

CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM on Tuesday, 14 June 2011.

Cllr John Brady	Cabinet Member for Finance Performance and Risk
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhe-Philippe	Cabinet Member for Economic Development and Strategic Planning
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property and Development Control Services
Cllr John Thomson	Deputy Leader and Cabinet Member for Adult Care, Communities and Housing
Cllr Dick Tonge	Cabinet Member for Highways and Transport

Also in Attendance:	Cllr Liz Bryant
	Cllr Allison Bucknell
	Cllr Richard Gamble
	Cllr Jon Hubbard
	Cllr David Jenkins
	Cllr Alan Macrae
	Cllr Howard Marshall
	Cllr Bill Moss
	Cllr Jeff Osborn
	Cllr Anthony Trotman

79. **Apologies**

Apologies were received from Councillors Keith Humphries, Cabinet member for Public Health and Protection Services and Stuart Wheeler Cabinet member for Campus Development and Culture

80. **Minutes of the previous meetings**

The minutes of the two meetings held on 24 May 2011 were presented.

Resolved:

To approve as correct records and sign the minutes of the meetings held on 24 May 2011

81. Leader's announcements

The Leader said that she was very pleased to see that the figures for long term unemployment had fallen in Wiltshire and that this was through the Council's work on Action for Wiltshire.

82. Declarations of Interest

There were no declarations of interest.

83. Public participation

Father Jean-Patrice Coulon, representing the Catholic community of Devizes as Parish Priest addressed Cabinet on the issue of home-to school transport for pupils at denominational schools which would be considered by Cabinet at its meeting on 26 July 2011. Father Coulon expressed concern over the timing of the meeting being the first week of the school Summer holidays and asked that consideration be given to holding a pre-meeting briefing with interested parties.

Cllr Tonge, Cabinet member for Highways and Transport responded.

Mr Michael Sprules, Chairman of Residents Against Development Affecting Recreational Land (RADAR) addressed the committee on the issue of the planning process and in particular the consultation element.

84. Aggregate Minerals Site Allocations DPD: Results of Further Assessments and Draft DPD in May 2011

Public participation

Questions

A question had been received from Ms Ginny Scrope and the Leader gave her the opportunity to address Cabinet.

Cllr Fleur de Rhe Philipe, Cabinet Member for Economic Development and Strategic Planning presented the report which informed Cabinet of the findings of detailed assessments undertaken on the remaining 22 site options for sand and gravel extraction and sought approval for a revised local forecast rate of 1.2 million tonnes per annum, to be used as the basis upon which to prepare the proposed submission draft Minerals Sites DPD. She added that there were now just eight remaining sites stressing that these had been assessed objectively.

Resolved:

That Cabinet:

- a. **Agrees a local forecast rate of 1.2 million tonnes per annum is used as the basis for making provision in the emerging Aggregate Minerals Sites Allocations DPD.**
- b. **Agrees that the sites identified in Option 2 of Appendix 2 of the report are carried forward into the proposed submission draft Aggregate Minerals Site Allocations DPD.**
- c. **Agrees that all remaining site options not included in Option 2 of Appendix 2 of the report are dropped from further consideration.**
- d. **Notes that a proposed submission draft Aggregate Minerals Site Allocations DPD will be presented to Cabinet in September 2011 for approval to commence formal consultation for a period of six weeks.**

Reason for the decision

To ensure that an appropriate level of provision for sand and gravel extraction is established for Wiltshire and Swindon, in accordance with national and local policy and sufficient sites are identified to meet this requirement. Once adopted, the Aggregate Minerals Site Allocations DPD will form part of the Council's policy framework

85. Update on Performance

Cllr John Brady, Cabinet Member for Finance, Performance and Risk presented a report which focused on the Council's performance against the Corporate Plan. It also provided top line summary information on the Council's work with our partners in the Local Agreement for Wiltshire. He added that this was the last time that the report would be presented in this format and in future it would be based on the Business Plan.

Resolved:

To note progress for the year 2010/11.

Reason for the decision

To keep Cabinet informed about progress and to provide an update on the PRG Scheme for Area Boards.

86. Revenue Outturn 2010/11

Cllr John Brady, Cabinet Member for Finance, Performance and Risk presented a report which advised Cabinet of the revenue outturn position for financial year 2010/2011. He added that he was pleased with the position and that there was now an underspend of £0.733 million which was a £1.693 million decrease in the forecast position at month 10.

The Leader thanked all departments for helping to achieve this position.

Resolved:

That Cabinet notes the report showing an outturn underspend of £0.733 million and agrees that this will be put into the reserves for future use.

