

Cabinet

MINUTES OF THE CABINET MEETING HELD ON 12 JULY 2022 AT THE KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Jane Davies, Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Dr Mark McClelland and Cllr Ashley O'Neill

Also Present:

Cllr Gavin Grant, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Dominic Muns, Cllr Stewart Palmen, Cllr Nic Puntis, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Rich Rogers, Cllr Ian Thorn, Cllr Jo Trigg and Cllr Graham Wright

60 **Apologies**

Apologies were received from Cllr Nick Botterill.

61 **Minutes of the previous meeting**

The minutes of the meeting held on 21 June 2022 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 21 June 2022.

62 **Declarations of Interest**

There were no declarations of interest.

63 **Leader's announcements**

The Leader made the following announcements:

- Natural Environment Summit – The Summit was being held on Friday 15 July 2022, with Dame Glenys Stacey, Chair of the Office for Environmental Protection speaking.
- Cleveland Bridge, Bath – Traffic management works were remaining in place for heavy goods vehicles, although the bridge would be open to cars. The Leader expressed his concern at the ongoing impact on Wiltshire towns and indicated that he would be making representations

about this to Bath and North East Somerset Council. He encouraged all other Wiltshire Councillors to also make representations.

- Military Covenant – The Council has reaffirmed its commitment to the Armed Forces communities by signing the Wiltshire Council Armed Forces Covenant supported by senior military and civilian leaders.
- Employer Recognition Scheme Gold Awards – The Council was one of 156 organisations recognised this year for the employment and support of those who serve, veterans and their families.

64 **Public participation and Questions from Councillors**

General questions were submitted from the following members of public:

- Dr Jimmy Walker on the following matters:
 - Pedestrian and cycle improvement funding and the Salisbury element
 - Availability of funding and how residents are able to work with the Council
 - Review of the Avon Valley path and pot holes at Stratford sub Castle
 - Amesbury centre cycleway
 - Salisbury cycle lane repainting and modernising
 - Painting of stop lines
 - Wiltshire Council active travel strategy?
 - Draft Salisbury Local Cycling and Walking Infrastructure Plan (LCWIP)

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing explained that the above questions had received written responses which were published on the Council's website prior to the meeting, which can be accessed [here](#) at supplement 1.

Questions were also submitted by Cllr Ian Thorn, and Cllr Rich Rogers which received responses and can be accessed [here](#) at supplement 1.

Cllr Thorn indicated that he had supplementary questions about the cancellation of meetings and waste collections. Verbal responses were provided by Cabinet members and officers at the meeting, and can be viewed at the link to the [recording of the meeting](#).

Cllr Rogers also indicated that he had a supplementary question in relation to the impact of delays in road maintenance and the deterioration of road surfaces. Verbal responses were provided by Cllr Dr Mark McClelland, Cabinet member for Transport, Waste, Street Scene and Flooding at the meeting, and can be viewed at the link to the [recording of the meeting](#).

65 Year End Revenue Financial Outturn Position 2021/22

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented a report which provided detail about the final year end position for the financial year 2021/22 for the revenue programme.

The Cabinet noted that the report provided details of variances against budgets following the quarter three budget monitoring reported to Cabinet on 1 February 2022. That report forecast an underspend of £14.824m for the financial year and detailed how this would be utilised. The final position for the year has again improved during the last quarter and requests are made to transfer £4.098m, of which some relate to government grants, into specific earmarked reserves to support planned activity in 2022/23 and future years. The final year end position, after taking into account those reserve movements, shows an underspend of £11.483m.

Cabinet noted that the improved position allowed for additional transfers to the General Fund reserve, mitigate the pressure of unforeseen rise in inflation, and the Councils Business Plan priority reserve.

Cllr Pip Ridout, Chair of the Financial Planning Task Group, confirmed that the report had been considered by the Task Group at its meeting on 8 July 2022. The Task Group confirmed that reserves were at a sufficient level and there were no specific concerns raised at the meeting.

Cllr Ian Thorn congratulated officers for achieving the underspends. He raised a concern about the challenges being faced by food banks and other charitable services, although he welcomed the support from government. In addition, Cllr Thorn highlighted the expectation of latent demand. In response, the Leader explained that cost of living crisis had only just started in relation to the timescales of the report. The challenges to food banks and other charities were understood and there may be a need for additional support if the cost of living crisis continues. Officers highlighted the role of the Council and its partners in responding to the challenges of adult social care and it was noted that latent demand may not be experienced at this stage, although it was anticipated. The Deputy Leader explained that the number of referrals for Children's Services was lower than expected however, each referral was more complex.

