

## Cabinet

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### **MINUTES OF THE CABINET MEETING HELD ON 14 JULY 2020 AT ONLINE MEETING.**

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Richard Clewer (Vice-Chairman), Cllr Ian Blair-Pilling, Cllr Pauline Church, Cllr Simon Jacobs, Cllr Laura Mayes, Cllr Toby Sturgis and Cllr Bridget Wayman

#### **Also Present:**

Cllr Phil Alford, Cllr Chuck Berry, Cllr Richard Britton, Cllr Andrew Bryant, Cllr Allison Bucknell, Cllr Clare Cape, Cllr Ernie Clark, Cllr Jane Davies, Cllr Richard Gamble, Cllr Gavin Grant, Cllr Alan Hill, Cllr Sven Hocking, Cllr Ruth Hopkinson, Cllr Atiqul Hoque, Cllr Bob Jones MBE, Cllr Carole King, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Brian Mathew, Cllr Nick Murry, Cllr Paul Oatway QPM, Cllr Steve Oldrieve, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr Ian Thorn, Cllr Stuart Wheeler, Cllr Christopher Williams, Cllr Graham Wright, Cllr Robert Yuill and Cllr Pip Ridout

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#### 70 **Apologies**

There were no apologies.

#### 71 **Minutes of the previous meeting**

The minutes of the meeting held on 9 June 2020 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 9 June 2020.**

#### 72 **Declarations of Interest**

Councillors Bridget Wayman and Ian Thorn declared disclosable pecuniary interests in agenda items 15 and 19 – Stone Circle Company Business Plans as they were Directors of the Companies referred to in the report. Councillor Richard Clewer disclosed a non-pecuniary interest in the same item. Councillors Clewer, Wayman and Thorn indicated they would leave the meeting for these items and take no part in any decisions made by the Cabinet.

#### 73 **Leader's announcements**

There were no Leader announcements.

#### 74 **Public participation and Questions from Councillors**

Questions not relating to items on the agenda were received from members of the public and Councillor as detailed below:

- Tim Lewis (Wiltshire Ramblers Area Committee) about the Countryside and Rights of Way Team
- Gaynor Cromwell about the road Infrastructure around Westbury Gasification Plant
- Ben Gordon about the new Planning Application for Westbury Gasification Plant
- Marie Hillcoat about the Westbury Gasification Plant – transport assessment and air quality assessment
- Isabel McCord about the Chippenham HIF Bid and Statement of Community Involvement (agenda item 10)
- Brig Oubridge about Salisbury Library
- Cllr Nick Murry about the Chippenham HIF Bid
- Chris Caswill about the Chippenham HIF Bid
- Colin Gale about the Cabinet Member and Portfolio Holder Restructure
- Steve Perry about the Cabinet Member Restructure and Chippenham HIF Bid

The Chairman acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting. He indicated that supplementary questions could be asked and these would receive a written response following this meeting.

A number of additional questions were submitted in relation to particular agenda items, and these were received when each item was considered by the Cabinet.

#### 75 **COVID-19 Update and Steps to Recovery**

The Leader presented the report which provided an update on Wiltshire Council's response to the pandemic and its plans for recovery, building on previous reports to Cabinet in May and June 2020.

Questions were received from Chris Caswill about the Recovery Plan, Local Outbreak Management Plan and Health Select Committee.

The Leader acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting. He indicated that supplementary questions could be asked and these would receive a written response following this meeting.

The Leader explained that as restrictions are lifted in line with the government's roadmap and based on the latest scientific advice, Wiltshire Council has developed a Local Outbreak Management Plan to support test, track and trace measures and has worked closely with partner agencies to develop a Recovery Plan for the county. The Recovery Plan will ensure the most vulnerable in the community are supported, provide help to local communities and businesses and implement a range of measures to support health and wellbeing. Plans are being put in place to support the reopening of services such as libraries and leisure where it is safe to do so and the Council are providing support and guidance to schools and early years settings to support more children to return safely and adjust to new government guidance.

Cllr Graham Wright, Chair of the Wiltshire COVID-19 Response Task Group reported on the role of the Task Group and its membership. He explained that the Task Group received very detailed information about the Councils response to the COVID-19 situation, and it was hoped that Scrutiny would re-commence from September 2020.

In response to comments and questions about the costs associated with the recovery plan and PPE; support for family members visiting Care Homes; the impact of COVID-19 on Care Home staffing levels and availability of medication; experiences from Salisbury about economic recovery following the nerve agent incidents; and economic recovery to include consideration of Brexit issues for local businesses; the Leader commented that costs associated with the recovery phase were not clear at this stage, resources would be directed as appropriate and costs would become clearer over time, especially with further funding being announced by government; further government guidance is awaited for the visiting of Care Homes, the impact on Care Home staff and availability of medication; supports a report being prepared on economic recovery in Salisbury to be shared with Town and Parish Councils; assurances received that issues surrounding Brexit would be included in any future recovery plan for Wiltshire.