87. Complaint - Wiltshire Involvement Network

Public Participation

Questions

A question had been received from Mr Phil Matthews and the Leader gave him an opportunity to address the Cabinet.

The Chief Executive presented a report which advised Cabinet of the outcome of a review commissioned into the process followed in connection with the investigation of a complaint arising from a meeting of Wiltshire Involvement Network (WIN) on 10 August 2010.

Resolved:

- a. To agree that the Investigation Report dated 31 August 2010 is withdrawn.**
- b. To agree that a full review is undertaken of the structure/governance/decision making process of the LINK arrangement to establish whether there is clear and appropriate governance processes in place including the following: -**
 - i. dealing with Equality and Diversity issues and, in particular, complaints concerning the same.**
 - ii. dealing with governance/decision making if for any reason an appointed host organisation or third party is no longer in place.**
- c. To agree to a review of Wiltshire Council's policies and procedures when dealing with complaints made to the Council about third party bodies with which the Council is involved to**

ensure that there are clear guidelines for officers when dealing with these issues.

- d. The reviews set out in 2 and 3 above to provide the basis for a staged review of other third party arrangements within the Council.**
- e. To agree to a reminder/training to all staff to obtain legal advice at an early stage when dealing with situations which involve complexity, political sensitivity and/or governance arrangements with third parties.**

Reason for the decision

To improve the arrangements for dealing with complaints of this nature involving third parties and to enable the Council to fulfil its responsibilities under the relevant legislation more effectively.

88. Urgent Items

The Leader approved consideration of the following item at minute no. 89 – Proposed Closure of Grafton Primary School as urgent business in order to determine the matter prior to the next scheduled meeting

89. Proposed closure of Grafton Primary School

Public participation

Statement

The Leader drew attention to a statement which had been received from Tamara Reay and Sue England, Co-Chair Governors, Grafton Church of England Primary School

Councillor Lionel Grundy Cabinet member for Children's Services presented a report which set out the background to, and results of, the statutory consultation proposing the closure of Grafton Primary School undertaken between 21 April and 2 June 2011.

Resolved:

- a. To note the objection to the proposal to close (discontinue) Grafton Primary School.**
- b. To note the commentary on the objection.**

- c. To agree that in accordance with section 15(1) of the Education and Inspections Act the closure (discontinuation) of Grafton Primary School will take effect from 31 August 2011.**

Reason for the decision

Cabinet is required to consider the objection that has been received, the commentary on this objection and decide whether to proceed with the closure.

(Duration of meeting: 10.30 - 11.45 am)

These decisions were published on the 17 June 2011 and will come into force on 27 June 2011

The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail yamina.rhouati@wiltshire.gov.uk
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Wiltshire Council

Cabinet

14 June 2011

Public Participation

**From Mr. Michael Sprules, Chairperson R.A.D.A.R.
(Residents Against Development Affecting Recreational Land)
- Engaging with Local Residents**

Question

In April this year, I attended the appeal hearing for Brynards Hill, Wootton Bassett. This gave me a unique insight into the appeals process and also where the shortcomings occurred during the overall planning process, from both Wiltshire Council and also the Appellant in this case.

I made some extensive notes, while in attendance, as I hoped that these notes would prove useful during the consultation process of a planning application. However, this process can only be effective if the views of the local residents and their residents groups are heard.

I have listened to many Wiltshire Council Members over the past few weeks and the one common message that was repeated time and time again was that, **“Wiltshire Council wants to engage with the public and wants to make this process transparent”**.

With this in mind, my question to Cabinet is :

What measures do Wiltshire Council have in place should local residents consider that their views have not been listened to or, indeed, adequately addressed, during this crucial stage of a “Consultation Process”, especially if there is an obvious need to request that an Applicant should provide more assessments and appraisals prior to an application being submitted for discussion at the local Development Control Committee ?

May I thank the Cabinet Members and, indeed, all local Councillors in attendance for allowing me to put forward this question.

Response

The Council has a well publicised consultation process in place in respect of planning applications to secure local views and then take them into account.

- The Statement of Community Involvement asks developers to publicise and discuss major schemes with locals prior to submission so they can incorporate their aspirations into their plans.

- When planning applications are submitted they are widely advertised by a mix of neighbour notification letters, site notices and press adverts.
- Anyone concerned about an application then has an opportunity to contact their local Division Member, the local Parish or Town Council and the planning case officer to discuss/put their views.
- All representations received by the case officer are carefully taken into account in the decision making process and if necessary, applicants are asked to make amendments or provide additional information.
- If an application is considered by Committee, and most major applications are, there is a further opportunity for local residents to make representations to the Committee in person at the meeting.

