

CABINET

MINUTES OF THE CABINET MEETING HELD ON 15 MAY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Baroness Scott of Bybrook OBE (Chairman), Cllr John Thomson (Vice-Chairman), Cllr Richard Clewer, Cllr Laura Mayes, Cllr Toby Sturgis, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

Also Present:

Cllr Clare Cape, Cllr Pauline Church, Cllr Jane Davies, Cllr Matthew Dean, Cllr Richard Gamble, Cllr Gavin Grant, Cllr Deborah Halik, Cllr Darren Henry, Cllr Mike Hewitt, Cllr Alan Hill, Cllr Ruth Hopkinson, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr David Jenkins, Cllr Johnny Kidney, Cllr Gordon King, Cllr Edward Kirk, Cllr Steve Oldrieve, Cllr Stewart Palmen, Cllr Graham Payne, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Philip Whalley, Cllr Graham Wright, Cllr Atiquil Hoque and Cllr Christopher Newbury

227 Apologies

Apologies were received from Ian Thorn represented by Ruth Hopkinson

228 Minutes of the previous meeting

The minutes of the meeting held on 24 April 2018 were presented.

Resolved

To approve as a correct record and sign the minutes of the meeting held on 24 April 2018

229 Declarations of Interest

There were no declarations of interest.

230 Leader's announcements

The Leader made the following announcements:

231 Public participation and Questions from Councillors

The Leader outlined the approach taken to public participation encouraging representations to be made under the item for debate. There were no representations made from members of the public regarding items not on the agenda.

Councillor Jerry Wickham stated, in response to a question from Councillor Gordon King regarding the recent ombudsman report, his regret and that the council had apologised. He also noted that a report would be coming to the Cabinet in July and that this would be available to the public.

232 **Special School Provision in Wiltshire**

Councillor Laura Mayes presented the report which: provided an update on the work done, and being undertaken to secure the future of special school provision in Wiltshire; sought to confirm the next steps in relation to setting out parameters for development, securing capital funding and progressing change; and sought to confirm authority for preliminary consultation on the future pattern of Wiltshire special schools in the context of its 2015-18 Special Educational Needs (SEN/SEND) Strategy.

In making her presentation, Councillor Mayes emphasised that no decision had yet been made regarding a preferred options or options, and that the results of the consultation would be reported to Cabinet in September.

At the invitation of the Leader, Councillor Jon Hubbard, in his capacity as Chair of the Children's Select Committee presented the interim report of the task group. He outlined the extensive work undertaken the group, drawing particular attention to recommendation one and the need for a strategy for SEND across the whole county. He also thanked officer, stakeholders and councillors for their contribution and engagement in the review, and specifically praised the contribution from the two co-opted members John Hawkins and Jen Jones.

Further matters highlighted in the course of the presentation and debate included: the progress made in the review since the meeting in November; the vision in Wiltshire for Special Education and the focus on providing the most equitable and best outcome; the additional places required to meet demand; the imbalance between the north and the south of the county; the decisions already made to amend provision and the further options to require continued consultation; the good engagement from schools and parents in the review.

Representations were received from the following members of the public.

Stuart Hall, from the Wiltshire Parent Carers Council, stated that: thanked the council for their commitment and for the work undertaken to address the shortage; recognised that feedback from parents had been taken into account and welcomed the collaborative approach being developed; expressed concern over the lack of places for those with needs; stated that specialist provision, within a mainstream setting, is sometimes preferred so that children stay closer to their families and communities; expressed the desire to see more integrated therapies; that investment in the right staff and equipment was important; the desire to involve families in the design of new facilities; expressed disappointed that progress has not been as swift as desired, but welcomed the opportunity to meet the aspirations for the education.

Mike Loveridge, Headteacher Rowdeford School stated that: he was pleased with the progress that has been made and encouraged by many of the proposals; that some recommendations would enable special schools to share best practice with mainstream schools; expressed concern that Rowdeford had been marginalised in the proposed solutions; emphasised the work undertaken to extend the provision and develop its approach for providing an enhanced environment; the importance of good environments on mental health; and emphasised that barriers for development could be overcome.

