

Cabinet

MINUTES OF THE CABINET MEETING HELD ON 7 MAY 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Jane Davies, Cllr Nick Holder, Cllr Dominic Muns, Cllr Tamara Reay and Cllr Ashley O'Neill

Also Present:

Cllr Richard Budden, Cllr Clare Cape, Cllr Nick Dye, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Jerry Kunkler, Cllr Robert MacNaughton, Cllr Dr Brian Mathew, Cllr Martin Smith and Cllr Ian Thorn

60 Apologies

Cllr Jane Davies arrived after the start of the meeting.

61 Minutes of the Previous Meeting

The minutes of the meeting held on 16 April 2024 were presented for consideration.

Resolved:

To approve and sign the minutes of the meeting as a true and correct record.

62 Declarations of Interest

There were no declarations of interest.

63 Leader's Announcements

There were no Leader announcements.

64 Public Participation and Questions from Councillors

Agenda [Supplement 1](#) included details of questions submitted for the meeting by Dr Jimmy Walker and Margaret Wilmott together with responses.

Cllr Ian Thorn read a statement about comments he made at the previous Cabinet meeting. He had since been advised by the Director of Law and Governance that some of his questions had broken the member protocol. Cllr Thorn apologised for his questioning and explained that he did not wish to undermine members. The Leader of the Council thanked Cllr Thorn for his statement and reminded the meeting that the Code of Conduct is there to protect all members.

The Leader provided verbal responses to questions from Cllr Thorn at the meeting, details of which are to be included in an updated Supplement 1. The Leader and Cllr Holder then responded to a number of supplementary questions which are also to be included in an updated supplement 1.

65 **Corporate Performance and Risk Report 2023-24 Q4**

Cllr Richard Clewer, Leader of the Council and Cabinet Member Military-Civilian Integration, Health and Wellbeing, Economic Development, Arts, Heritage, and Tourism presented a report providing updates on the progress against stated missions in the Council's Business Plan.

The Leader explained that the report provided measures of performance using data available at the end of Q4 and risks as they are at the time the report was produced. He welcomed the improvements to the number of visits to council-run leisure centres and libraries, and the reduction in the number of households in temporary accommodation.

Cllr Laura Mayes, Deputy Leader of the Council and Cabinet member for Children's Services, Education and Skills reported that school performance was an area of focus with data being scrutinised to improve performance levels.

Cllr Graham Wright, Chair of the Overview and Scrutiny Management Board, reported that the Committee would be considering the report in detail at their meeting on 29 July 2024.

Cllr Ian Thorn, Leader of the Liberal Democrat Group commented on education performance including the educational gap for phonics and Key Stage 4, capacity issues for the social care market and management of housing development. In response, Cabinet members explained that for some of the education performance figures caution should continue to be applied when making comparisons, they confirmed that the figures are a work in progress and performance is monitored and under constant review, the social care market continues to be monitored with possible interventions and piloting of alternative support options, and details of the mitigation actions in relation to the failure to manage housing development risk were detailed in appendix 2 to the report.

Other comments and issues raised during the discussions included the delivery of affordable housing, the number of Section 106 renegotiations over the last couple of years, how far into the lifetime of the current Local plan, communication to increase voter turnout for Neighbourhood Plan Referendums and other referendums, flyposting, the difficulty in assessing the metrics for reported P1 potholes in an ever-changing environment and to consider changing the metric used to measure the percentage of roads resurfaced to that used by Oflog. In response, Cabinet Members explained that the delivery of 650 affordable homes per financial year is a broad figure set over an 18 year period and it was noted that a current downturn in the housing market impacted the delivery from housebuilders, the demand for social housing remained high and the small increase in the total number of households on the housing register represented a success when compared to national figures, a written response

would be provided for the comments on Section 106 renegotiations and detail about how far into the lifetime of the Local Plan, residents are informed when there is a need to vote on a Neighbourhood Plan and maybe local members need to encourage local residents to take up their right to vote on this issue, a discussion on flyposting can be held outside of the Cabinet meeting with the appropriate Cabinet Member, the schedule of roads to be resurfaced needs to be realistic, the Environment Select Committee would need to be involved in discussions about changes in metrics it considers in future detailed reports, and a review would be undertaken on the data points to ensure information is relevant for future Performance and Risk reports.

Resolved:

To note and agree:

- 1. Performance against the selected measures mapped to the Council's strategic priorities.**
- 2. The Strategic Risk Summary.**

Reason for Decision:

To provide Cabinet with a quarterly update on measures used to monitor progress against the 10 missions laid out in Wiltshire Council's Business Plan 2022-32.

The Strategic Risk Summary captures and monitors significant risks facing the Council, in relation to in-service risks facing individual areas and in managing its business across the authority.

This is supported by, and in compliance with, the Council's Corporate Performance and Risk Policy.

