

The Civic Centre
St Stephen's Place
TROWBRIDGE
Wiltshire
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SUMMONS

22nd April 2022

To members of the Policy & Resources Committee: Councillors: Bates, Bridges, Bryant (VC) Cave, Cavill, Hoar, Hill, Palmen (Chair), Piazza and Trigg.

Dear Councillor

You are hereby summoned to a meeting of the **Policy & Resources Committee which is to be held on Tuesday 3rd May following the Extraordinary Full Council Meeting**, in the Civic Centre, St Stephen's Place, Trowbridge.

Yours faithfully

Lance Allan
Town Clerk

Members of the public are welcome to attend meetings of the Council and Committees, unless specifically excluded due to the confidential nature of business. As a result of the pandemic, public access will be limited. **Please contact info@trowbridge.gov.uk by 16:00 on 2nd May if you wish to attend this meeting in person. Where it is not possible for you to attend due to reaching the capacity limit, access will be available online via Microsoft TEAMS:** please go to the Town Council Website – Your Council – [Meetings](#) to find the link. Only those attending in person will be able to ask questions and make statements at the meeting during the public period. Questions and statements can otherwise be submitted in advance.

AGENDA

1. **APOLOGIES**

- a. **To receive** apologies from those unable to attend.
- b. **To consider for acceptance** those apologies received with reasons for absence.

2. **MINUTES**

- a. **To approve as a correct record**, the minutes of the meeting held on [1st March 2022](#).
- b. **To receive** any questions arising from those minutes.
- c. **To consider** the Minutes of the Civic Board meeting held on [26th April 2022](#) (to be circulated following meeting).
- d. **To consider** the Minutes of the Risk & Audit Panel held on [26th April 2022](#) (to be circulated following meeting).

3. **DECLARATIONS OF INTEREST**

To receive Declarations of Interest not already included on the Register in respect of matters contained in this agenda, in accordance with the provisions of the Local Government Act 1972 in respect of officers and of the Localism Act 2011 in respect of members.

4. **CHAIR'S ANNOUNCEMENTS**

To receive any announcements which the Chair may wish to put to the meeting.

5. **OPEN FORUM**

To receive questions from the public, these may be answered but not debated.

6. **QUESTIONS FROM COUNCILLORS**

To consider any questions from councillors which have been received by the deadline (Wednesday 20th April 2022).

A. 220315 19:25 DORIC PARK

The following questions were raised by Cllr Edward Kirk at the Full Council Meeting on 15th March: Answers were sent on 18th March following receipt of the written statement from Councillor Edward Kirk.

Implied question: Does a councillor whose question is on the agenda have a right of reply?

Answer: The Standing Orders of TTC do not give a right of reply to a member asking a question.

Question: How can this be considered transparent when only one member's questions are published on the agenda?

Answer: Questions on the full council agenda were from Cllr Stephen Cooper and Cllr Edward Kirk.

Implied question: Has Cllr Edward Kirk been sanctioned?

Answer: Cllr Edward Kirk has not been sanctioned, restricted or otherwise limited in his ability to ask questions or receive responses to those questions. Responses to questions will be provided when available and recorded on the agenda if there is sufficient time to be included on the agenda.

Question: Is the change because Cllr Edward Kirk raised the issue of Rubber Crumb contamination?

Answer: No.

Question: Is the change because Cllr Edward Kirk raised the issue of Economic Duress?

Answer: No.

Implied Question: Can Community Infrastructure Levy be spent on Business Rates and Utilities?

Answer: The legislation is: (<https://www.legislation.gov.uk/ukxi/2013/982/regulation/8/made>)

Application of CIL by local councils

59C. A local council must use CIL receipts passed to it in accordance with regulation 59A or 59B to support the development of the local council's area, or any part of that area, by funding—
(a) the provision, improvement, replacement, operation or maintenance of infrastructure; or
(b) anything else that is concerned with addressing the demands that development places on an area.

Therefore, CIL can be used to pay for Business Rates and Utilities for the land at Doric Park.

