decided to be put up for disposal due diligence will be undertaken.

Yes, it is linked to Rawlings Green

3. If we decide to sell then the site would be evaluated in accordance with council obligations under section 123 of the local government act 1972
4. If we decide to sell any such issues will be picked up as part of due diligence.
5. This question presupposes a sale refer back to response to question 2
6. As is usual practice, the Council is able to consider the disposal of any assets in advance of planning permission and ensure that any disposal only takes place if planning permission is granted.

The Secretary of State has only directed the Council not to grant permission on the application without his specific authorisation. This is to enable him to consider (emphasis added) whether he should direct that the application be referred to him for determination. As his letter points out, the direction does not prevent the Council from considering the application and forming a view as to its merits, nor does it prevent the Council from refusing permission.

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### **Questions from Anne Henshaw**

#### **Question**

Please inform me whether this could lead to any possible change in the status or nature of this track and its immediate surrounds in the future. As a much valued public path between Calne and Chippenham we would certainly lodge objections if this were to be the case?

#### **Response**

The council recognises the important role of the North Wiltshire Rivers Route. If we decide to sell, we recognise the value of the cycle path and due diligence would cover issues such as these.

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**Questions from Kim Stuckey**

**Question**

I have only today found out the detail of the Cabinet Capital Assets Committee meeting next Tuesday 17<sup>th</sup> January, and in particular Site 2 – Land at Darcy Close.

I am very concerned not about the strip of land as titled at Darcy Close, but the hatched area at the top of the plan, being the old dismantled track bed and embankment of the disused Chippenham-Calne railway.

This is used as a cycling and walking link between National Cycle Route 403 and Chippenham Station, avoiding a steep hill at Black Bridge Road and is a vital part of the sustainable transport infrastructure in Chippenham. I have and continue to use this route for cycling.

If this area of land is being sold off, what restrictions are being put on purchasers to keep in place the cycle track and maintain it? Will it remain open as a right of way? Have discussions taken place with Sustrans about the implications of this sale? At a time where the issue of sustainable transport is so important to the public and indeed the Council, could it be made clear about the guarantees about the future use of this route, rather than just being a hatched area on a map and an asset sale?

**Response**

The council recognises the important role of the North Wiltshire Rivers Route. If we decide to sell, we recognise the value of the cycle path and due diligence would cover issues such as these.

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### **Questions from Nick Murry**

#### **Question**

I would be grateful if you would inform me whether the rights of way on the footpath and cycle path will be in any way affected by this proposed sale?

If use of the footpath and/or the cycle path are in any way affected, currently or in the long term, I wish to strongly object to the inclusion of the footpath and/or cycle path as part of this proposed sale and for my objection to be registered at the forthcoming meeting referenced above.

#### **Response**

The council recognises the important role of the North Wiltshire Rivers Route. If we decide to sell, we recognise the value of the cycle path and due diligence would cover issues such as these.

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### **Questions from Stephen Eades**

#### **Question**

I am chair of N. Wiltshire Friends of the Earth. We would like to enquire whether the selling off by Wiltshire Council of land which it currently owns at Rawlings Green, Chippenham, which is part of the old railway and is now part of the the footpath and cycle path from Chippenham to Calne, will result in the footpath and cycle path being in any way being compromised in the future for this specific use ?

Could you please inform us?

If its use as a footpath will be affected, we would like to register in writing – which this email would now constitute – a formal objection to this proposal at the Council meeting on 17th January

#### **Response**

The council recognises the important role of the North Wiltshire Rivers Route. If we decide to sell, we recognise the value of the cycle path and due diligence would cover issues such as these.

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