

AGENDA

Meeting: **Cabinet**
Place: **The Kennet Room - County Hall, Trowbridge BA14 8JN**
Date: **Tuesday 21 June 2022**
Time: **10.00 am**

Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Trowbridge, direct line 01225 718221 or email stuart.figini@wiltshire.gov.uk

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All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Clewer	Leader of the Council and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing
Cllr Laura Mayes	Deputy Leader and Cabinet Member for Children's Services, Education and Skills
Cllr Jane Davies	Cabinet Member for Adult Social Care, SEND, Transition and Inclusion
Cllr Phil Alford	Cabinet Member for Housing, Strategic Assets and Asset Transfer
Cllr Ian Blair-Pilling	Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management and Operational Assets
Cllr Nick Botterill	Cabinet Member for Finance, Development Management and Strategic Planning
Cllr Dr Mark McClelland	Cabinet Member for Transport, Waste, Street Scene and Flooding
Cllr Ashley O'Neill	Cabinet Member for Governance, IT, Broadband, Digital, Licensing, Staffing, Communities and Area Boards

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The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

Part I

Items to be considered while the meeting is open to the public

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

1 **Apologies**

2 **Minutes of the previous meeting** (*Pages 7 - 18*)

To confirm and sign the minutes of the Cabinet meeting held on 26 April 2022 previously circulated.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Leader's announcements**


5 **Public participation and Questions from Councillors**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Questions may also be asked by members of the Council. Written notice of questions or statements should be given to Stuart Figini of Democratic Services stuart.figini@wiltshire.gov.uk 01225 718221 by 12.00 noon on Wednesday 15 June 2022. Anyone wishing to ask a question or make a statement should contact the officer named above.


6 **Capital Strategy for Early Years Provision** (*Pages 19 - 46*)

Report of the Chief Executive


7 **Children's Centre Services Contract Extension** (*Pages 47 - 54*)

 Report of the Chief Executive


8 **Procurement of Passenger Transport Contracts** (*Pages 55 - 64*)

 Report of the Chief Executive

9 **PHNS Future Delivery Model** (*Pages 65 - 78*)

 Report of the Chief Executive

10 **Disposals Programme Update** (*Pages 79 - 88*)

 Report of the Chief Executive


11 **Integrated Care System** (*Pages 89 - 98*)

Report of the Chief Executive

12 **Update on the Wiltshire Towns Programme** (*Pages 99 - 112*)

Report of the Chief Executive

13 **Change in commissioning care at Furlong Close** (*Pages 113 - 120*)

 Report of the Chief Executive

14 **Urgent Items**

Any other items of business, which the Leader agrees to consider as a matter of urgency.

Part II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

15 **Exclusion of the Press and Public**

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

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 Number 16 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.

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

16 **PHNS Future Delivery Model** (*Pages 121 - 218*)

 Report of the Chief Executive

Reason for taking item in private:

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

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Cabinet

MINUTES OF THE CABINET MEETING HELD ON 26 APRIL 2022 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Jane Davies, Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill and Cllr Dr Mark McClelland

Also Present:

Cllr Gavin Grant, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Dr Brian Mathew, Cllr Caroline Thomas, Cllr Suzanne Wickham, Cllr Tamara Reay and Cllr Stewart Palmen

32 Apologies

Apologies were received from Cllr Laura Mayes and Cllr Ashley O'Neill.

33 Minutes of the previous meeting

The minutes of the meeting held on 29 March 2022 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 29 March 2022.

34 Declarations of Interest

There were no declarations of interest.

35 Leader's announcements

The Leader announced a change to Cabinet Member responsibilities, as follows:

- The responsibility for Climate Change to transfer from Cllr Botterill to the Leader;
- The interim responsibility for Finance, Procurement and Commissioning to transfer from the Leader to Cllr Botterill.

36 Public participation and Questions from Councillors

General questions were submitted from the following member of public:

- Mel Boyle – future Chippenham / economic regeneration

Cllr Richard Clewer, Leader and Cabinet member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing explained that the above questions had received written responses which were published on the Council's website prior to the meeting in the agenda supplement, which can be accessed [here](#).

