


CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER on Tuesday, 24 July 2012.

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 Dick Tonge	Cabinet Member for Highways and Transport
Cllr Stuart Wheeler	Cabinet Member for Transformation, Culture, Leisure and Libraries

Also in Attendance:	Cllr Allison Bucknell
	Cllr Trevor Carbin
	Cllr Peter Colmer
	Cllr Peter Doyle
	Cllr Richard Gamble
	Cllr Jon Hubbard
	Cllr Jerry Kunkler
	Cllr Alan MacRae
	Cllr Jonathon Seed

Key Decisions Matters defined as 'Key' Decisions and included in the Council's Forward Work Plan are shown as 

77 **Apologies**

Apologies were received from Councillors John Thomson, Deputy Leader and Cabinet member for Adult Care, Communities and Housing and Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control.

78 **Minutes of the previous meeting**

The minutes of the meeting held on 19 June 2012 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 19 June 2012.

79 Declarations of Interest

There were no declarations of interest.

80 Leader's announcements

The Leader made the following announcements:

(a) Torch Relay and Hudsons Field

The Leader thanked Laurie Bell, Service Director for Communications and her team for the marvellous way they had organised the Torch Relay events in Wiltshire both in May and more recently on the 11 and 12 July. The fact that a number of the team had given up their time to ensure events were a success was greatly appreciated.

Over 225,000 people roughly half the population of Wiltshire had been involved in celebrations and lining the streets and at Hudson's Field to welcome the Olympic Torch.

The Leader considered that the Hudson's Field event, although a huge undertaking by a small communications team, had been fantastic. It had attracted approximately 50-60,000 people during the day with approximately 30,000 at night. The Leader commented that the people of Wiltshire had been a source of pride given that the event took place without incident and was very good natured. Furthermore, firms had reported increased takings. A report on the impact of the recent celebratory events on the local economy would be compiled.

(b) Membership of the Cabinet Capital Assets Committee

The Leader explained her decision that members of Cabinet who were not on the Cabinet Capital Assets Committee (CCAC) namely Cllrs John Brady, Lionel Grundy, Keith Humphries, Dick Tonge and Stuart Wheeler would act as substitute members on the CCAC with full voting rights to ensure adequate cover at meetings. The Leader clarified that this would be with immediate effect and would therefore apply in respect of the CCAC meeting that afternoon (24 July 2012).

81 Public participation

The Leader noted that no requests had been received to make representations at this meeting.

The Leader did however refer to a petition which had been presented to the Trowbridge Area Board on 12 July 2012. The petition with 1,025 signatories stated:

“We, the residents of Trowbridge and surrounding areas, are showing our support for the ‘Bowyers site’ and we want the Council to allow this development to go ahead.”

The minutes of the Area Board stated that the petition would be brought to the attention of Council and Cabinet. The Leader explained that the determination of planning applications was a quasi-judicial function. As such, the decision taken by the Western Area Planning Committee in this case, was binding and could not be changed by either Cabinet or Council. The Leader requested that a letter be sent to the Petition organisers to clarify the Cabinet and Council’s position.

82 Review of the Major Incident Plan

Councillor Keith Humphries, Cabinet member for Public Health and Public Protection presented a report on a review of the Major Incident Plan and sought Cabinet approval for the Plan for onward recommendation for adoption by Council. It was noted that under the Civil Contingencies Act 2004, the Council was designated as a Category 1 responder and as such, was required to develop and maintain emergency plans which were appropriate, up to date and kept in readiness for emergencies.

Cabinet noted that the previous Plan was out of date, did not reflect the existing council structures and that a review was required to make the plan fit for purpose. The report set out the details of the consultation process and listed the key changes to the Plan.

Councillors noted that the Plan provided a mechanism for mobilising staff and resources in response to an emergency and for performing council functions in relation to a wide range of possible scenarios. The work of and involvement with the Local Resilience Forum was also explained. Reference was made to the involvement of parishes, but that not all parishes may be aware of how they could assist in an emergency situation. It was agreed to circulate information to parishes on the emergency planning process and how they could be involved at grass roots level.

The Leader explained that it was hoped to develop a process to identify large scale events taking place across the County to ensure that processes the Council used for its own events were in place to avoid or at least mitigate emergency situations. It was noted that the Police in recognition of the Council’s good work in organising recent high profile and large scale events such as the Torch Relay and Diamond Jubilee celebrations, were said to want the Council to take on a more prominent role in events being staged across the

County. This would assist the Council in having a better informed view of what was taking place in its area.

Resolved:

That Cabinet:

- a) notes the report presented;
- b) approves the revised Major Incident Plan and recommends its adoption to Council, and
- c) agrees that any minor amendments to the Plan are delegated to the Corporate Director for Public Health and Public Protection in consultation with the appropriate cabinet member.

Reason for Decision

Approval of the Major Incident Plan would ensure compliance with the Civil Contingencies Act 2004, and allow subsequent training and exercising on the plan to improve the Council's state of readiness and resilience.

83 Dog Control Orders

Councillor Keith Humphries, Cabinet member for Public Health and Public Protection presented a report which sought Cabinet approval for the making of four Dog Control orders which would provide consistency across Wiltshire.

It was also proposed to revoke existing Orders made by the predecessor authorities and to set the fixed penalty amount at £75. Cabinet noted that ongoing discussions were taking place with parish and town Councils about possible additional Control Orders.