Question: Can CIL be spent on projects outside the town boundary or in areas outside the immediate development which has contributed to the CIL.

Answer: Yes. Specific questions about particular contributions would need to be referred to Wiltshire Council.

Question: In not having a budget (beyond the initial budget for the whole project) the council has not been able to control costs or identify potential savings.

Answer: Significant Infrastructure projects are always based on estimates and, in light of the significant additional requirements of Wiltshire Council to achieve planning permission, such as ecological mitigation and archaeology as well as building inflation costs, the cost of the project has increased. The council has controlled costs through reductions in the specification where possible and identified savings. The Business Plan shows that on all reasonable estimates the project ranges

from a total (capital and revenue) cost of; less overall cost to the council than the initial capital cost, through break-even and, to generating a significant surplus. It includes full costs for carpet and building replacement in the medium and long term.

Question: The ONLY costed option currently available to Councillors is to approve the Doric Park project and any alternative will be at a greater cost.

Answer: It is the only option which the council has pursued to tender, and therefore saved significant duplication of consultant fees. If the council decides not to pursue a 3G ATP and develops the site for grass pitches it is likely to be at a lower capital cost but is also likely to generate significantly lower income.

Question: As a decision is something that is made between one or more options and as the Council has not provided a costed alternative, we are considering a trade-off rather than a decision.

Answer: It is a decision which involves a trade-off between doing something which is sub-optimal for the Trowbridge community and doing something which is ambitious.

Question: Without an agreement from Trowbridge Rugby Club, there is currently NO alternative option to accessing our site without acquiring additional land and the estimated cost £1,000,000.

Answer: This is correct, which is why the council is pursuing the more favourable option.

Question: The Doric Park project can ONLY be delivered with a section of land belonging to Trowbridge Rugby Club. Trowbridge Rugby Club will ONLY provide this section of Land on a 99-year leasehold basis. There is NO security of tenure (which means the Land reverts to Trowbridge Rugby Club after 99 years).

Answer: Yes.

Question: The PWLB have stipulated that a valuation is undertaken by a quantity surveyor with the view that the asset will be in use over 40/50 years and incorporated in the cost plan.

Answer: The town council has not received this request from the DLUHC and has not had any communication with the PWLB regarding this project.

Question: As the project cannot be delivered or sustained without the leasehold land from Trowbridge Rugby Club, please can the Town Clerk confirm that the PWLB have been made aware that the Doric Project in its proposed form terminates at 99-years?

Answer: No - we do not contact PWLB until we have received borrowing approval from DLUHC and are ready to let a contract.

Question: Does the Town Clerk agree with the following statement? As the project cannot be delivered or sustained without the leasehold land from Trowbridge Rugby Club. When the term of the leasehold land drops to zero years, this section of Land reverts to the freeholder (TRFC). So, as the site contains a 99-year leasehold element, we only have the right to use the entire site for 99-years before a section of it goes back to the freeholder. A lease with a term of zero years is clearly worthless. All other things being equal, the shorter the lease, the less it is worth.?

Answer: That is how leasehold works, yes.

Question: can the Town Clerk confirm when Council was informed that a section of the Doric Park project site is leasehold rather than freehold?

Answer: The Agenda for the Town Council meeting held on 20th July 2021 included the following:

10. DORIC PARK 3GATP

To consider: The Town Clerk's report:

That at the Western Area Planning Committee on Wednesday 9th June 2021 the town council's application for a 3G-ATP at Doric Park and associated facilities was approved with conditions. The Town Council's consultants are now in the process of securing suitable tenders. Given the delays experienced in obtaining planning permission and the impact of inflation and in particular building cost inflation has had, combined with the additional elements incorporated into the scheme to achieve planning permission and the addition of solar panels on the building, it is likely that there will be additional cost pressure once tenders are received. Current interest rates for a

30-year loan from HM Treasury are 2.17% for an advance of £2.4million, which would result in a repayment of £109,263.90 per annum (Total £3,277,917). The Business Plan shows that the average annual income estimated across years 2 to 5 is £245,359 and average operating and replacement costs are £116,617 which leaves a net contribution towards financing the project of £128,742, which would leave a net contribution towards the council's finances of £19,478 per annum. There is a risk that our client base will not be sustained in the longer term, but this is a low risk and the Business Plan shows that over the full term of the loan it is likely that the facility will fully cover its costs on reasonably conservative estimates. The suggested loan repayments are around £3,000 per annum more than the earlier Business Plan.