37 **Home Care (Adults) Recommissioning**

Cllr Jane Davies, Cabinet Member for Adult Social care, SEND, Transition and Inclusion presented the report which provided an update on the Wiltshire Council procurement process for homecare services and set out the approach being taken.

Cllr Davies explained that the three joint commissioning priorities, detailed in the report, supported the working themes in the Council's business plan 2022 to 2032. Cabinet noted that Homecare plays a vital role in meeting these priorities in the local health and care system, and the importance of having a sustainable homecare market providing flexible and good outcome-focussed care.

The report detailed the proposals to support the tender and award of a new contract for homecare services, to be called the Wiltshire Living Well at Home (WLW@H) – Alliance. It set out the background, purpose, scope, plan, risks and benefits of the proposed approach to recommission homecare provision in Wiltshire. It was noted that the current contract ended on 31 October 2022.

Cllr Alford welcomed the new approach in particular the increase in the number of smaller geographical zones to help providers create more efficient runs, decreasing travel times, support more effective recruitment and enable more targeted offers of packages of care.

Cllr Gordon King, Vice-Chair of the Health Select Committee confirmed that he, Cllr Johnny Kidney, Chair of the Health Select Committee had met with the Cabinet member and officers on 5 April 2022 to discuss the report. The Members noted the progress being made over the last 4 years and challenges of operating the 3-zone model. The members welcomed the new approach and supported the proposals in the report. They asked officers to provide an update on progress to the Health Select Committee on 18 January 2023.

In response to questions, Cllr Davies confirmed that the Shared Lives Programme had been taken into account alongside the development of the new approach, officers had profiled demand, and the management costs of providing the service would be structured to allow for a living wage.

Resolved:

- 1. That officers continue to undertake to prepare and complete the tender programme, award and implement a new contract for homecare by 01 November 2022.**

2. **To endorse the approach and agree that officers continue with actions identified in the tender timeline (see paragraph 48), which includes:**
 - **Developing and implementing a service model informed by demand and supply analysis (see Appendix 1) and market engagement**
 - **Route to market through a Pseudo Dynamic Purchasing System (DPS)**
 - **Implementing a pricing strategy to manage tender price submissions**
 - **Creating a flexible framework to allow innovation and incentivise payments to help reduce registered homecare provision**

3. **To delegate authority to approve and implement the evaluation pricing strategy, award a new contract and future mini competitions and all associated documents to the Director Procurement & Commissioning in consultation with the Cabinet Member for Adult Social Care, SEND and Transition and Inclusion, the Corporate Director People and Corporate Director Resources/Deputy Chief Executive.**

Reason for Decision:

The purpose of this paper is to provide an update to Cabinet on the Wiltshire Council procurement process for homecare services and sets out the approach that is being taken.

Cabinet is asked to authorise the method outlined to complete a tender process that delivers value for money through the new contract.

This report is seeking approval to delegate authority to award contracts, in relation to the services being commissioned by Wiltshire Council (see paragraph 34).

38 **Procurement of Wiltshire Domestic Abuse Support Services**

Cllr Ian Blair-Pilling, Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management and Operational Assets presented the report seeking agreement to undertake a procurement process to secure future domestic abuse support services in Wiltshire.

Cllr Blair-Pilling reported that the current contract, commissioned jointly by the Council and Office for the Police and Crime Commissioner will expire on 31 March 2023. He confirmed that the service contributes towards the Councils business plan outcomes of strong communities and protecting the vulnerable.

Domestic abuse continued to impact the lives of many living in Wiltshire. The introduction of the Domestic Abuse Act 2021 placed a duty on local authorities in England, to provide support to victims of domestic abuse and their children within refuges and other forms of safe accommodation.

The Cabinet noted that the proposed contributions to the Domestic Abuse Pooled Budget from each partner would see a reduction over the current contributions from 1 April 2023, reflecting the disaggregation of the domestic abuse and sexual violence elements of the contract, to be procured separately, with the Office of the Police and Crime Commissioner leading on the sexual violence support element.