Cllr Jon Hubbard commented on (i) the underspends achieved in Education and Skills and questioned whether the underspends could be allocated to support the deficits in the High Needs Block element of the Dedicated Schools Grant or reinvested, (ii) a reduction in the number of children in care and associated savings, (iii) bed blocking and (iv) support for people going home from a stay in hospital and use of 'flying carers'. In response, the Leader, Deputy Leader and officers confirmed that the Council were unable to use general fund underspends on the deficits in the Dedicated Schools grant due to current legislation, underspends in Education and Skills were in the main a

consequence of Covid-19 and the inability to recruit to vacancies, recruitment was now underway, and underspends were being reinvested in the service, the plans in place for children and young people with social care needs were achieving underspends, there were huge challenges in domiciliary care, services were very focussed to meet needs and avoid bed blocking along with much positive joined up working taking place.

Cllr Gavin Grant asked for clarity in relation to an overspend on Government grants of £0.568m, the reasons why Business Grants of £16.359m were returned to the Government, underspends on staffing and issues relating to recruitment, and the implications of the general fund reserve reaching its target in advance of original estimates. In response, the Leader and officers explained that the grant received from Government was less than expected, although this was corrected going forward, the query in relation to the grant returned to Government would receive a written response, confirmation was received that there were challenges in recruiting to vacancies, however, the intention is to continue to recruit and consider any changes in recruitment practice in light of the current climate. . It was also confirmed that the proposal to increase the general fund reserve now was prudent and placed the Council in a stronger position with respect to financial resilience. The annual assessment of risk that gives rise to the S.151 officers recommended balance on the general fund reserve would be undertaken as part of the annual budget setting cycle.

Resolved:

(1) Cabinet noted:

- a) the revenue budget outturn position for the financial year 2021/22;
- b) the contributions to and from earmarked reserves as planned;

(2) Cabinet approved:

- c) the transfer of £12.824m to the Budget Equalisation reserve as set out in the Quarter 3 budget monitoring report;
- d) the transfer in total of £4.098m to earmarked reserves as detailed in the report and Appendix B;
- e) the transfer of the balance of the £11.483m underspend as follows:
 - i. £2.8m to be transferred to the General Fund reserve;
 - ii. £7m to be set aside and transferred to a new Inflation reserve for 2022/23;
 - iii. the balance of £1.683m to the Business Plan Priority reserve.
- f) Authorise the commitment of funds from the Business Plan Priority Reserve to fund the following over the next 3 years:

- £1m on gully emptying.
- £0.450m on Fly Tipping enforcement

Reason for Decision:

To inform effective decision making and ensure sound financial management as part of the Councils overall control environment.

To inform Cabinet on the final financial year end revenue outturn position for the Council for the financial year 2021/22, including delivery of approved savings.

To improve the Councils financial resilience by increasing the balance on the General Fund reserve now and setting aside funds in earmarked reserves to prudently assist in managing the Councils future pressures and budget gap

66 **Year End Capital Investment Programme Financial Outturn Position 2021/22**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented a report which provided detail about the final year end position for the financial year 2021/22 for the capital programme.

The Cabinet noted that the report included the movements from the original budget, final scheme slippage and funding of the programme. The report also provided an update on the significant programmes that have been delivered and those that have been reprogrammed to future years.

The Leader highlighted that the reported forecast position set out in the quarter three budget monitoring report presented to Cabinet on 1 February 2022 was that the Council would spend £163.823m on its Capital Programme in 2021/22. The final position for the year is a total spend of £111.130m with a request to Cabinet to roll forward £51.508m budget into future years.

Cllr Pip Ridout, Chair of the Financial Planning Task Group, confirmed that the report had been considered by the Task Group at its meeting on 8 July 2022. The Task Group were content with the responses received to questions asked.

Cllr Ian Thorn raised the possibility of a scrutiny opportunity to complement the work of officers in relation to the slippage of capital schemes. Cllr Thorn paid tribute to officers for the delivery of the Melksham Community Campus. In response, the Leader agreed that a more realistic delivery timetable was required for capital schemes although he understood the reasons for slippages. It was noted that Cabinet provides a level of scrutiny of the Stone Circle companies via regular reports from the Shareholder Group.