And RECOMMENDATION:

That further to the resolution of the Council on 21st July 2020;

- a). The consultation has been completed.**
- b). Trowbridge Rugby Football Club has approved the deal and we are in the process of concluding a legal agreement with them to cover access, lease of a strip of additional land and a number of other operational arrangements;**
- c). Planning permission has been granted**
- d). Tenders are due to be received shortly**
- e). Therefore, subject to receipt of suitable tenders the Council approves that an application for borrowing approval be submitted for up to £2.4million at an annual cost (current fixed interest rates over 30 years of 2.17%) resulting in repayments of £109,264 per annum.**

The recommendation was approved.

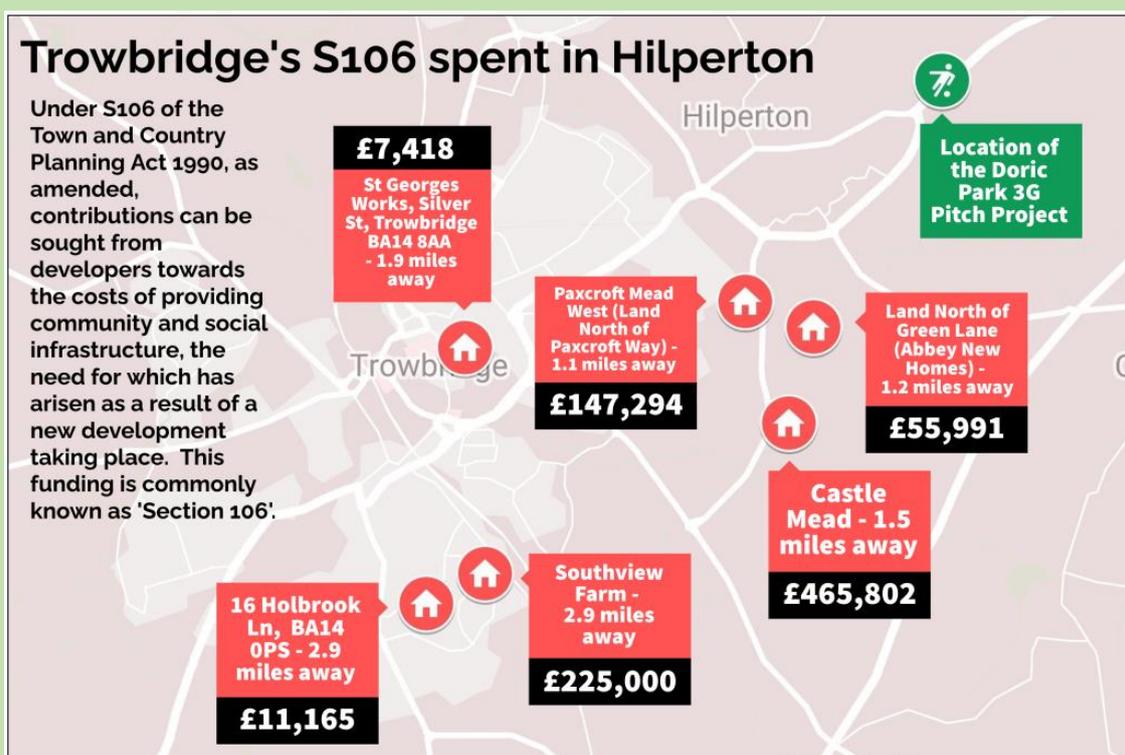
Question: Please can you confirm if we are limited to a lease agreement and not a freehold sale with Land we require from TRFC because it was subject to an S106? Also, why only 99-years and not 999-years? I am writing to the PWLB today and would like to get my facts correct.