Councillors whilst content with the proposals, expressed concern over the continuing problem of dog fouling and the enforceability of such Orders when it came to dog fouling. Councillors referred to a range of measures and initiatives adopted by some parishes and community areas to tackle the problem. It was agreed that in raising awareness over Cabinet's decision on the adoption of these new Orders, the opportunity should be taken to highlight the positives and the range of good practices which had been successfully adopted by some parishes and community areas.

Resolved:

That Cabinet:

- (a) approves the making of the following Dog Control Orders:

- (i) **The Fouling of Lands by Dogs (Wiltshire Council) Order 2012**
- (ii) **The Dogs Exclusion (Wiltshire Council) Order 2012**
- (iii) **The Dogs on Lead by Direction (Wiltshire Council) Order 2012**
- (iv) **The Dogs on Lead (Wiltshire Council) (Box Recreation Ground) Order 2012**

(b) revokes existing Orders made by predecessor Authorities and

(c) notes the ongoing discussions taking place with Parish and Town Councils regarding additional Control Orders specifically relating to dogs on leads and

Reasons for Decision

Existing Dog Control Orders across the County are inconsistent or non-existent. The proposal seeks to harmonise Orders in order to provide equity to all inhabitants of Wiltshire.

84 Annual Governance Statement 2011-2012

Councillor John Brady, Cabinet member for Finance, Performance and Risk presented a report which sought Cabinet's comments on the draft Annual Governance Statement (AGS) for 2011/12. The AGS would also be considered by the Standards Committee on 30 July. The views of Cabinet and the Standards Committee would be considered by the Audit Committee as part of its final approval of the AGS on 7 September 2012.

Cllr Brady explained that the AGS demonstrated how the Council was meeting the six principles of good governance adopted in its Code of Corporate Governance.

Cllr Brady referred to the views of the Audit Committee when it initially considered the AGS at its meeting on 20 June 2012 as recorded in the minute of the meeting as presented. Cllr Brady explained that he was satisfied that the AGS had been amended in light of the comments of the Audit Committee.

Resolved:

(a) That the draft Annual Governance Statement be supported.

(b) To note that the draft Annual Governance Statement would be revised in the light of any comments by Cabinet, the new Standards Committee, and ongoing work by the Governance Assurance Group before final consideration by the Audit Committee on 7 September 2012 and publication by 30 September 2012.

Reasons for Decision

To prepare the Annual Governance Statement 2011/12 for publication in accordance with the requirements of the Audit and Accounts Regulations.

85 **Highways Consultancy Contract**

Councillor Dick Tonge, Cabinet member for Highways and Transport presented a report on the award of the Highways Consultancy Contract.

A large proportion of the Council's highways functions were currently delivered and managed by the Highways Consultancy Contract, with the existing contract ending in November 2012, there was a need to procure a new contract.

Councillor Tonge explained that a review of existing and future expenditure and requirements for the highways service was carried out in 2011 and considered options for future provision of the service. It was concluded that tenders should be invited for a new Highways Consultancy Contract to start on 1 December 2012. He explained the main considerations for the Council and in particular highlighted:

- The options considered
- The scope of the contract
- Attracting potential bidders
- The tendering process
- The tender assessment
- Quality assessment
- Price assessments; and
- Bid comparisons

Tenders had been invited in accordance with the Council's procurement procedures. The six tenders received had been assessed in terms of quality and cost, using Quality/Price considerations of 50/50 as outlined in the report to Cabinet on 15 November 2011. The detailed scoring and financial information was contained in a confidential report considered during Part 2 of the meeting (minute no. 88 below refers).

Resolved:

That the process adopted for the Highways Consultancy Contract be noted.

Reasons for Decision

- (i) There is a need for specialist advice and support in connection with roads, bridges and related services, and this would be most economically provided by a Highways Consultancy Contract.
- (ii) The tenders were assessed in terms of Quality/Price division of 50/50 as set out in the report to Cabinet on 15 November 2011. The quality of the service is important because the contract is substantially involved with design work. Poor quality design can have a disproportionate effect on construction costs, especially in terms of capital road and bridge maintenance work which will form a large proportion of the workload.
- (iii) The most advantageous for the Council, taking into account quality and price, should be accepted in accordance with the procurement procedures. The detailed scoring and financial information is contained in a confidential report to be considered in Part 2 of this meeting.

86 **Urgent Items**

There were no urgent items.

87 **Exclusion of the Press and Public**

Resolved:

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 minute number 88 below because it was 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.

88 **Highways Consultancy Contract**

Cllr Dick Tonge, Cabinet Member for Highways and Transport presented a confidential report which included exempt information in relation to the item at minute number 85 above.

Cllr Tonge guided members through the report and in particular the various evaluation assessments and scoring in respect of the tenders received. Cllr Tonge also responded to questions from members.

Resolved:

- a) That the Highways Consultancy Contract be awarded to Consultant B as referred to in the report presented, namely the company Atkins.**
- b) Cabinet authorises the Service Director for Highways and Transport in consultation with the Cabinet Member for Highways and Transport to satisfy themselves as to the details regarding the Contract, and then to take all necessary steps to enter into the New Highways Consultancy Contract.**
- c) That the current contractor, Mouchel be thanked for the manner in which it had served the Council in delivering the highways service since 1999.**

(Duration of meeting: 10.30am - 11.55am)

These decisions were published on the 27 July 2012 and will come into force on 6 August 2012.

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