

CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
BROWFORT, DEVIZES on Tuesday, 24 May 2011.

Cllr John Brady	Cabinet Member for Finance Performance and Risk
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr Keith Humphries	Cabinet Member for Public Health and Protection Services
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhe-Philipe	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
Cllr Stuart Wheeler	Cabinet Member for Campus Development and Culture (including Leisure, Sport and Libraries)

Also in Attendance:	Cllr Peter Colmer
	Cllr Linda Conley
	Cllr Peter Doyle
	Cllr Richard Gamble
	Cllr Jon Hubbard
	Cllr David Jenkins
	Cllr Alan Macrae
	Cllr Howard Marshall
	Cllr Laura Mayes
	Cllr Jeff Osborn
	Cllr Roy While

57. Apologies

An apology for lateness was received from Cllr Stuart Wheeler, Cabinet member for Campus Development and Culture (including Leisure, Sport and Libraries).

58. Minutes of the previous meeting

The minutes of the meeting held on 19 April 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 19 April 2011.

59. Leader's announcements

No announcements were made.

60. Declarations of Interest

Cllr Jon Hubbard declared a personal interest in the item on the Housing Improvement Plan (minute no. 62 refers) by virtue of being a Director of Selwood Housing Association.

The Chief Executive, Andrew Kerr in connection with the item on the Wiltshire Council Charitable Trusts (minute no. 68 refers) explained he was a Trustee of the Wiltshire Community Foundation.

61. 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 a letter previously sent to affected parents and head teachers and sought a reassurance that interested parties would be given an opportunity to comment on the proposals.

Cllr Gamble, Portfolio Holder for Public Transport considered that there had been adequate opportunity for those affected to comment before a report was prepared for consideration by Cabinet; a view shared by the Local Government Ombudsman. However, to enable further opportunity for any representations to be made, Cllr Gamble confirmed that a further letter would be sent to headteachers and parents of pupils at the affected schools. The letter would provide details of the date, time and venue of Cabinet and explain how to provide comments on the proposals and the rights to attend and make representations at that meeting.

The Leader emphasised that no decision had been made by Cabinet and that the decision would be made by Cabinet at its meeting on 26 July meeting.

62. Housing Improvement Plan

Cllr Jon Hubbard declared a personal interest in this item by virtue of being a Director of Selwood Housing Association.

Cllr John Brady, Cabinet Member for Finance, Performance and Risk presented a report and Housing Improvement Plan for Cabinet's consideration and approval. It was noted that Cllr Brady had progressed the Plan in his previous capacity as Cabinet member for Economic Development, Planning and Housing.

The Plan set out necessary improvement to deliver a quality landlord service and to respond to the recommendations which arose from the Audit Commission inspection on housing.

A discussion took place on the Plan and in particular efforts being made to increase the satisfaction with opportunities for participation. The Leader suggested that Councillors who served as Council representatives on housing associations should submit details of best practice arrangements to the Service Director for Housing.

Resolved:

That Cabinet approve the New Plan for Improvement for Landlord Services.

Reason for decision:

To have in place a plan that would still remain some of the ambitious goals for governance and high quality performance but set those in a new context.

63. Devizes Wharf Planning Brief

Cllr Fleur de Rhe Philipe, Cabinet Member for Economic Development and Strategic Planning presented a report which sought Cabinet approval to consult on a draft Planning Brief for Devizes Wharf.

The purpose of the Planning Brief was to help promote local ambitions for leisure and tourism based regeneration and growth at Devizes Wharf which had the potential to add to the vitality and viability of Devizes town centre.

The outcome of consultation would be reported to a future meeting of Cabinet when Cabinet would be asked to consider and agree any changes to the document as a result of the consultation. Cabinet would be asked to approve the document for onward recommendation to Council for adoption as a Supplementary Planning Document (SPD).

Cllr Mayes welcomed the document and commented that whilst it was very good and detailed asked that a simplified guide could be made available for the purposes of consultation. Cllr de Rhe Philipe agreed with this approach and for the process to involve Cllr Mayes. She also acknowledged that consultation on

the document could be the subject of consideration at the forthcoming special meeting of Devizes Area Board.

Resolved:

That Cabinet:

- i) approve the process of consultation outlined in paragraphs 14 and 15 for the emerging draft Devizes Wharf Planning Brief;**
- ii) approve the contents of the emerging draft Devizes Wharf Planning Brief (Appendix 1) for the purposes of consultation; and**
- iii) delegate authority to the Corporate Director, Neighbourhood and Planning in consultation with the relevant Cabinet Member to make amendments to the draft Devizes Wharf Planning Brief (Appendix 1) to respond to comments raised by Cabinet and to prepare it for consultation purposes.**

Reason for decision:

Subject to the outcome of the consultation the intention is for the planning brief to be adopted by the Council as a Supplementary Planning Document within the Wiltshire Local Development Framework.

64. Public Protection Enforcement Policy

Cllr Keith Humphries, Cabinet Member for Public Health and Protection Services presented a report which sought Cabinet approval and adoption of an enforcement policy for Public Protection Services.