Answer: The offer of leasehold of 99 years has been made by TRFC and is as a result of restrictions between them and third parties and does not relate to S106. I do not believe that TRFC received any S106 funding to establish their site at Doric Park. We did seek a longer term but TRFC are not prepared to offer more than 99 years. I am not sure what you are communicating with PWLB and seeking from PWLB but they know nothing of the project and will not, until the council has received borrowing approval from DLUHC.

B. 220315 20:45 S106 FUNDING

The following questions were raised by Cllr Piazza after the Full Council meeting on 15th March. Answers were circulated on Wednesday 16th March 2022 at 11:27.

Preamble: I probably should have sent this map to councillors earlier but I hope this provides a better understanding of the points I raised. I had some councillors disagree with me but my main argument is that I am concerned money from Trowbridge has been taken from these developments and put into the Doric Park Project in Hilperton. I worry that this money spent on Doric could have been better utilised for in the areas they were taken from - or even parts of the money could have been used in the areas.



Answer. The report part of the Business Plan includes the following:

S106 Funding. Section 106 (planning gain) contributions have been made over recent years, some of which is specifically allocated towards the provision of off-site outdoor sports pitches and associated buildings (pavilion/changing rooms), some of which has already been used to support other developments, as follows.

Income		
04/01063/OUT	Southview Farm	£225,000
04/02105/OUT	Castle Mead (Land adj. Scrap Yard, Green Lane)	£465,802
05/00967/OUT	Paxcroft Mead West (Land North of Paxcroft Way)	£147,294
07/03864/OUTES	Abbey New Homes (Land North of Green Lane)	£55,991
14/10154/FUL	16 Holbrook Lane	£11,165
16/12263/FUL	St George's Works	£7,418
Sub-total		£912,670
Expenditure		
	Completed purchase of 5 Acres at Devizes Road	£78,093
	Completed purchase of Woodmarsh	£187,770
	Development of Town Park tennis courts	£91,500
Sub-total		£357,363
Total available	November 2019	£557,307

In respect of each development/contribution:

Southview Farm: This development originally included the provision of a playing pitch and changing facilities. The FA changed their policy during the processing of the application such that they no longer supported changing facilities being provided on single pitch sites. The agreement with Wiltshire Council was therefore changed to a financial contribution through S106. I believe this started at £450,000 and was negotiated down by the developer to £225,000.

Castle Mead: The original proposals for this site included a range of pitches in the area between castle Mead and Ashton Park which is now being managed as an ecology area by Wiltshire Wildlife Trust, this is because it is identified as bat feeding grounds which require long grass and could not be used for formal sports pitches with short grass. The agreement with Wiltshire Council therefore included the provision of a financial contribution in lieu of sports pitches through S106.

Paxcroft Mead West: I am not aware of any proposals in respect of alternative sports pitch proposals for the wider Paxcroft Mead development other than the cricket ground which is still there. Therefore, to my knowledge the only option for this site was a S106 financial contribution.

Abbey New Homes: As above.

16 Holbrook Lane: The site is not big enough for its own facilities and therefore a S106 contribution would seem the only option.

St George's Works: This contribution was specifically allocated to TTC proposals at Doric Park. A 3G pitch could not be developed at Woodmarsh, Lambrok, The Grove or any other site owned by the town council due to proximity to residential areas and lighting impacting on bats. I am not aware of any sites owned by Wiltshire Council that would be considered suitable for a 3G pitch due to location or potential impact on bats. School sites might have been one option but would not then be available to the public.

The purchase of Woodmarsh and improvements to the tennis courts and MUGA in the Park totalled £279,270 which would cover all of 3 and 5 and half of 1 as the sites furthest away from Doric Park. The other sites (2 & 4) could be deemed to be within walking distance of Doric Park. Southview Park will also be within walking distance of the new facilities at Elm Grove and Ashton Park.