**Resolved:**

- 1. Note the development of the Local Outbreak Management Plan;**
- 2. Note the extensive work undertaken to reopen, reconfigure and develop services; and**
- 3. Endorse the proposed approach to recovery as set out in the Recovery Plan**

*Reason for Decision*

*The Local Outbreak Management Plan and the RCG Recovery Plan represent important steps forward in our ambition to contain and mitigate the effects of the pandemic – and build back better. The Plans require the support of a range of partners and the public to ensure the successful delivery of their objectives.*

Cllr Pauline Church, Cabinet Member for Finance, Procurement and Commercial Investment presented the report which provided an updated forecast financial impact of COVID-19 and an early budget monitoring forecast position at the end of Period 2 (as at 31 May 2020) for the financial year 2020/21. The report also includes the final revenue outturn position for 2019/20, revision to the capital programme deferrals agreed at the previous Cabinet meeting (June) and the formal Treasury Management Annual Report 2019/20.

Questions were received from Chris Caswill about the Public Health and Environmental Health Teams.

The Leader acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting. He indicated that supplementary questions could be asked and these would receive a written response following this meeting.

Cllr Church reported that difficult decisions will still be required moving into the setting of the 2021/22 budget, given the reduction to the Councils base level of funding and income streams and future demand for services. However, the Councils financial position will be greatly improved with the recent announcement by the Government on a comprehensive new funding package. Although details of the allocations were still to be announced, the new funding together with the level of Council General Fund reserves, as well as the availability of earmarked reserves is likely to mean that the current forecast position for this financial year would now no longer completely exhaust all reserves held to deal with financial shocks, and no longer represent a potential section 114 notice situation.

Cllr Graham Wright, Chairman of the Wiltshire COVID-19 Response Task Group reported on the Task Group meeting held on 7 July 2020 welcomed the report to Cabinet. He noted that the financial situation was changing on a daily basis and thanked officers for their support during this time.

Cllr Ian Thorn, Leader of the Liberal Democrats asked about the Government financial commitment to recovery and commented on the section 114 situation. Cllr Church and the Leader reported that they were satisfied with the risks the Council holds and officers to mitigate these risks. They thanked officers for their help and support during this testing time. They acknowledged that financially the Council was working on a day to day basis, although current forecasts indicated that the Council will have a balanced budget.

**Resolved:**

**1. To note:**

- a. the final Revenue Outturn position for 2019/20 and the balance held in General Reserve and Earmarked Reserves;**
- b. the 2019/20 Capital Receipts Flexibilities usage for 2019/20 and delivery narrative for each project;**

- c. the Section 151 officer's summary of the impact of COVID-19 on the Council's 2020/21 budget and Medium-Term Financial Strategy;
  - d. the current budget is forecast to overspend by £36.753m by the end of the financial year;
2. To approve:
- a. the transfer of the final revenue outturn underspend from 2019/20 financial year of £0.356m to the General Fund Reserve.
  - b. the £1.378m use of Capital Receipts planned for Fostering Excellence for 2021/22 to be re-directed to transform services supporting children and young people with SEN and disabilities in 2020/21 and 2021/22.
  - c. that the Area Board Capital Grants element of the capital programme that was deferred to 2021/22 at the previous Cabinet meeting be reversed and brought back into the 2020/21 Capital Programme.
  - d. to recommend to Full Council the Treasury Management Annual report 2019/20 including the Prudential Indicators.

*Reason for Decision:*

*To inform effective decision making and ensure a sound control environment.*

*To inform Cabinet on the forecast impact upon the financial position of the Council due to COVID-19 and of the Councils overall position on the 2020/21 budget as at Period 2 (31 May 2020), including highlighting any budget changes.*

## 77 **Update on Councils response to the Climate Emergency**

Cllr Richard Clewer, Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts & Tourism, Housing, Communities presented the report which provided an update on the actions taken in response to the climate emergency and to include this priority as an addendum to the council's Business Plan 2017-2027.

Questions were received from Cllr Nick Murry and Bill Jarvis about the climate emergency.

The Leader acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting. He indicated that supplementary questions could be asked and these would receive a written response following this meeting.

Cllr Clewer commented on the three work streams, Wiltshire Council to become carbon neutral by 2030, making the county of Wiltshire carbon neutral by 2030 and community engagement. He spoke in detail about the council's commitment

to building 1,000 new council homes over the next 10 years to a zero carbon standard, the conversion of streetlights across Wiltshire to LEDs, Salisbury Reds three new electric buses for the city's park and ride services, the Council becoming a founder member of the Countryside Climate Network as part of UK100, and the need for a thorough review of the Council's Business Plan following local elections in May 2021.

Cllr Graham Wright, Chair of the Global Warming & Climate Emergency Task Group welcomed the appointment of the Head of Carbon Reduction, reported that the Task Group had a close working relationship with the Cabinet Member. The Task Group had considered the draft addendum to the Business Plan 2017-2027 and had submitted suggestions for improvement, these were reflected in the final version proposed.

Cllr Ian Thorn, Leader of the Liberal Democrats indicated that he would have welcomed an opportunity to review the financial implications of the programme. Cllr Clewer explained that the Housing Board minutes contain the financial detail that Cllr Thorn referred to and further detail will become available as the programme progresses.

Cllr Wayman indicated that the road reallocation project linking Purton with Swindon's Lydiard Park detail at paragraph 32 of the report looked unlikely to proceed.