The Policy would ensure that all enforcement action was compliant with all relevant legislation and guidelines and would be fair, clear, transparent, consistent, proportionate, risk based and robust. It related to any enforcement actions taken by officers in Public Protection Services, and would establish a consistent approach regarding the use of both formal and informal mechanisms to achieve effective and efficient compliance with relevant legislation. The Policy would also assist local businesses contributing to supporting the economy as outlined in the Council's Business Plan. The Plan had been subject to a consultation exercise.

Resolved:

That Cabinet adopts the Public Protection Service Enforcement Policy.

Reason for decision:

To ensure that any enforcement actions taken by Public Protection Officers are consistent, proportionate, fair and effective.

65. Contract Award for Term Property Maintenance Contracts

Councillor John Noeken, Cabinet Member for Resources presented a report which sought approval for the appointment of two building term maintenance contractors and approval for a reserve choice if needed.

The Council was responsible for maintaining over nine hundred premises throughout the County. They comprise many different types of building and need to be maintained in order for the Council to meet its statutory duties and to ensure Council services can continue to be delivered.

In order to provide reactive maintenance for emergency repairs and minor repairs, a Term Maintenance Contract was required with contractors who could respond to maintenance and emergency issues within an appropriate response time.

Resolved:

That Cabinet delegate authority to the Corporate Director, Resources to award the contracts for the Building Term Maintenance Contract as follows, following the satisfactory conclusion of the requisite “standstill” period (10 days)

- i) Steele Davis (Swindon) Ltd for the East, West and South geographical lots; and**
- ii) Wilkins Builders Ltd for the North geographical lot.**

Reason for Decision

To put in place means to maintain the Council's premises following the expiry of the existing contracts.

66. The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council

Councillor Toby Sturgis, Cabinet Member for Waste, Property, Environment and Development Control Services presented a report on the outcome of a review of the Development Control service. The report included items highlighted by Cabinet when it considered the report at its meeting on 19 October 2010 when it was deferred primarily to consider the implications of the then, imminent Localism Bill and to give further consideration to the 21 day call-in rule.

Cabinet was asked to consider detailed recommendations on changes to the service and in particular changes to the Scheme of Delegation on Development

Control and the Planning Code of Good Practice for Members of Wiltshire Council.

The outcome of the review had previously been considered by the Focus Group on the Review of the Constitution, comments from which were reflected in the report presented.

A discussion ensued on the call-in process whereby local division members were permitted to call-in applications for consideration by the relevant Planning Committee rather than being determined at officer level. Some members considered that the call-in facility should be extended to town and parish councils. The Leader explained that the call-in facility should be left to the local division member who should be working closely with their town and parish councils. She was not aware that this arrangement was not working well, but this could be reviewed as and when necessary.

Resolved:

That Cabinet endorse the recommendations as detailed at paragraph 48 of the report presented.

Recommended to Council:

(a) That Council be recommended to approve the following:

- **the revised Scheme of Delegation for Development Control (Appendix 1 of the report presented) subject to the following amendment:**

4th bullet point be amended to read as follows (additional wording underlined):

where an appeal has been lodged against a planning decision and Counsel advises that specific refusal reasons are unreasonable and/or likely to undermine or weaken the council's case and time constraints prevent the matter being brought back to committee, officers, in consultation with the committee Chairman and Local Division Member are authorised to inform the appellant and the Planning Inspectorate that the council will not seek to defend such reason(s) at appeal;

- **the revised Planning Code of Good Practice for Members of Wiltshire Council (Appendix 2 of the report presented).**
- **That the function of revising and or setting planning fees be delegated to the Strategic Planning Committee**

(b) That the Constitution be amended accordingly.

Reason for Decision:

The Scheme of Delegation and the Planning Code of Good Practice (Protocol) form part of the Constitution and changes to them need Council approval.

67. **Wiltshire Military Civilian Integration Programme**

Councillor Fleur de Rhé-Philippe, Cabinet Member for Economic Development and Strategic Planning presented a report which outlined the work that has become known as the Military Civilian Integration (MCI) Programme to support improvements in military civilian integration in Wiltshire. Cabinet was asked to continue to support the Programme.

A couple of minor amendments were made to the report as follows:

Paragraph 9 – to include Sandie Lewis in list of names and

Paragraph 32 – 2nd sentence amended to: The feasibility of this or any other commercial proposal.....

A discussion ensued on the future of Lyneham in view of the announcement to withdraw the RAF from there by 2012. The Leader explained that she had written several letters to the Secretary of State for Defence expressing the strong preference for either a fully operational military use for Lyneham or for the site to be released allowing the private sector to utilise the site for economic activity. A Task Group had been established chaired by Cllr Sturgis to specifically consider this.

Resolved:

That Cabinet:

(a) continues to support the Military Civilian Integration Programme and in particular the development of the Salisbury Plain Super Garrison and

(b) recognises the higher profile, and likely media interest, in the:

- **Personnel Recovery and Assessment Centre at Tedworth House, Tidworth; and**
- **Drawdown of RAF Lyneham, including the announcement that the town of Wootton Bassett will become Royal Wootton Bassett later this year.**

Reason for Decision:

The significance of the work being carried out by the MCI Programme merits active support by the Cabinet.