Cllr Gavin Grant commented on capital loans made to the Stone Circle companies in 2021/22 and acknowledged the challenges of property acquisition. He noted that the target was to acquire 72 units when in reality 37 properties were purchased during 2021/22. In response, the Leader and officers explained that house prices continued to increase which was difficult to assess at the start of the year. The financial parameters have been reassessed and modified to reflect the current market conditions and were approved by Cabinet as part of approving the Stone Circle companies annual business plan.

Resolved:

(1) Cabinet noted:

- a) the additional capital budgets of £2.677m that have been added to the 2021/22 programme under Chief Finance Officer delegated powers**
- b) the underspend and subsequent removal of £2.868m capital budget for the Major Road Network schemes in line with grant received for business cases. Going forward schemes have been added to the programme as individual schemes.**
- c) the end of year underspend and subsequent removal of £0.178m for completing Local Growth Fund schemes and Wiltshire Online**
- d) the £0.816m costs that have been transferred to revenue as the capital schemes are not progressing, £0.809m for Boscombe Down and £0.007m prior year spend of feasibility work for a scheme not proceeding for HRA Council House Build programme.**
- e) The reprogramming of £79.361m budget from 2022/23 to future years.**

(2) Cabinet approved:

- f) the £51.508m of capital programme slippage to be rolled forward into future years**
- g) Transfer of £1.191m 2022/23 budget from the Boscombe Down scheme to a corporate budget to be used to manage expected inflation pressures on projects during 2022/23**

Reason for Decision:

To inform effective decision making and ensure sound financial management as part of the Councils overall control environment.

To inform Cabinet on the final year end capital outturn position for the Council for the financial year 2021/22.

67 **Treasury Management Outturn Report 2022/23**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented a report which provided an annual treasury management review of activities and the actual prudential and treasury indicators for 2021/22.

The Leader and officers explained the report covered the period from 1 April 2021 to 31 March 2022, and that the Council has continued to finance capital expenditure through maximising the use of capital receipts, capital grants and internal borrowing. The Council had also drawn down £80m of borrowing from the Public Works Loan Board during the financial year to take advantage of lower interest rates, before the forecast bank rate increases.

The report highlighted that the Council is under borrowed by £120.275m, avoiding the payment of external interest costs in the order of £3.235m. It was noted that the Council did not breach any of its performance indicators during 2021/22. However, during the year the Council breached the counterparty limit for an investment with Leeds Building Society. The duration limit is 100 days and the investment was made for 110 days. Details of this breach were detailed in a previous report and again in this report and actions have been taken to mitigate the risk of reoccurrence of any such breach.

Cllr Pip Ridout, Chair of the Financial Planning Task Group, confirmed that the report had been considered by the Task Group at its meeting on 8 July 2022. The Task Group were content with the responses received to questions asked.

Cllr Ian Thorn welcomed the reassurance that details of the breached counterparty limit were included in the report and commented on actual capital expenditure compared to the figure included in the original budget estimate for 2021/22.

Cllr Gavin Grant reflected on a conversation held at the Financial Planning Task Group in relation to the training needs of Councillors to help them understand financial matters more clearly. It was noted that arrangements for a training event had been put in place by officers and Councillors were encouraged to attend.

Cllr Gordon King highlighted the importance of the availability, both in timing and the level of appropriate resources and asked if the Council were on track to deliver services and the aims and priorities detailed in the Business Plan.

Officers confirmed this was correct in terms of a cash perspective and that discussions on future financial planning would continue.

Resolved:

- a) To note that the contents of this report are in line with the Treasury Management Strategy 2021/22; and to**
- b) To recommend to Full Council consideration of this report**

Reason for Decision:

To give members an opportunity to consider the performance of the Council against the parameters set out in the approved Treasury Management Strategy for 2021/22

(Note – the meeting was adjourned between 11.48am and 11.55am)

68 UK Shared Prosperity Fund Investment Plan

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented a report which provided an outline of the rationale and priorities for UK Shared Prosperity Fund in Wiltshire and highlighted the steps and key features of the Wiltshire Council Investment Plan.

The Leader and officers reported that the Council had prepared an Investment Plan, in line with a request by Government, which outlined how the Council would invest £5.7m on investments and local actions made in support of the government's Levelling-Up agenda for 2022-2025. It was noted that the Investment Plan aligned to the aims and priorities of the Council's Business Plan 2022-2031 and would be submitted to the DLUHC at the end of July 2022.