In response to comments and questions about solar panels at the Salisbury Park and Ride; cycle racks being included in the recovery phase for CATG funding; resources being deployed to the Carbon Reduction Team; and consideration of opportunities to build cycleways between communities; Cllr Clewer and Cllr Wayman reported that the use of energy from the solar panels at Salisbury Park and Ride had not commenced at this stage; cycle racks would be included in the recovery phase for CATG funding; the approved budget for the Carbon Reduction Team was £350,000; and the Council will continue to consider opportunities to build cycleways between communities.

**Resolved:**

- 1. That the Cabinet recommend Council to amend the Business Plan 2017- 2027 to include a Climate Emergency addendum as detailed in paragraph 8 and Appendix 1 of this report.**
- 2. That Cabinet notes the actions taken in response to the climate emergency since November 2019.**

*Reason for Decision*

- 1. To ensure that the current Business Plan reflects the council's acknowledgement of the climate emergency and its commitment to addressing climate change.*
- 2. To provide Cabinet with an update on actions taken in response to the climate emergency.*

78 **Integrated Community Equipment and Support Services -  
Recommissioning**

Cllr Simon Jacobs, Cabinet Member for Adult Social Care, Public Health and Public Protection presented the report which provided detailed proposals to support the successful retender and contract award for a new integrated community equipment and support service (ICESS).

Cllr Jacobs explained that the resulting contract will deliver services commissioned under the Better Care Fund and within scope of Section 75 arrangements between Wiltshire Council and the NHS, through Bath & North East Somerset, Swindon and Wiltshire Clinical Commissioning Group. Therefore, the report included the governance arrangements to ensure clear and timely decision making between the organisations.

Cllr Chuck Berry, Chairman of the Health Scrutiny Committee welcomed the proposals.

**Resolved:**

- 1. To grant an exemption to procurement rules enabling a 10-month extension to existing contractual arrangements with Medequip, which shall expire at 31st March 2021**
- 2. That officers continue to undertake the tender programme, award and implement a new contract for the ICESS service by 1st April 2021**
- 3. Delegate authority to award a new contract and all associated documents to the Director Joint Commissioning in consultation with the Cabinet Member for Adult Social Care, Public Health and Public Protection and the Director of Finance. The officer with delegated authority will seek agreement for the decision to award with BSW CCG.**

*Reason for Decision:*

- 1. The purpose of this paper is to provide an update to Cabinet on the joint procurement process between Wiltshire Council and NHS for Integrated Community Equipment and Support Services and sets out the approach that is being taken, including an indicative timetable for the procurement and scope of services.*
- 2. Cabinet is asked to authorise the extension of the existing contract with Medequip in relation to ICESS (as set out in paragraph 1.3) to give sufficient time to engage with the market and complete a tender process that delivers value for money through the new contract.*
- 3. This report is seeking approval to delegate authority to award contract, in relation to the services being commissioned by Wiltshire Council (as set out in paragraph 1.3 below).*

## 79 **Statement of Community Involvement**

Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Property presented the report which provided detail about how the Council will engage with the community and stakeholders on planning matters.

Cllr Sturgis explained that the Statement of Community Involvement (SCI) is a statutory document that must be reviewed every five years, the current version was updated in July 2015, and although it generally remains fit for purpose, further legislative changes have been made and needed to be considered, along with improvements to the format. Also, in the light of COVID-19, temporary arrangements for the SCI also need to be put in place to allow plan-making and decision making to continue by reasonably practical means while ensuring Government guidance about controlling its spread can be adhered to.

The Cabinet noted that the SCI would allow communities, stakeholders and the public to understand how to participate in planning matters and it has been written in a format to provide information about when engagement will take place, how it will take place and how comments made will be used. The SCI takes into consideration communication and engagement through social media and digital platforms, as well as more traditional methods and reflects the desire of the Council to encourage people to engage in place shaping for their communities through early engagement in plan making and on planning applications.

In response to comments and questions from Cllr Thorn about the inclusion of families with children who work as a hard to reach group and improvements to pre-application consultations undertaken by developers with local communities; Cllr Sturgis agreed to meet with Cllr Thorn to consider whether further clarification/guidance should be made in the SCI and agreed that pre submission consultation undertaken by developers is variable and Councils would need assistance from government to raise the standard.

### **Resolved:**

- 1. Approves the Statement of Community Involvement as set out in Appendix 1.**
- 2. Approves the Statement of Community Involvement 'Temporary Arrangements' as set out in Appendix 2.**
- 3. Recommends to 21 July 2020 Full Council that the Statement of Community Involvement and Temporary Arrangements, as set out in (i) and (ii) above are adopted.**
- 4. Recommends that Full Council, delegates authority to the Director for Economic Development and Planning in consultation with the Cabinet Member for Spatial Planning, Development Management and Property to: make amendments to (i) and (ii) in the interests of clarity and accuracy before publishing it on the Council's website;**



**and determine when the Temporary Arrangements in (ii) cease to have effect.**

*Reason for Decision:*

*To ensure that a revised SCI is in place that meets legislative requirements, is up to date and fit for purpose. Alongside adoption of the SCI, temporary arrangements will need to be in place, until they are no longer needed, due to the COVID-19 situation to ensure community involvement continues to take place in a safe way.*

## **80 Future High Streets Fund - Trowbridge**

The Leader of the Council and Cabinet Member for Economic Development, Military-Civilian Integration and Communications presented the report which provided an update on the strategy that Wiltshire Council and its partners has developed to reshape Trowbridge's town centre offer and to submit this to the Government's Future High Street Fund.