Phil Cook, Headteacher Larkrise School stated: the importance of engaging with the wider community to engage pupils meaningfully with their peers; expressed concern that some of the proposed solutions may not best meet the needs of children; and emphasised the importance of transport issues.

Ros Way, Headteacher St Nicholas School, stated: that she was pleased with the amount of evidence that had been collated to develop both the Cabinet and the Scrutiny report; welcome the investment being proposed; emphasised the importance of taking account of social inclusion of children with special needs; the importance to the collaborative approach taken to working with mainstream schools; the importance of continued development of the approach to assessing need; expressed concerns as to the future of post-16 provision and specific facilities such as the hydro-pool.

Sarah Busby, Executive Headteacher Magna Learning Partnership, expressed concern that issues in the south of the county had not been adequately considered.

Councillor Steve Oldrieve stated that: he was pleased to see progress and that some concerns have been addressed; expressed concern that having too centralised a provision may mean children would not be a full part of their local communities.

Councillor Graham Payne praised the quality of the provision in the county's schools and emphasised the importance on building upon these foundations to meet the needs of growing towns such as Trowbridge.

Councillor Mayes stated, in response to a question from Councillor Payne, that best practice was shared with neighbouring authorities such as Swindon but that there were legal and financial barriers that made more extensive collaboration difficult.

Councillor Ruth Hopkinson stated that: she recognised the commitment from the Leader and the cabinet Member; endorsed many of the comments made in the debate; shared some concerns that not all children with additional needs are being assessed quickly enough; emphasised concern that an over-centralisation of facilities including the impact on the cost of transport and the negative impact on children having to undertake excessive travel; and the long-term impact of lack of social inclusion for children schooled far from their home.

Councillor Mayes stated, in response to a question from Councillor Hopkinson, that funding was allocated by central government and not a decision made locally; and that state school provision was almost always preferable for the child and a better use of budget. She also emphasised that no decisions have been made and will listen carefully to alternate views made in the consultation.

Councillor Mayes stated, in response to a question from Shelley Whitehead - Lockhouse consultancy, that she was aware of the formal complaints raised about the operational decision made, and that officers were responding to this. The Leader asked that the Cabinet Member and officers meet, as appropriate, with representatives to address the issues raised in the complaint.

In his personal capacity, Jon Hubbard encouraged all involved in the review to be mindful that some decisions made will inevitably upset some people, and that all should welcome an honest debate about the realistic solutions, emphasising the need to balance the needs of the children and young people and what can be afforded and delivered.

Leader thanked Mr Hubbard for his comments. She went on to state that as a mother of a daughter with special needs she recognised this this was a highly emotive issue. She emphasised the need for a collaborative approach to develop the change required.

At the end of the debate, the Cabinet;

Resolved

- a) To thank special schools and stakeholders for their contributions to development work noted in the report.**
- b) To recognise the achievements noted in the report for the future pattern of Wiltshire special schools in the context of its 2015-18 Special Educational Needs Strategy: namely, what is being developed in the south of the county and what is working well in the north.**
- c) With a focus on the need to build capacity for cognitive needs in the north, to enter into a pre-statutory consultation phase on the options in the report:**
 - i) to develop a single school for cognitive needs at Chippenham, Trowbridge or Rowde**
 - ii) to develop/continue schools in two of those locations, or**
 - iii) to develop/continue three schools in Chippenham, Trowbridge and Rowdeford with provision moving from the current St Nicholas, Larkrise and Rowdeford sites or not, according to the particular case, and only when new provision is operational;**

- d) That the results of that consultation be brought back to cabinet to determine any further action, including the possibility of publishing statutory notices for formal consultation on any specific proposal arising from the pre-statutory consultation.**

Reason for Decision:

It is appropriate to recognise successful developments and practice in the whole arena of Wiltshire's special education and special schools Action is needed to make appropriate provision for pupils with special educational needs and to avoid a long-term budget problem. To ensure due process and transparent consideration of next steps. To secure the right pattern of special schools for the long-term future.