Cllr Ian Thorn welcomed the report and commented on the timeframes for submitting the Investment Plan to Government and the expected start date, the process for engaging communities and devolving resources at a local level. In response, the Leader and officers highlighted the work being undertaken by the Council and Partners in areas of the county with high levels of deprivation, with the programme being led by the Director of Public Health. Details about how funding could be devolved would be considered further once government approval has been achieved.

Cllr Jon Hubbard commented on the allocation of funds and how these would be devolved to communities once received by the Council. He expressed a concern that Government may place restrictions on the Council in relation to how the funding is allocated. Cllr Hubbard noted that the level of funding was

modest compared to the many areas of deprivation within the Wiltshire Council boundary. In response, the Leader agreed that constraints in the allocation of funds were not welcomed, confirmed that an element of funding would be devolved to the micro level for allocation, and provided assurances that communities were best placed in determining the allocation of funding at a local level.

Cllr Gordon King asked about the work with partners in those areas of high deprivation and if this would influence the allocation of Investment Plan funding and whether the outcomes could be transferred to other areas of deprivation. In response, the Leader indicated that the work being undertaken in Bemerton Heath, Salisbury and Studley Green, Trowbridge, is a starting point and potentially, consideration would be given to the top 6 or 7 deprived areas in the Wiltshire Council boundary.

Cllr Stewart Palmen welcomed the report and indicated that Trowbridge had two areas of deprivation, with the potential for a proportion of Investment Plan funding. In response, the Leader explained that Government approval of funds was key in moving forward with allocations.

Resolved:

- **Considers the proposed priorities for the UKSPF Investment Plan and the process for identifying interventions.**
- **That Cabinet delegates authority for the Leader of the Council, Chief Executive and S151 Officer to finalise and submit the Investment Plan.**
- **That Cabinet delegates responsibility for the production of UKSPF Investment Plan, and implementation of the identified works within the Plan to the Corporate Director for Place.**

Reason for Decision:

To agree the priorities and a coherent approach to the UK Shared Prosperity Fund and authorise submission of the Investment Plan

69 **Enhanced Highway Maintenance**

Cllr Dr Mark McClelland Cabinet Member for Transport, Waste, Street Scene and Flooding presented a report seeking further investment in highway maintenance with a view to improving safety and the appearance of the highway network.

Cllr Dr McClelland explained that the appearance of Wiltshire's roads and verges is important to the public and local communities, but with funding limitations it has not always been possible to deliver the desired levels of routine

maintenance on the network as safety maintenance has had to take priority. Road marking, gully emptying, and enforcement action on fly-tipping are areas where in recent years funding has been less than historical levels and consequently the condition and appearance of the network has suffered.

Cabinet noted that in order to address this issue it is proposed to increase funding on these three areas by £683,000 annually over the next three years to improve the safety and appearance of the highway network.

Cllr Jerry Kunkler, Chairman of the Environment Select Committee, confirmed that he had received a briefing on 11 July 2022. Cllr Kunkler welcomed the increased investment in the areas detailed in the report and confirmed that he endorsed the proposals being considered.

Cllr Ian Thorn welcomed the additional investment and also highlighted that alongside the issue of potholes, there is a need for additional funding to improve the condition of footpaths, especially for those in wheelchairs and using pushchairs, although he did recognise the role of the Local Highway and Footpath Improvements Group (LHFIG). In response, Cllr Dr McClelland explained that maintenance of potholes came from the general fund. He also referred to the role of the LHFIG and its recent budget increase, but did recognise that the LHFIG budget was limited and this may need to be considered further for the 2023/24 budget.

Cllr Tony Jackson congratulated Cllr Dr McClelland for the additional investment especially at a time of high financial pressures. He asked about the process for prioritising the emptying of gullies and referred to the Lotto Litter scheme to encourage people to dispose of litter in bins. In response, Cllr Dr McClelland and officers referred to the programme of gully maintenance and the criteria for prioritising workflows.

Cllr Rich Rogers welcomed the proposals and asked if further consideration could be given to extending the level of funding for this important area over a longer period. In response, Cllr Dr McClelland reminded the Cabinet that all funding requests are considered together during the budget process.

Resolved:

That for the years 2022/23, 2023/24 and 2024/25:

- (i) The budget for road markings and lining be increased by £200,000 annually.**
- (ii) The budget for gully emptying be increased by £333,000 annually.**
- (iii) The budget for fly-tipping enforcement be increased by £150,000 annually**

Reason for Decision:

The appearance of our roads and verges is important to the public and local communities and the proposed increase in investment of over £2 million will see a substantial improvement in the safety and appearance of Wiltshire's highway network.