The Leader explained that Trowbridge has progressed through the Expression of Interest stage for funding under the Government's Future High Street Fund (FHSF) and officers are preparing to submit a business case by the end of July 2020. The report provided an overview of the strategy and the FHSF projects that have been developed to support the town centre of Trowbridge.

Members commented on the need for town centres to include leisure facilities and cultural activities in addition to shopping for town centres to survive and prosper; conditions of the Future High Street Fund bid requiring completion of projects by 2023/24 and the management of associated risks; reworking of Castle Place and St Stephen's Place; and the development of a Transport Strategy for the town centre; a comprehensive leisure facility close to the town centre with the inclusion of a swimming pool; maintenance programme at Clarendon swimming pool; and the condition of St Stephen's Car Park.

In response to a number of the comments, the Leader explained that the proposals would need to include natural connections to the town centre from existing and future leisure facilities; the project completion dates had not currently factored in COVID-19 situation and may well be extended; parking and the needs of other transport modes would be taken into account in the development of the proposals to increase the accessibility to the Town Centre; it was understood that a swimming pool was included in the leisure element of the proposals, although precise details would not be known until the agreement of all parties involved had been achieved; and the maintenance period of 5 years was confirmed for Clarendon swimming pool.

**Resolved:**

- 1. Notes the contents of this report**
- 2. Delegates authority to agree to the submission of the Trowbridge Future High Street Fund business case application and delegate to the Chief Executive Officer in consultation with the Director for**

**Legal, Electoral and Registration Services and the Cabinet Member for Economic Development, Military-Civilian Integration and Communications to approve and submit the Trowbridge Future High Street Fund business case, application and to finalise the submission including the funding request to MHCLG**

- 3. Delegates authority to develop individual workstreams within the business case application to the Chief Executive Officer, in consultation with the Director for Legal, Electoral and Registration Services and the Cabinet Member for Economic Development, Military-Civilian Integration and Communications.**

#### *Reason for Decision*

*Trowbridge Town Centre has been negatively affected by a number of factors over a long period of time, resulting in a significant decline of the vitality, attractiveness and perception of the town centre. This has manifested in the following market failures:*

- a significant lack of activity and diversity of offer in the town centre core;*
- many of the town's most unique assets are in need of urgent repair, resulting in these being vacant or significantly underused for c10 years;*
- a lack of development within the town centre core, particularly of key sites adjacent to the town's unique natural assets like the River Biss;*
- a disjointed experience with poor linkages between the retail core and new developments, the railway station, major employment sites and carparks.*

*This has contributed to the evident decline of the town centre and continues to severely threaten its long-term viability.*

*Trowbridge has the chance through this funding to significantly reposition itself.*

*Key outcomes following securing funding could include:*

- Improving connections and legibility into the town centre*
- Transforming the gateway experience*
- Bringing more leisure, residential and culture activity into the town centre*
- Making better use of vacant units to enable a diverse and sustainable mix of uses within Trowbridge Town Centre*
- Accelerating future development by facilitating the strategic development of key sites within the town centre core*

*A successful allocation of FHSF will enable Wiltshire council to work with partners to initiate that process and attract in other public and private sector funding to rejuvenate the town.*

## **81 Salisbury Future High Street Fund Submission**

The Leader of the Council and Cabinet Member for Economic Development, MCI and Communications presented the report which provided an update on the strategy that Wiltshire Council and its partners has developed to reshape

Salisbury's city centre offer, to be submitted to the Government's Future High Street Fund.

The Leader explained that Wiltshire Council has been leading a holistic recovery programme for Salisbury since the economic shock following the nerve agent incidents of 2018. These caused a significant loss of footfall into the city with a resultant loss of trade and confidence. Footfall over the last 2 years has not returned to 2017 levels. Salisbury has the largest leisure, retail and hospitality sector in Wiltshire, responsible for one third of employment in the city.

The Cabinet welcomed the proposals to address a number of factors affecting the footfall levels and to drive the economic recovery programme to enable Salisbury to re-establish a thriving city centre for the benefit of residents, businesses and visitors.

Cllr Thorn, Leader of the Liberal Democrats welcomed the proposals and the involvement of partners to breathe health and vitality into the Salisbury city centre.

In response to comments and questions from Cllr Yuill about bus travel into the city centre, the Leader confirmed that discussions with the bus company had been held about these issues and these discussions would be ongoing.