There is sometimes a perception that the Council is not listening but the reality is that it has to make its planning decisions within a framework of local and national policies and these sometimes take priority over local concerns. In accordance with those policies, officers will always seek the information they believe is needed to make sound planning decisions. If information is 'obviously' needed it will be requested but the Council cannot ask for information which the legislation says is neither necessary or reasonable to require.

The Council always listens but as stated above, it cannot always accommodate every view expressed.

Public Participation
From Father Jean-Patrice Coulon – Denominational Home to School Transport

Question

I would like to request that the Cabinet consider alternative arrangements for deciding the school transport proposal on 26th July. It has come to my attention that several parents, including the head teacher of St Augustine's Catholic College will not be able to attend, as this date falls in the first week of the school holidays, and they have family holidays which they have booked months in advance. In the interests of "Local, open, honest discussion", I would ask that the meeting is either deferred to September, or that there is a meeting beforehand, with representatives of the Council meeting representatives of the parents.

Such a meeting was arranged in 2007 when this was discussed, and the sports hall was filled with parents. This would suggest to me that the venue of Bradley Road for the Cabinet meeting would not be big enough, and so this "Pre-meeting" would be a case of best practice and would demonstrate the Council's intention to listen to tax payers.

Response

Should the decision be deferred to the September Cabinet meeting?

The decision is being sought at the July meeting because of the Council's wish to give adequate opportunity for parents and schools to respond to the proposals before the decision is made, and adequate notice after the decision is taken (if the proposals were approved) for them to make alternative arrangements. If the decision were deferred to September, this would give less time for the schools to make alternative transport arrangements and to publicise these to parents (if the proposals were approved). Parents of children at the schools would want to know whether transport will be available from their area, and at what cost, the same is true for parents of prospective children for the schools (the last date for applications for school places in September 2012 will be in the third week of October 2011, and decisions about admissions would be in March 2012).

It is considered that adequate opportunities have been given for those affected to make their views known. The follow up letter gave full information on how individuals can make representations, both in writing or by attending the cabinet meeting. It is appreciated that some parents or school staff may find it difficult to attend but this will be true of any date, but those who are unable to attend the meeting for whatever reason can submit written comments which will be incorporated into a summary of responses within the Cabinet report, or could ask someone else to represent them at the meeting.

Should there be a meeting beforehand, with representatives of the Council meeting representatives of the parents?

Given that there are adequate opportunities for those affected to make their views known it is considered that there would be no benefit from holding a public meeting in addition to the Cabinet meeting itself. I can confirm that I am meeting with the Head of Education of the Diocese and the Leader of the Council on Thursday 16th June to discuss this matter.

Wiltshire Council

Cabinet

14 June 2011

**Public Participation
From Ginny Scrope - Aggregate Minerals Site Allocations Development Plan
Document (DPD) - Results of the Site Appraisals**

Question

On behalf of the Bromham community we would request that the members of the Council Cabinet for the future of the Bromham area consider assuring and protecting that the C18 site will not be put forward again for any future mining consideration and that it will remain Grade 2 best and most versatile agricultural land and core to the Council's agricultural policy.

Statement

On behalf of the Bromham Quarry Campaign action group and the Bromham area we have campaigned on behalf of the residents against the mining of C18 and have worked together with the Parish Council and Wiltshire Council to provide evidence for C18 to be removed from the mining plan. We are very pleased to read the officers report. We sincerely hope that this will be endorsed today by members of the cabinet

Response

Cabinet acknowledges the motion submitted by the Bromham Quarry Campaign. However, for the reasons set out below, it would not be appropriate for Cabinet to accede to the proposed request in respect of Site Option C18.

The Council has a statutory duty to prepare development plans containing policies and proposals for the use of land within its area. In accordance with statute, the appropriate mechanism for allocating land and applying policies for the control and use of land is through the Local Development Framework (LDF) system.

Therefore, for the Council (or any part of the Council) to attempt to introduce (and approve) policy to control the use of land outside of the LDF system and the statutory procedures, would unlawfully fetter the discretion of the local planning authority to appropriately plan for its area, and indeed conflict with its duty to keep such policies and allocations under review.

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Wiltshire Council

Cabinet

14 June 2011

**Public Participation
From Mr Phil Matthews – Wiltshire Involvement Network**

Question

The Wiltshire Involvement Networks(LINKS) is a Statutory Government organisation set up by Act of Parliament to represent patients and public in Wiltshire.

Why was the decision to recently suspend this organisation and its funding taken by Council Officers instead of the democratically elected Members of the Council?