66 **Risk Management Policy**

Cllr Richard Clewer, Leader of the Council and Cabinet Member Military-Civilian Integration, Health and Wellbeing, Economic Development, Arts, Heritage, and Tourism presented a report introducing a new Risk Management Policy setting out the processes by which risks will be managed across the Council.

The Leader explained Wiltshire Council uses risk management, alongside performance monitoring, service planning and budget setting, to ensure that the work undertaken by the Council's services continues to deliver the stated priorities of the Council, making the best use of available resources. He commented on the current matrix for scoring risks and confirmed that this has been replaced by a 5x5 matrix allowing a more granular assessment of risk scores and support easier mapping of risks for joint projects and contracts, saving officer time.

Cabinet was informed that the proposed Risk Management Policy addresses the gaps and recommendations raised by a 2023 internal audit of the Council's

risk management processes, which found that the current risk management framework was not effective. The new policy incorporates best practice from across the sector and aligns the Council's risk management processes with external partners and other local authorities. It ensures that risk management processes are robust and meet the high standards expected of the Council's governance structures.

Cllr Graham Wright, Chair of the Overview and Scrutiny Management Board, reported that the Committee would be receiving a briefing on 14 May 2024.

Cllr Iain Wallis, Chair of the Audit and Governance Committee, reported that the Committee considered the updated Risk Management Policy at its meeting on 7 February 2024. The Committee sought details on the types of risks included within the policies, how these would be monitored, and how the Council would respond to emerging risks. The Committee noted and welcomed the developments taking place to improve the Council's risk management process.

Resolved:

To approve:

- 1. Adoption of a new Risk Management Policy for the Council.**
- 2. Delegation to the Council Leader the authority to approve amendments that do not make material changes to the policy.**
- 3. Delegation to the Director of Legal and Governance the responsibility for the policy's implementation.**

Reason for Decision:

The current Performance and Risk Management Policy was last updated in 2019 and is therefore due a review. Updates are required in order to incorporate a review of risk appetite requested by the Audit and Governance Committee in May 2023, and recommendations made by a 2023 internal audit on risk management processes.

67 **Revised New Forest Mitigation Strategy to manage recreational pressures on the New Forest Protected Sites**

Cllr Nick Botterill, Cabinet Member for Finance, Development Management and Strategic Planning presented a report to confirm the revised strategic approach that Wiltshire Council will adopt in order to mitigate recreational impacts associated with new developments within the identified zones of influence on the New Forest protected sites.

Cllr Botterill explained that the revised approach had been developed alongside the draft Local plan and will support delivery of planned growth within the zones of influence. The allocations in the draft Local Plan and any windfall

development coming forward for new residential and tourism development over the next plan period will need to adhere to the revised requirements in the new mitigation strategy, in respect of Suitable Alternative Greenspace / Green Infrastructure and a contribution to Strategic Access Management and Monitoring measures.

Cabinet noted that the implementation of the proposed revised strategic approach to mitigation will ensure a consistent strategic approach across the local authority areas that lie within the zone of influence and co-ordination with the other Local Planning Authorities on the New Forest Strategic Mitigation Project Steering Group. It will also ensure that in-combination effects of housing across the zone of influence can be suitably addressed and offset.

The Leader in supporting the comments made by Cllr Botterill reported that about 10% of the New Forest is in the Wiltshire boundary and that he is a Council representative on the New Forest National Park Authority, although this was not a declaration of interest for the purposes of this discussion and vote on the proposals.

In response to questions from Cllr Ian Thorn, Leader of the Liberal Democrat Group and Cllr Brian Mathew, the Leader, Cllr Botterill and officers confirmed that the New Forest National Park Authority and the New Forest District Council had their own Local Plans which were acknowledged in the Wiltshire Council draft Local Plan, that the mitigation measures do not encourage additional development in the national park and include one-off charges.

Cllr Jerry Kunkler, Chair of the Environment Select Committee, reported that he had received a briefing on the revised Strategy on 30 April 2024. The briefing was an update on the current situation and how this strategy replaces an interim approach developed alongside the New Forest National Parks Authority and neighbouring planning authorities. Discussions were held on the area that this strategy covered, the size of the individual contributions proposed from new developments and how the strategy would be monitored. He endorsed the proposals and thanked officers for the briefing.

Resolved:

- 1. To approve the revised strategic approach to mitigating the visitor and recreational pressure on the New Forest protected sites arising as a result of development in Wiltshire.**
- 2. To agree that in accordance with the requirements of the Habitats Regulations and case law the revised strategic approach applies to all qualifying development seeking outline, full, reserved matters and discharge of condition approval.**
- 3. To agree the initial price for the SAMM will be £600 (plus legal and admin fees) per dwelling, subject to annual review.**

4. **Notes that the ring-fenced CIL fund will cover all completions covered under the interim strategy until the new strategy is in place and that any remaining CIL fund will be used to help deliver a transition phase for live planning applications.**
5. **Delegates authority for the Corporate Director of Place in consultation with the Cabinet Member for Finance, Development Management and Strategic Planning to finalise the new strategic mitigation strategy.**

Reason for Decision:

To demonstrate the Council's ongoing commitment to deliver a recreation mitigation strategy that is sufficiently robust to address recreational pressure on the New Forest protected sites arising from development in Wiltshire. To seek approval for revisions to the Council's New Forest recreation mitigation strategy, given that the current strategy comprises an interim strategy; to set the price for revised strategic mitigation and to agree the revised funding mechanism.