Cllr Gordon King, Vice-Chair of the Health Select Committee confirmed that he, Cllr Johnny Kidney, Chair of the Health Select Committee had met with the Cabinet member and officers on 5 April 2022 to discuss the report. The Members noted the detail about the expiration of the contract and the need to commence the procurement of a new contract, the disaggregation of the domestic abuse and sexual violence elements of the contract and the success in securing a grant for the current financial year of £830,051 to provide support for victims and their children. Cllr King indicated that scrutiny would keep an interest in the procurement and possibly ask officers to provide an update on service provision to a future Health Select Committee.

Cllr Gavin Grant welcomed the continuing provision of the service and sought clarification about out of hours reporting capacity and the division of responsibilities for domestic abuse and sexual violence between partners. Cllr Blair-Pilling confirmed that reporting capacity would be considered in the new contract and joint working would continue with partners and there would be no change to the level of service provided.

Resolved:

- 1. Agree that a procurement process is undertaken to enable the provision of future domestic abuse support services in Wiltshire**
- 2. Delegate authority for awarding the contract to the new service provider/s to the Chief Executive, in consultation with the Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management and Operational Assets, Corporate Leadership Team and the Director of Public Health**

Reason for Decision:

The current contract expires in March 2023 and to prevent a gap in service delivery to a vulnerable client group, this paper seeks the endorsement from Cabinet to commence the next steps in the commissioning processes and develop an appropriate service model which continues to meet the needs and demands underpinned by the local evidence-base.

39 **Substance Misuse Recommissioning Report**

Cllr Ian Blair-Pilling, Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management and Operational Assets presented the report seeking authority to commence the procurement process to secure future substance misuse support services for both drugs and alcohol in Wiltshire.

Cllr Blair-Pilling reported that tackling substance misuse has been a priority both nationally and locally in Wiltshire for many years, with the Council's Public Health team being lead commissioner of both young people and adult's substance misuse services. It was noted that to date both of these services had been commissioned separately and both due to expire on 31 March 2023. The report presents the rationale to support a single, integrated substance misuse service across the life course for Wiltshire residents.

Cabinet members noted the importance of the service being accessible to rough sleepers and those suffers with mental health, and that metrics associated with the effectiveness of the service would be available in due course.

Cllr Gordon King, Vice-Chair of the Health Select Committee confirmed that he, Cllr Johnny Kidney, Chair of the Health Select Committee had met with the Cabinet member and officers on 5 April 2022 to discuss the report. The Members noted that the contract ended on 31 March 2023 and there is a need to commence the procurement of a new contract. They also noted the decision to no longer co-commission with Swindon Borough Council and the move towards a 'lifecourse approach'. Cllr King indicated that scrutiny would ask officers to provide an update on service provision to a future Health Select Committee.

Resolved:

- a) Agree a procurement process is undertaken for a joint young people and adults' substance misuse service to enable the provision of future services in Wiltshire from 2023.**
- b) Delegate authority for awarding the contract to the new service provider/s to the Director of Public Health in consultation with the Corporate Leadership Team and Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management and Operational Assets.**

Reason for Decision:

The current contracts will expire on 31st March 2023, this paper asks Cabinet to agree the recommissioning of substance misuse services in Wiltshire.

Wiltshire's health needs assessment identified a need to strengthen the offer for young people transitioning into adult specialist support services, therefore we are proposing a single, integrated life course model which would help support young people transitioning and reduce disengagement.

The commissioning of substance misuse services is funded by the Public Health grant, with contributions from the Office of the Police and Crime Commissioner (OPCC), under the responsibility of the Director of Public Health. Delegating responsibility for contract award, reduces award delay and negates the potential for a gap in service delivery.

40 **Allocation of Community Infrastructure Levy Strategic Fund**

Cllr Nick Botterill, Cabinet Member for Finance, Development Management, Strategic Planning presented the report (i) seeking approval for an update to the Infrastructure List and further allocations of the Community Infrastructure (CIL) Levy strategic fund to three projects and (ii) provided an update on work to be undertaken to profile the future spending of CIL strategic funds and propose reporting arrangements for the allocation of funding.