68. Wiltshire Council Charitable Trusts

The Chief Executive, Andrew Kerr explained he was a Trustee of the Wiltshire Community Foundation and on offering to leave the meeting for the duration of consideration of this item, was asked to remain.

Cllr John Thomson, Cabinet Member for Adult Care, Communities and Housing presented a report which sought approval to obtain 'in principle' sanction from the Charity Commission for the transfer of a number of Charitable Trusts from the council to the Community Foundation for Wiltshire & Swindon (CFWS).

It was noted that increasingly, local authorities were recognising that acting as a charity trustee was not a core purpose and there was insufficient capacity and expertise to manage these funds effectively. The Charity Commission had specifically endorsed the transfer of assets to Community Foundations who had appropriate investment knowledge, charity commission reporting frameworks, and community grant-making track records (The Boost Initiative). Over 15 local authorities in England had transferred charitable assets to their local Community Foundation in order to get maximum benefit from Trusts which otherwise had traditionally under-achieved.

In recommending the proposals contained in the report, Cllr Thomson amended the last recommendation to provide delegated authority for him in consultation with appropriate officers to progress the transfers to their conclusion following feedback from the Charity Commission.

Resolved:

That Cabinet:

- (a) gives approval to an approach being made to the Charity Commission to seek 'in principle' sanction to the transfer of 11 'in scope' Trusts to a leading charitable body;**
- (b) approves the selection of the Community Foundation for Wiltshire and Swindon as an appropriate leading charitable body to whom the 11 'in scope' Trusts could be transferred, subject to the agreement of the Charity Commission;**
- (c) gives approval to the appointment of a specialist Community Foundation consultant to undertake the work required to obtain 'in principle' sanction from the Charity Commission; and**

- (d) **gives delegated authority to the Deputy Leader in consultation with the Corporate Director for Community Services, the Chief Finance Officer and Solicitor to the Council to progress the proposal to complete the transfer if appropriate following feedback from the Charity Commission.**

Reason for Decision:

This is current best practice for making the most effective use of charitable trusts by local authorities. Transferring the Charitable Trusts to a leading charitable body will reduce costs associated with the management of these trusts which are not core Council business. Furthermore, the council will see a greater impact from the grant funding available due to the added value that will be derived from aligning the grant making of the transferred Trusts with the Community Foundation's existing grant making programmes.

69. **Urgent Items**

There were no urgent items.

70. **Exclusion of the Press and Public**

Resolved:

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 minute numbers 71 and 72 below as it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 2 and 4 and 3 respectively 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.

71. **Provision of Internal Audit**

Councillor John Brady, Cabinet Member for Finance, Performance and Risk presented a confidential report which set out a number of options which could be explored for the future delivery of the Council's Internal Audit service. It was noted that the same report had been previously considered by the Audit Committee on 13 May 2011 when following a lengthy discussion, it was agreed to endorse the proposal at Option 2 to Cabinet.

It was emphasised that no decision had been made and the decision being sought was to primarily enter into negotiations on the proposals and that a full report to include detailed financial implications would be presented to Cabinet on 26 July 2011.

Councillor Roy While, Chairman of the Audit Committee summarised the discussion at the Audit Committee.

Resolved:

That Cabinet

- i) **Approve Officers to enter into formal negotiations with the South West Audit Partnership (SWAP) under a section 101 of the Local Government Act 1972 as amended by the 2000 Act, agreement, to assess further the feasibility of Wiltshire Council entering into a joint local authority Internal Audit partnership.**
- ii) **Bring back to Cabinet any formal proposal to enter a TUPE transfer arising from these negotiations, following consultation with the Council's Audit Committee, for consideration.**
- iii) **Agree that in case negotiations with SWAP result in this option being withdrawn, in parallel with SWAP negotiations the Section 151 Officer, in consultation with the Cabinet Portfolio Holder for Finance, and the Chairs of Audit Committee and Resources Overview & Scrutiny Commission, should pursue alternative arrangements to ensure the Internal Audit Service has effective leadership following option IA as proposed in this report as set out at paragraph 21.**

Reason for Decision:

The Internal Audit service has been externally assessed as being a good service. To maintain this standard the service needs to continue to address the considerable internal and external drivers of change that make this review appropriate at this time.

72. Facilities Management Services; Extension to Contract

Councillor John Noeken, Cabinet Member for Resources presented a report which sought Cabinet approval to extend the facilities management contract. Extending the contract would allow time to ensure that future service strategies could be properly explored.

Resolved:

That Cabinet

- (a) approve the extension of the arrangements with Sodexo by 12 months, effective from 1 April 2011, with an option for the Council to extend quarterly thereafter, up to a maximum of a further 12 months.**
- (b) delegate authority to the Cabinet Member for Resources in consultation with the Director of Resources to agree and execute contract terms to implement (a) above.**

Reason for Decision:

The main reason is the fast pace of the changing shape of the Councils property portfolio and facilities management service requirements, driven by the Campus and Operational Delivery Programme.

(Duration of meeting: 10.30am – 12.10pm)

These decisions were published on the 31 May 2011 and will come into force on 8 June 2011

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