**Resolved:**

- 1. Agrees the contents of this report.**
- 2. Delegates authority to the Chief Executive Officer - in consultation with the Directors for Economic Development and Planning, and Legal, Electoral and Registration Services and the Cabinet Member for Economic Development to approve and submit the Salisbury Future High Street Fund business case, application and funding request to MHCLG.**
- 3. Agree to match fund the Station Forecourt and redevelopment of 47 Blue Boar Row and if through funding of Stone Circle, such investment and commercial terms to be undertaken on arms lengths terms and delegate authority to Chief Executive in consultation with the Cabinet Member for Economic Development and the Director for Finance to negotiate an agreement with Salisbury City Council as to the future management and ownership of that property**
- 4. Note that the Future High Street Fund contract arrangements, conditions including procurement processes for project delivery and arrangements with SCC will come back to Cabinet for review and approval.**

*Reason for Decision*

*Salisbury's economy is reliant on the retail, leisure and tourist offer within the city, which is responsible for a third of all employment. Salisbury City Centre*

*economy has now experienced two economic shocks, the nerve attack in 2018 and now, Covid-19 in 2020, resulting in a significant decline of the vitality, attractiveness and perception of the city centre.*

*These shocks are exacerbated by seismic changes taking place in the retail market, as it moves to an on-line market place. In Salisbury, persistent structural challenges around transport access and poor linkages, demographic shift and heritage investment significantly threaten long term vitality.*

*Salisbury needs to restructure its offer to attract residents, visitors and workers to the city. A successful allocation of FHSF will enable Wiltshire council to work with partners to initiate that process and attract in other public and private sector funding to rejuvenate the city.*

## 82 **Wiltshire Council Adoption Service 2019-2020 End of Year Cabinet Report**

Cllr Laura Mayes, Cabinet Member for Children, Education and Skills presented the report which provided a year-end report to Cabinet about the performance of the Council's Adoption Service within Wiltshire Council for the period 1 April 2019 to 31 March 2020. The report also informed Cabinet about the effectiveness of Adoption West.

Cllr Mayes explained that the Council retains overall responsibility for the adoption of children whilst other functions are undertaken by Adoption West. The Cabinet were reminded that Adoption West is a Local Authority Trading Company that is owned by the six partner Local Authorities and commissioned by them to provide defined adoption services.

The Cabinet noted that Wiltshire Council's adoption work was inspected by Ofsted in June 2019 as part of a wider inspection of Families and Children's Services, with an overall inspection judgement of Good. It was noted that Cllr Jon Hubbard was the Chair of Adoption West Joint Scrutiny Panel that scrutinised information from Adoption West. Cllr Mayes and the Leader of the Council thanked all the staff involved in the Adoption Service for their hard work in achieving excellent outcomes for the children in Council care.

**Resolved: That the Adoption Service 2019/20 Year End Report is noted and accepted and the contents of the report are considered against the Corporate Parenting Strategic Priority for children looked after to have a loving home, good relationships and respect.**

*Reason for Decision:*

*Wiltshire Council is an Adoption Agency registered with Ofsted. The 2014 Adoption Minimum Standards (25.6) and 2013 Statutory Guidance (3.93 and 5.39) describe the information that is required to be reported to the executive side of the local authority, on a six-monthly basis, to provide assurance that the adoption agency is complying with the conditions of registration whilst being effective and achieving good outcomes for children and service users. Adoption West will be subject to separate scrutiny arrangements through its own Scrutiny Board, arrangements which are still in development.*

### 83 **Contract Award – Vehicle Fuel**

Cllr Bridget Wayman, Cabinet Member for Highways, Transport and Waste presented the report which provided detail about the Council's purchase of vehicle fuel and proposed that the fuel purchase contract be awarded to Certas Energy under Crown Commercial Services in order to achieve significant savings for the Council.

Cllr Wayman explained that the Council currently purchases Vehicle Fuel on an ad-hoc basis, obtaining three quotations each week and selecting the cheapest price submitted. This is far from ideal and not in compliance with the EU Public Contracts Regulations 2006 (as amended), leaving the Council vulnerable to fuel price changes and hinders strategical planning. Use of a Framework contract will allow the Council to take advantage of low prices generated through economies of scale.

In response to comments and questions from Cllr Hopkinson about the procurement process, Cllr Wayman agreed to provide a written response.

The Cabinet noted that Cllr Wheeler, Chair of the Environment Select Committee supported the proposals.

#### **Resolved:**

**To approve the award of a contract to Certas Energy under Crown Commercial Services Framework RM3801 for diesel and gas oil.**

*Reason for Decision:*

*To comply with the EU Public Contracts Regulations 2006 (as amended) and deliver a projected saving of £23,000 per annum.*

### 84 **Stone Circle Company business plans**

Cllr Pauline Church Cabinet Member for Finance, Procurement and Commercial Investment presented the report which provided proposed revised business plans for the Stone Circle Companies and gave consideration to establishing the Stone Circle Energy company.

Questions and statements were received from the following in relation to the Stone Circle Companies:

- Benji Goehl about becoming carbon neutral by 2030
- Margaret Willmot about carbon neutral developments
- Anne Henshaw about the Independent Director and the housing land supply timetable
- John Russell about housing policies
- Eva McHugh about carbon neutral developments by 2030
- Peter Blacklock about carbon neutral developments by 2030

- Steve Perry about the Independent Director

The Leader acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting. He indicated that supplementary questions could be asked and these would receive a written response following this meeting.