The S106 side agreement signed by the Town Council and allowed Wiltshire Council to release the funds to TTC for the approved purposes and includes copies of each S106 agreement which contributed towards the £550k transferred.

7. TOWN CLERK'S REPORT

To consider the Town Clerk's Report (copy attached).

8. MANAGEMENT ACCOUNTS 2021-22

To consider the draft Q4 management accounts, Town Clerk's Report report item 2.1.3, Appendix A and the following:

RECOMMENDATION: That the committee notes the draft Q4 accounts.

9. RESERVES

To consider the Town Clerk's Report item 2.1.4 and the following:

RECOMMENDATION: That the committee approves end of year allocations and changes to Earmarked Reserves as follows:

Events	£6,000
Longfield	£3,000
Studley Green	£3,000
WC Service Delegation	(£40,000) Reallocated to other items and added to General Reserves.

10. LONGFIELD COMMUNITY CENTRE CAR-PARK TROWBRIDGE FUTURE CABIN

To consider the Town Clerk's Report item 3.2.1 and the following:

RECOMMENDATION: That the committee approves the proposal from Trowbridge Future to locate a community cabin at Longfield Community Centre, subject to planning permission.

11. SERVICE DELEGATION & ASSET TRANSFER (SDAT) - WILTSHIRE COUNCIL

To consider the Town Clerk's Report item 3.2.2A and the following:

RECOMMENDATION: That further to discussions with a range of parties the town council declines to opportunity to transfer the grass cutting at the Down Cemetery but will provide support to the Friends of the Down Cemetery.

12. SERVICE DELEGATION & ASSET TRANSFER (SDAT) - ASHTON PARK

To consider the Town Clerk's Report item 3.2.2D and the following:

RECOMMENDATION: That the council supports the actions of officers in pursuing discussions with Persimmon with regards to the transfer of public areas of the Ashton Park development to the Town Council in order to avoid the imposition of a management fee arrangement for future residents and asks officers to continue such discussions in consultation with the Leader and Chair of Neighbourhood Services prior to bringing a formal agreement to Full Council for approval.

13. WILTSHIRE LOCAL PLAN REVIEW – SUPPORT TO CAMPAIGN GROUP

To consider the Town Clerk's Report Item 6.4.6 and the following:

RECOMMENDATION: That the town council joins other local councils in supporting the campaign group to cover the costs of a leaflet to be distributed in opposition to the proposed development of over 2500 houses at Staverton and Hilperton. At an estimated cost of up to £25 per 1000 copies of the leaflet.

14. KENNET & AVON CANAL

To consider the Town Clerk's Report item 6.6 and the following:

RECOMMENDATION: That Trowbridge Town Council writes to the Canal and River Trust seeking assurances that they will ensure that the lock gates on the Kennet & Avon Canal are maintained properly, condition surveys are up to date and funding programmes in place.

15. LH&FIG

To consider the Town Clerk's Report item 8.1.1 and the following:

RECOMMENDATION: That the committee confirms the £617.39 allocated in advance towards the Halve Pedestrian Crossing and allocates £1000 towards the implementation of a 20mph speed limit on Innox Road.

16. MOTIONS

To consider motions from councillors which have been received by the deadline (Wednesday 20th April).

NONE.

17. PAYMENT OF ACCOUNTS

To consider for approval payments and receipts made since the last meeting of the Council recorded on the Cash Receipts and Payments Records by the Finance Officer and to confirm the action of Councillors Blackmore and Bridges in signing the Cash Payments and Receipts Records.

RECOMMENDATION: That the committee approves the following payments and receipts for February and March.

	<u>Payments</u>	<u>Receipts</u>
February	£192,713.66	£ 51,065.72
March	£416,186.88	£144,736.42

18. MEDIA RELEASES

To consider if the Committee should make a media release regarding any of the issues considered.
Allocations to reserves.
Longfield Cabin for Trowbridge Future.
Support to Local Plan Review campaign group leaflets.
Kennet & Avon Canal.
LH&FIG allocations.

19. DATE OF NEXT MEETING

Tuesday 5th July 2022.