Response

The decision to suspend contact (not the contract) with WIN was taken by Officers because at the time it was considered a contractual issue and the underlying contract was less than £150,000.00. Pursuant to the Council's scheme of delegation such decisions would normally be dealt with by Officers. With hindsight, having regard to the political interest generated by the decision, member involvement in this case may have been appropriate.

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Wiltshire Council

Cabinet

14 June 2011

Public Participation

From Tamara Reay and Sue England, Co-Chair Governors, Grafton Church of England Primary School - Proposed closure of Grafton Church of England Primary School, Background paper for consideration by the Cabinet on 14 June 2011

Statement

Governors would like to take the opportunity to provide the following additional background information which provides more detail on some of the points raised in the objection from Mr Armstrong.

Data on births (as at 31 August 2010) show 48 under 5's in catchment – many more than some of our neighbouring schools in the Marlborough and Pewsey area. This demonstrates that if our school were school of choice then Grafton Primary School could be a good sized small school of approximately 60 children. That the children are there to grow our school has been a great motivation for governors.

Work to increase the popularity of the school has been carried out across a number of strands over the last few years. In addition to contributing to the good and growing reputation of Sunflowers, governors have been involved in Friends of Grafton community and fundraising events, have been involved in establishing Grafton Goslings baby and toddler group and a community wide newsletter (the Community News) to publicise activity at the school and promote the benefits of small schools. Good working relationships have been developed with the Parish Council and Parochial Parish Council.

There is widespread local support for our school but this does not translate into pupil numbers. Though parents appreciate our local school the perceived benefits of Grafton Primary School are outweighed by the perceived benefits of neighbouring schools.

Formal research was carried out with parish parents in February 2010 and showed that the 4 key reasons that Grafton is not the school of choice for the majority of parish parents are:

- Limited opportunities and choice for children to make friends
- Classroom arrangements mean that siblings will be in the same class
- Grafton is not a feeder school to preferred secondary school
- 4 year groups in the Key Stage 2 class is too great an age range.

In addition governors have developed excellent networks with local parents through Sunflowers, Grafton Goslings baby & toddler group and Friends of Grafton community and fundraising events. Governors feel that the combination of formal

and informal research facilitated by this provides a solid foundation for the work which has been completed. We know from this research that are several key factors why we are not school of choice. Not being a feeder school for St Johns is one of those factors – and it is clear that changing that element alone would not be enough – cohort sizes and the perceived lack of social opportunities from small class sizes are the overwhelming reasons.

The Governing Body first recognised that developing some form of partnership with another local school was the best route to secure our future following the publication of the Small Schools Strategy document by Wiltshire Council in 2005. At this point our school already had a long history of fluctuating numbers and lack of appeal across our parish and had fought off 2 previously proposed closures.

Over this 7 year period governors have considered options and made multiple proposals to 5 of our neighbouring schools on different forms of partnership. Most recently we proposed an Early Years model in which Grafton would focus on pre school and KS1 provision with pupils transferring to a partner school for KS2. Research with parents of children starting school in September 2011 demonstrated that this would positively influence many parents and result in an intake of a minimum 5 pupils. Unfortunately none of the governing bodies of our neighbouring schools have felt able to respond to our approaches positively and as a result most of the 2011 parents (many of these children are at Sunflowers) felt that the current Grafton model was not the best option for their children. Advisors from the Local Authority and Diocese have commended the creativity and volume of strategic partnership development work carried out by governors.

Throughout this time the teaching staff has maintained a good quality of education for our pupils. We received a Satisfactory Ofsted rating Sept 2009 and feel that the collaborative activities undertaken with other schools has mitigated the low pupil numbers at Grafton. Parents of the current 11 pupils feel strongly that the education their children are receiving is good, although some parents do have concerns that the social and friendship opportunities offered by the small cohort numbers are limiting. The decision to consult on closure was a very difficult one to make and was based on the advice of professionals, including our teaching staff and Local Authority and Diocese advisors.

The implication of closure on Sunflowers has been fully considered. There has always been a close working relationship between school leadership and the voluntary management committee which runs Sunflowers. A working party has been established to develop plans for growth to maintain pre school education on the site – and governors are closely involved with this.

We appreciate the response to the statutory consultation from Mr Armstrong and plan to contact him and offer to meet in order to reassure him that we have neither lost interest nor resigned ourselves to closure. Additionally we would welcome his involvement as a parent in the Sunflowers working party and other community activities. This was not a decision taken lightly, nor prematurely. The fact that just 1 objection was received, from an individual who does not currently reside in the parish, sadly speaks volumes about the current position of Grafton Primary School.