In response to a question from Cllr Hopkinson about the appointment of an Independent Director, Cllr Church explained the process and explained that candidates were being interviewed shortly.

The Cabinet noted that the Chair and Vice-Chair of the Environment Select Committee had received a briefing on the Stone Circle Company business plans on 1 July 2020. Cllr Wheeler, Chair of the Environment Select Committee indicated that he and the Vice-Chair were in support of the proposals going forward and suggested that an additional Director was needed for the Company Boards following the stepping down of the Council's Joint Chief Executive. They also recognised that under the current proposed structure, any nomination of a Council officer might well lead to significant conflicts of interest.

**Resolved:**

- 1. Cabinet is asked to agree the revised business plan for Stone Circle housing company as set out at Appendix A in the exempt part of the agenda.**
- 2. Cabinet is asked to agree the revised business plan of Stone Circle development company as set out at Appendix B in the exempt part of the agenda.**
- 3. Cabinet is asked to agree the Council nominee to the board of Stone Circle holding company, Stone Circle housing company, Stone Circle development company and Stone Circle Energy is Alistair Cunningham as an independent Director.**
- 4. Cabinet is asked to agree that the appointment of the vacant independent board member of Stone Circle Housing company is delegated to the Chief Executive officer in consultation with the cabinet member for Finance & procurement and Commercial Investment.**
- 5. Cabinet is asked to agree to delegate authority to conclude detailed contract arrangements with the Stone Circle Companies to the Director of Housing and commercial development in consultation with the Director of Finance and procurement and Commercial Investment and the Director of legal, electoral and registration services**

*Reason for Decision*

*The proposals aim at complying with the shareholder agreement the Council has with the Stone Circle Companies to agree the business plans and consequent actions that the Council needs to consider.*

85 **Urgent Items**

There were no urgent items.

86 **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 Numbers 18 and 19 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 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.

87 **Contract Award - Vehicle Fuel**

The Cabinet noted the appendix to the report at minute 83 above which contained exempt financial information.

88 **Stone Circle Company Business Plans**

The Cabinet considered the Stone Circle Company business plans referred to at minute 84 above, which contained exempt business and financial information.

**Resolved:**

1. **Cabinet is asked to agree the revised business plan for Stone Circle housing company as set out at Appendix A in the exempt part of the agenda.**
2. **Cabinet is asked to agree the revised business plan of Stone Circle development company as set out at Appendix B in the exempt part of the agenda.**
3. **Cabinet is asked to agree the Council nominee to the board of Stone Circle holding company, Stone Circle housing company, Stone Circle development company and Stone Circle Energy is Alistair Cunningham as an independent Director.**
4. **Cabinet is asked to agree that the appointment of the vacant independent board member of Stone Circle Housing company is delegated to the Chief Executive officer in consultation with the cabinet member for Finance & procurement and Commercial Investment.**
5. **Cabinet is asked to agree to delegate authority to conclude detailed contract arrangements with the Stone Circle Companies to the Director of Housing and commercial development in consultation with the Director of Finance and procurement and Commercial Investment and the Director of legal, electoral and registration services**

*Reason for Decision:*

*The proposals aim at complying with the shareholder agreement the Council has with the Stone Circle Companies to agree the business plans and consequent actions that the Council needs to consider.*

(Duration of meeting: 10.00 am - 1.30 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](mailto:stuart.figini@wiltshire.gov.uk)

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Wiltshire Council

Cabinet

14 July 2020

**Question from Colin Gale – Pewsey Community Area Partnership about Council Finance and Finance Scrutiny**

**Agenda Items 5 – Public Participation**

**To Cllr Philip Whitehead, Leader of the Council and Cabinet Member for Economic Development, MCI and Communications; and Cllr Pauline Church, Cabinet Member for Finance, Procurement and Commercial Investment**

PCAP has had concerns for some time about the accuracy and detail of Wiltshire Councils finances as presented and made available to the public and the credibility of the scrutiny that is applied. Recently two specific cases have caught PCAP's eye:

**Case 1:** The recent announcement that a contract had been placed with Willmott Dixon for £33M for the building of a new SEND school on the Rowde site. The requirement for a new SEND school was initially presented to Cabinet in November 2018 at a cost of £20M. Approval for this proposal was granted by Cabinet but subsequently as a result of considerable outcry by the public the consultation was re-opened and further consideration was given.

In May 2019 the outcome of the further consultation was presented to Cabinet and the report identified a significant variance to the original finance cost of £20M, see below:

Description	Predicted cost		
	Best case	Worst case	Anticipated
<b>Construction work costs</b>			
New build works	£20,526,750	£20, 526,750	£20,526.750
Refurbishing existing school accommodation	£ 1,995,000	£ 1 995,000	£ 1.995.000
External works	£ 1,607,375	£ 1,607,375	£ 1,607,375
Demolition and Asbestos	£ 168,750	£ 168,750	£ 168,750
<b>Construction works sub total</b>	<b>£24,297,875</b>	<b>£24,297.875</b>	<b>£24,297,875</b>
<b>Best case Worst case Anticipated</b>			
<b>Non-works</b>			
Fees	£ 2,413,579	£ 2,413,579	£ 2,413,579