233 Wiltshire Housing Site Allocations Development Plan Document - Proposed Submission Materials

Councillor Toby Sturgis presented the report which: provided an update on the outcome of the formal consultation on the 'Wiltshire Housing Site Allocations Plan - Pre-submission draft plan (June 2017)'; sought Cabinet's recommendation to Council that the Plan, together with the schedule of Proposed Changes, should be approved for the purposes of submission to the Secretary of State and commencement of the independent Examination process; and sought delegated authority to make appropriate arrangements for submitting the prescribed documents and supporting materials to the Secretary of State; and respond to any consequential actions as directed by the Inspector relating to the Examination.

Matters highlighted in the course of the presentation and debate included: how the plans fit with the core strategy; the need to submit evidence of a five year housing land supply; the national policy context and the drive from central government to encourage more housebuilding; the formal and informal consultations already undertaken and the decision of Cabinet already made; the need to submit the plan to the Secretary of State to commence the independent examination by an inspector (with examination in public in the autumn), and that a final decision would be made by Council following recommendations of the inspector examining the plan; the changes that have been made as a result of consultation and assessments; how changes in national policy on issues such as density had been taken into account; the comprehensive nature of the evidence; that some settlements had not been included as they had already met their housing allocation; that around 3000 comments had been taken into account; the difficulty in balancing the needs of national policy and housing demand and neighbourhood plans, and the respective weight that can be given in decisions; the assistance the council can give to supporting those plans in their development; that every objection and representation will be sent to the Secretary of State that will be considered by the inspector; and that the secretary of state can take action if a sound plan is not in place.

The Leader drew attention to the questions and statements responded to in the supplement, and gave those in attendance an opportunity to present further questions and statements.

The Leader stated, in response to specific concerns raised by Graham Hill, that she would ask officers to meet with him to seek to address the issues he had raised in his complaint.

The Leader stated, in response to a supplementary question from Geoff Whiffen, that the Cabinet represented the county as a whole and that it was not practical to have representatives from every community on there, but emphasised that views from all communities are listened to; and that a written response would be given as to the breakdown of support and objection to the specific site mentioned.

Councillor Sturgis, in response to a question from David Goodship, that a distinction had to be made between matters to be dealt with as a matter of policy/strategy and those which would be dealt with regarding a specific development control planning application.

Councillor Sturgis, in response to a question from Mr Williams, that whilst the development of brownfield sites is welcomed, it is sometimes the case that they are not viewed as being deliverable in the time period required. With regard to greenfield sites, larger sites can include sufficient landscaping and open space that can provide mitigation against the loss of greenfields and avoid coalescence between settlements.

Councillor Sturgis, in response to a question from Carol Part, stated that he was aware that the Market Lavington Neighbourhood Plan was in development and that officers had been supporting its development.

Councillor Sturgis, in response to a question from Mr Slater – Reynolds, stated that he would respond to the specific issues raised regarding his site if he would send him a copy of his statement.

Councillor Sturgis, in response to a question from Councillor Richard Gamble, that the case law was clear that Neighbourhood Plans have to be sufficiently progressed to be able to be given due weight, and that the council had a duty to present a sound plan to the inspector.

Councillor Sturgis, in response to a question from Lance Allen of Trowbridge Town Council, reiterated the position with regard to the deliverability of brownfield sites, but stated that he would be happy to work further with the Town Council to further assess sites emphasising the need to propose a sound, deliverable plan.

Councillor Sturgis, in response to a question from Cllr Roger Evans of North Bradley Parish Council, that he recognised that neighbourhood plans formed an important part of the process and that he believed that, with sufficient landscaping, the development of greenfield sites need not be at the expense of the protection of rural communities from coalescence with urban communities.