70 **Future Chippenham**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented a report which provided an update on the progress of the Future Chippenham programme since the Council decision in July 2021 to see an amendment to the Grant Determination Agreement (GDA) with Homes England to fund a programme to the south of Chippenham.

The Cabinet received statements and questions by Maurice Evans, Nick Parry, Clive Blackman, Brian Miller, Richard Curr and Dr Tony Wright in relation to this agenda item. A copy of the questions and responses are available to read in agenda supplement 1 on the Council's website [here](#).

Supplementary questions were asked by Clive Blackman in relation to the calculation of the need for 4050 homes and reasons for the cost of the complete scheme exceeding original estimates. The Leader and officers explained that the 4050 homes referred to in reports and responses to questions are the maximum that the southern road has the ability to unlock (this may not be the same number as the need for homes) and the cost of delivering the infrastructure has increased since the original estimates were produced and this is an issue being experienced by the majority of Local Authorities involved with HIF bids.

The Leader and officers highlighted the work undertaken following Counsel advice, with an additional holding submission to Homes England, subject to the confirmation of HIF funding and the Local Plan review. Cabinet noted that estimated costs of the southern distributor road exceeded the £75m HIF funding contained in the original GDA. As this and associated works would be at risk and at significant cost to the Council without an agreed revised GDA, officers recommended that the work is paused until a revised GDA is agreed.

The report detailed the outcome of a recent judicial review of the Cabinet decision from July 2021 sought by a member of the public and supported by the Campaign Against Urban Sprawl in Southern Chippenham. The QC considering the claim held that the claimant had not established any grounds for challenge and the claim failed. The claimant was currently seeking permission to appeal the Judgement on one of the three grounds of Challenge.

Cllr Jerry Kunkler, Chairman of the Environment Select Committee, confirmed that he had received a briefing on 11 July 2022. Cllr Kunkler welcomed the update and asked officers to provide a further update to the Select Committee later in the year. Cllr Kunkler confirmed that he endorsed the proposals contained in the report.

Cllr Ian Thorn commented on the options detailed in the legal opinion, with officers confirming that incurring further expense at risk without agreement to a revised GDA placed unacceptable risk on the Council and pausing further design work subject to reaching agreement on a revised GDA, at this stage in the process is the appropriate course of action for the Council to take.

Resolved:

- 1. To confirm the Cabinet decision of 21 July 2021 to support the preferred road route and Future Chippenham programme to the south of Chippenham subject to Housing infrastructure funding (HIF) and the Local plan review.**
- 2. To note the outcome of the recent judicial review brought by a member of the public supported by the Campaign Against Urban Sprawl south of Chippenham.**
- 3. To agree that if HIF funding via a revised Grant Determination Agreement (GDA) with Homes England, or the Local plan review does not support the Future Chippenham programme proposals based on the 21 July 2021 decision, the Council will seek to negotiate an exit from the GDA.**
- 4. To agree that design work on the Future Chippenham programme will be paused subject to reaching agreement on the revised GDA.**
- 5. To agree that subject to agreeing a revised GDA the Future Chippenham programme submits its further representations to the Local plan review.**
- 6. To agree to delegate to the Corporate Director of Resources (Deputy Chief Executive) authority to enter into a revised GDA based on the July 2021 decision and no further financial liability for the Council and a HIF availability period that minimises risk for the Council.**

Reason for decision:

Following the Cabinet's decision in July 2021 to seek a revision to the GDA with Homes England to support a southern only road route and development proposals, discussions have been taking place with Homes England. During this period the Council has continued design work in good faith but at risk.

The availability period for HIF funding to be defrayed by March 2025 means that procurement of road and associated design and investigatory work needs to be commissioned now so that subject to the Local plan review the Council can proceed with the scheme.

Incurring further expense at risk without agreement to a revised GDA places unacceptable risk on the Council. Hence the report seeks authority to pause that work and seek a resolution to a revised GDA before proceeding any further with the Future Chippenham programme

71 **Urgent Items**

There were no urgent items.

72 **Exclusion of the Press and Public**

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 73 because it is likely that if members of the public were present there would be 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.

73 **Future Chippenham**

The Cabinet considered leading Counsel's advice on the Council's options should it be obliged to consider exiting the Grant Determination Agreement with Homes England.

Resolved:

To note Counsels advice.

(Duration of meeting: 10.00 am - 1.00 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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