Fixtures Fittings, Equipment including ICT equipment	£ 1,250,000	£ 1,250,000	£ 1,250,000
<b>Non works sub total</b>	<b>£ 2,930,863</b>	<b>£ 2,930,863</b>	<b>£ 2,930,863</b>

#### **Risks (contingency pot)**

Statutory External Factors	£0	£ 2,985,000	£ 2,177,500
Non-Statutory External Factors	£0	£ 482,000	£ 294,500
Project Definition	£0	£ 1,625,000	£ 825,000
Design & Technology	£0	£ 1,335,938	£ 848,438
Contractual	£0	£ 3,154,688	£ 2,496,875
Site Conditions	£0	£ 767,813	£ 386,563
Financial and Commercial	£0	£ 28,125	£ 28,125
<b>Contingency sub-total</b>	<b>£0</b>	<b>£ 10,378,563</b>	<b>£ 7,057,000</b>

**Risk that could be backed off to contractor** £ 2,511,500

**Total Forecast Project Cost** £27,228,738 £ 37,607,301 £ 31,774,238

#### **Questions 1:**

The actual new build cost has risen from £20M to £20,526,750 in 6months?

#### **Response:**

The change between November 2018 and May 2019 was based on more detailed feasibility work having been carried out. As the November 2018 report notes “figures have only been estimated at this time...[and] are rough starting estimates for the sake of comparing alternatives. Once proposals are finalised, further work would be needed to identify actual working projections”.

By May 2019 an outline feasibility study had been undertaken which identified a forecast project cost of up to £32,187,972 inclusive of construction costs, fees, equipment and furniture and contingencies.

In a paper taken to Cabinet on 19<sup>th</sup> November 2019 revised final capital budget costs for this programme of work were agreed and set at £33.194 million to deliver the proposal which it was noted “is an increase on the May estimate figures in light of the more detailed costs now available and the revised needs analysis”. At this stage having incorporated more detailed costs the predicted cost of £20.527 million for the new build works was confirmed.

#### **Question 2:**

No explanation is provided for all of the additional construction costs that increases the construction works sub total to £24,297,875?

#### **Response:**

The paper taken to Cabinet on 19<sup>th</sup> November 2019 sets out detail of the additional costs as:

Item	Predicted Cost	Detail
Refurbishment of existing school accommodation	£2.095 million	<p>Refurbishing existing school accommodation to create additional places for September 2020</p> <p>Enhancing Buzzard block for use by children / young people with complex needs</p> <p>Redevelopment of existing buildings including the main house and Orchard block</p>
External works	£1.607 million	Development of outdoor spaces in the new school site which was identified during consultation as being of importance
Demolitions and asbestos	£0.169 million	There are a number of buildings on the Rowdeford site such as temporary classrooms that will require removal as part of the project. As part of the redevelopment of the existing site including the main house and Orchard Block there is also provision for removal and disposal of asbestos that may need to happen during this work.

As set out in the paper taken to Cabinet on 22<sup>nd</sup> May 2019 the additional costs reflected the revised brief to create space for up to 400 pupils rather than 350.

**Question 3:**

A 'Non-works' list that includes Fees and Fixtures Fittings, Equipment including ICT equipment has been added. No explanation has been given for these additional costs.

i) The building cost of £20M in November 2018 included the fees so what these additional fees are is any ones guess?

**Response:**

Fixtures, fittings, and equipment including ICT equipment is the budget set aside to equip a school with the items required to meet the needs of the pupils which are not included in the fabric of the building. This would include things like tables, chairs, whiteboards.

Fees reflects the costs of a construction partner in running the project and includes things like architects, quantity surveyors and construction project management. This element also includes Building Control and Planning Submissions as well as other internal and external fees associated with the project.

ii) The Fixtures Fittings, Equipment etc would have been needed in November 2018 when the £20M was announced so it is not understood why this cost has been presented 6 months later?

**Response:**

The change between November 2018 and May 2019 was based on more detailed feasibility work having been carried out. As the November 2018 report notes “figures have only been estimated at this time...[and] are rough starting estimates for the sake of comparing alternatives. Once proposals are finalised, further work would be needed to identify actual working projections”.

iii) The Non works sub total of £2,930,863 demonstrates an inability to perform arithmetic adding £2,413,579 + £1,250,000 = £3,663,579 unless there is some other explanation?

**Response:**

The updated cost table in the Cabinet paper of 19<sup>th</sup> November sets out costs of £3 million for fees and management, and £1.250 million for fixtures, fittings, and equipment. This has a total of £4.250 million.

**Question 4:**

A ‘Risks (contingency pot)’ which escalates the original £20M by over 50% has been introduced with unsubstantiated titles and sums of money with no justification.

**Response:**

Following consultation and further development of costs through more detailed feasibility work, and following DfE guidance around facilities, risks were identified and costs set against them. The risks relate to both common construction project risks, and some that are specific to this site. The key anticipated risks are set out in

the May 2019 report such as heritage risks due to the house at Rowdeford being a listed building and other buildings and structures within the parkland being listed by association. Highways is also highlighted as a risk, and ecology as there are two local wildlife sites adjacent to the boundaries. Risks such as these might require mitigating action to be taken during construction, and accordingly following the feasibility work budget has been set aside to offset these.