Also, to ensure consistency of approach with other Local Planning Authorities (LPAs) whose authority areas likewise fall wholly or partly within the defined 13.8km zone of influence that is applicable in respect of recreational pressure on the New Forest protected sites.

68 **Provision of a range of accommodation for care experienced children and young people and unaccompanied asylum seeking young people**

Cllr Laura Mayes, Deputy Leader of the Council and Cabinet Member for Children's Services, Education and Skills presented a report outlining proposals to commission an Ofsted registered provider to operate supported accommodation for care leavers and unaccompanied asylum seekers and complex residential accommodation.

The Deputy Leader explained that these would be commissioned via a tender exercise through two separate tenders. Firstly, supported accommodation for care leavers and unaccompanied young people seeking asylum and secondly for residential accommodation for children and young people with complex needs. She reminded Cabinet that Full Council in February 2024 approved capital investment of £10.560m providing housing for 68 care experienced and asylum seeking young people and £1.6m providing children's residential homes for children with complex needs in Wiltshire.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the proposals and asked about the capital costs associated with the purchase of properties and reducing revenue costs. Officers confirmed that costs would be easier to control with placements being local to Wiltshire and the provision of wrap around support.

Cllr Jon Hubbard, Chair of the Children's Select Committee, reported that he and Cllr Johnny Kidney, Vice-Chair of the Children's Select Committee received

a briefing on 1 May 2024. They welcomed the opportunity to be briefed and supported the proposals before Cabinet. Cllr Hubbard highlighted one issue of concern relating to Child and Adolescent Mental Health Services (CAHMS) funding not being confirmed at the time of the briefing. The Deputy Leader confirmed that the project was not dependent on CAMHS funding. However, the Council is working with CAMHS on how the Council provide support to highest level for these projects, and they have been fully engaged in the process to date.

Resolved:

To approve:

- 1. To undertake a procurement exercise to go out to tender and commission an external Ofsted registered provider to operate services for supported accommodation. The contract length will be 5 years with the option to extend for a further 5 years.**
- 2. To undertake a procurement exercise to go out to tender and commission an external Ofsted registered provider to operate services for complex residential homes. The contract length will be 5 years with the option to extend for a further 5 years.**
- 3. For officers continue to undertake to prepare and complete the tender programme, award and implement a new contract for both services.**
- 4. To delegate authority to approve, award a new contract and future extensions, approve all associated documents and make any other decisions deemed relevant and proportionate to the Director of Families and Children's Services, and Corporate Director – People, in consultation with the Cabinet Member for Children's Services.**

Reason for Decision:

- 1. Increase capacity of supported accommodation for care experienced young people and unaccompanied young people seeking asylum to support them to live within Wiltshire to meet current and future demand.*
- 2. Increase the capacity of children's residential accommodation to meet the needs of those children and young people with complex needs within Wiltshire.*
- 3. Provide housing and commission external providers.*

69 **Appropriation of land for Planning Purposes**

Cllr Tamara Reay, Cabinet Member for Transport and Assets presented a report which requested the appropriation for planning purposes land at Darcy Close and the Former Resource Centre, Cherry Orchard, Marlborough.

Cllr Reay explained that in order to ensure that development of those sites is not prevented through covenants over the lands, it was proposed that Cabinet approve their Appropriation for Planning Purposes. The proposals would then mean that any beneficiary of those covenants cannot legally stop development, but would be entitled to compensation for loss, if any.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the proposals and asked about the covenants for both sites. In response to the question Cllr Reay along with officers explained that the acquisition of Darcy Close was necessary to satisfy conditions attached to the development of Rawlings Green that received planning permission in October 2021. The Cherry Orchard site was declared surplus by Cabinet in 2017 and in July 2019 it was agreed to transfer the site to the Stone Circle Company.

Cllr Clare Cape asked about the impact on traffic using roads from the Rawlings Green development to Darcy Close and into Station Hill, Chippenham. Cllr Reay explained that Highways would have been a consultee during the planning application stage, although a written response would be provided.

Resolved:

Cabinet appropriates for planning purposes the land at Darcy Close and part of the cycleway on the disused railway line, Chippenham for planning purposes (as shown on the plan in Appendix 1 to the report) and the Former Resource Centre, Cherry Orchard, Marlborough (as shown on the plan in Appendix 2 to the report) under section 122 of the Local Government Act 1972.

Reason for Decision:

To enable development to take place, for which planning permission has been granted, subject to conditions.

The Council will generate capital receipts.

70 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 - 11.55 am)

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

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