The Leader asked that officers work with North Bradley and Market Lavington communities to help progress their Neighbourhood Plans as far as was practicable ahead of the next stage.

Councillor Sturgis, in response to a question from Roger Bunting, stated that the example given by Mr Bunting was in relation to a small number of changes made to one small policy area, and the table of changes included in an appendix to the report detailed the much more extensive areas of amendment made in response to the consultation.

Councillor Sturgis, in response to issues raised by Councillor Horace Prickett, stated that neighbourhood plan groups would continue to receive support.

The Leader stated, in response to issues raised by Councillor Graham Payne, that Cabinet will consider carefully how to address the concerns raised about how best to protect the community interests in playing fields.

Councillor Sturgis, in response to a question raised by Councillor Graham Wright, stated that an additional site had been included in Salisbury following its reassessment.

The Leader stated, in response to issues raised by Councillor Steve Oldrieve, that the plan was intended to protect against speculative development.

At the conclusion of the debate, the Leader proposed that consideration of the plan be deferred, with a view to making a recommendation to the July meeting of Council rather than to May.

In making her proposal to defer consideration of the matter, the Leader asked officers to circulate a briefing note stating that the decision had been deferred to provide councillors with more time to fully consider the documents prepared by officers, and specifically, the Schedule of Proposed Changes to the plan. Cabinet considered that this should also be made available to Parish and Town Councils.

Resolved

To defer consideration of the draft Wiltshire Housing Site Allocations Plan to the July meeting of Cabinet.

Reason for Decision:

To provide councillors with more time to fully consider the documents prepared by officers, and specifically, the Schedule of Proposed Changes to the plan.

234 Exemption Request – Extra Care Housing and Housing Related Support

Councillor Jerry Wickham presented the report which requested approval to award the following contracts, under an exemption, to the incumbent providers, Mears Care, Somerset Care at Home, Salisbury City Almshouse, Knightstone, Habinteg Housing, Stonewater Housing, as outlined in the report; and requested that Cabinet delegates authority to the Corporate Director with responsibility for Adult Care to approve the award of contracts within the approved budget.

Councillor Wickham stated, in response to Brian Warwick, that the extensions would be for 12-18 months to provide continuity and to allow more time to undertake proper consultation with users to come back with further recommendations.

Councillor Graham Wright and Councillor Gavin Grant stated that the Health Select Committee had been informed of the proposals, which had received broad support, and that further input from the Select Committee would be welcome once further proposals had been developed.

Resolved

- 1) **To award the following contracts, under an exemption, to the incumbent providers, Mears Care, Somerset Care at Home, Salisbury City Almshouse, Knightstone, Habinteg Housing, Stonewater Housing:**
 - **Extra Care Housing: care and support contracts for 4 existing ECH schemes**
 - **Housing Related Support: 8 contracts for sheltered housing schemes across Wiltshire (covered by the Help to Live at Home (HTLAH) providers)**
 - **Housing Related Support: 4 additional schemes with individual agreements (outside of HTLAH)**

- 2) **To delegate authority to the Corporate Director with responsibility for Adult Care to approve the award of contracts within the approved budget**

Reason for Decisions:

As part of the Adult Social Care Transformation programme the Council is changing the way it commissions domiciliary care. Notice has been given on the current HTLAH block contracts with a new type of contract being tendered in May 2018.

The HTLAH block contracts also cover the following service provisions:

- *Care and Support for 4 Extra Care Housing Schemes*
- *Housing Related Support*

These services are distinct from the domiciliary care services and there is potential to reshape them to provide better outcomes for customers and better value for the Council. This will need to be undertaken as a separate piece of work to the domiciliary care tender and it is important that during this time the current service is maintained to give customers consistent support.

235 Urgent Items

There were no urgent items.

(Duration of meeting: 9.30 am - 12.55 pm)

These decisions were published, earlier, on the 21 May 2018 and will come into force on 30 May 2018

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