#### **Question 5**

The contingency sub-totals for some reason are both £1 lower than the correct total?

#### **Response:**

The contingency sub-totals are likely to be appearing to be £1 lower because the decimal points of amounts are hidden in this table and this can lead to rounding up or down of totals.

#### **Question 6:**

A figure of £2,511,500 has been introduced for 'Risk that could be backed off to contractor' but there is no explanation to show how this has been established and if it relates to any of the risks listed above?

#### **Response:**

As the project develops the Council will be working closely with Willmott Dixon to produce a detailed construction risk register and in line with the form of building contract that we will be looking to use (NEC Building Contract), we will be looking to apportion risk to the party that is best placed to manage that risk, i.e. either the Council as client or Willmott Dixon as the main contractor.

#### **Question:**

The latest announcement that a contract has been issued to Willmott Dixon for £33M does not directly relate to either the 'Best case', Worst case' or 'Anticipated' scenario's and suggests that all of the risks have been realised with some other costs on top. Please advise how this contract cost relates to the potential costs previously listed and if there are further costs still to be realised?

#### **Response:**

In a paper received and discussed by Cabinet on 19<sup>th</sup> November 2019, the proposals set out in May 2019 were amended following wide consultation. The paper of 19<sup>th</sup> November 2019 set out a revised commitment of £33.194 million to deliver the proposal which it was noted "is an increase on the May estimate figures in light of the more detailed costs now available and the revised needs analysis". Cabinet agreed that they would include this new capital budget in the Capital Programme 20/21 to go

forward for approval at Full Council in February 2020. It is this amount which is referred to in the latest announcement.

### **Case 2:**

Full Council Meeting – 16<sup>th</sup> June 2020, Agenda Item 9, Covid-19 Update and Financial Position.

Appendix B: Provisional Earmarked reserves Table as at 31<sup>st</sup> March 2020 (Page 153) is a spreadsheet, however, the reading of the spreadsheet is a mystery?

### **Question 1:**

Line 1, Insurance Reserve – read across the line to proposed balance and the technical adjustments year end is a positive adjustment to the balance as at 1<sup>st</sup> April 2019. Line 2, PFI Reserve – read across to the proposed balance year end is a negative technical adjustment to the balance as at 1<sup>st</sup> April 2019. No explanation is provided as to when a positive or negative technical adjustment is applied, it is pure 'smoke and mirrors'?

### **Response:**

Earmarked Reserves are monies set aside for specific purposes. Depending on activity during the year monies may be drawn down from these reserves or added to these reserves and hence the balance of the reserves either increase or decrease. As is shown in the table and to explain the specific examples you give, the Insurance Reserve increased by £0.072m due to an underspend on the specific insurance related activity in the revenue budget in the year and the PFI Reserve reduced by £0.301m in the year due to additional costs within the ring-fenced PFI related services during the year.

This presentation of these reserves is in line with proper accounting practice and gives more visibility at a more detailed level of the changes in the reserves during the year.

### **Question 2:**

Column 3, In Year Movements- already approved. The 'General Fund Earmarked Reserves Total' of 1.161 does not match the total addition of the column of 2.573 and no explanation is provided?

### **Response:**

The column total is correct. The items in brackets are negative values and need to be deducted as part of the calculation.

**Question 3:**

The balance as at 1<sup>st</sup> April 2019 for the 'Dedicated Schools Grant' has '0' but in column 3, In Year Movements already approved 11.336 suddenly appears with no explanation as to where this has been conjured up from? If the balance at 1<sup>st</sup> April 2019 was '0' how can you move nothing and obtain a positive balance at 31<sup>st</sup> March 2020.

**Response:**

A positive value shown in a reserve is a deficit position. This reserve is the level of the ring-fenced deficit, or spend above the level of the funding received from Government. The responsibility for decisions on the DSG lies with Schools Forum, and is therefore shown as already approved as it does not require further approval by Cabinet. This reserve is shown for completeness purposes but does not impact on the Council Tax payer or the Council's ability to provide services.

**Question:**

Line 4, Revenue Grant/Contribution Reserve – this line does not add up to the proposed balance at 31 March 2020 and the use of ( ) round some of the column figures does not seem to help to arrive by the balance?

**Response:**

Similar to the response to question 2 the row total is correct. The items in brackets are negative values and need to be deducted as part of the calculation.

**Question**

In summary this spreadsheet and its interpretation is a mystery which is quite worrying?

**Response:**

The responses to the previous questions raised clarifies how it should be interpreted and also demonstrates that it is accurately reported.

**Summary:**

Both case 1 and case 2 above identify significant financial uncertainties which should have been picked up by financial scrutiny before the information is published and supporting explanations should be available so that the public has confidence in how WC operate their financial controls.

**Question:**

Please provide answers to the individual questions above and advise what role financial scrutiny plays overall prior to the presentation of the financial data?

**Response:**

All reports are subject to review by senior officers and some Members before publication to ensure they are understandable. We continue to develop the reports that contain financial elements to ensure we make all relevant improvements to allow for the best level of understanding by as many readers as we can but welcome views of further suggestions for improvement.