Cllr Botterill provided an update on the financial information provided at paragraphs 37 and 38 of the report, which should now read:

Para 37 - Commitments to date have been made for circa £22.84m of the Council's CIL Strategic Fund, leaving a figure of £7.76m as of 31 March 2021, which has grown further during 2021/22.

Para 38 - The proposals for new funding allocations as set out in this report total circa £1.56. This would leave at least £6.2m in the strategic fund.

Cllr Botterill explained that CIL was unable to meet all the demands placed on it. The report proposed allocations being made from the Strategic CIL Fund in relation to air quality monitoring infrastructure, the Trowbridge Bat Mitigation Strategy, and walking and cycling infrastructure improvements. Associated costs were detailed in the report with £6.2m remaining in the strategic fund. He also mentioned that future updates on CIL allocations would be reported as part of the quarterly budget reporting to Cabinet.

The Leader commented on the Trowbridge Bat Mitigation Strategy explaining that it was an important area for conservation and to unlock development.

Cllr Jerry Kunkler, Chair of the Environment Select Committee confirmed he along with Cllr Bob Jones, Vice-Chair of the Environment Select Committee and Cllr Graham Wright, Chairman of the Climate Emergency Task Group had received a briefing about the allocation of CIL Fund on the 22 April 2022. The members welcomed the report and in particular the proposed allocation of CIL funding to walking and cycling projects. They considered what happens to funding allocated but not spent by Local Highways and Footpaths Improvement Groups (LHFIGs) and how the air quality infrastructure funding might be used. They endorsed the approach adopted.

Cllr Gavin Grant commented on the additional funding of £400,000 from the Highways Integrated Transport Grant, the £400,000 diverted from Area Board

capital towards LHFIGs and sought clarification on the officer component of the allocation. Officers confirmed that Council approved an increase of £400,000 in February 2022 towards LHFIGs (previously CATG), a reallocation from the existing £800,000 funding for Area Board capital grants. This increase would generate additional workload for officers amounting up to a potential £250,000 a year. This would be funded from the amount allocated by Council in February 2022. The allocation of up to £400,000 from CIL funding as detailed in the report (proposal at (ii) (a)) does not include any element for officer time. The Leader observed that there could be potential for a wider allocation of Area Board capital funding to LHFIGs for a suitable scheme.

Cllr Dr Brian Mathew welcomed the increase in funding allocation to mitigate the impact of recreational pressures on bat habitats and raised the issue of the inclusion of swift bricks and bee bricks as a part of new developments. The Leader highlighted that discussions of this nature had been held in relation to new developments, along with the placement of the bricks within the development as a whole and in some new developments they have been integrated as appropriate.

Resolved:

i. Approves the updating of the Infrastructure List to include:

“Infrastructure projects identified through the Local Highways and Footpaths Improvement Groups (LHFIG) that provide for pedestrian and cycle improvements”.

ii. Approves the allocation of:

a) Subject to the approval of (i), up to £400,000 to the LHFIG programme for projects that relate to pedestrian and cycle improvements.

b) Up to £160,500 for air quality infrastructure; and

c) An increase to the pot of funding allocated to mitigate the impact of recreational pressures on bat habitats associated with the Bath and Bradford on Avon Special Area of Conservation in line with the Trowbridge Bat Mitigation Strategy from £1.35m to up to £2.35m

iii. Agree that the quarterly financial reports to Cabinet be expanded where appropriate to include monitoring use of allocated CIL Strategic Fund spend and the allocation of this fund to new projects.

Reason for Decision:

To ensure the timely delivery of priority infrastructure to support the development of Wiltshire, avoid the need for borrowing and transparency in decision making regarding the use and spending of the Council's CIL Strategic Fund.

41 **Proposed change from CATG's to LHFIG's**

Cllr Dr Mark McClelland, Cabinet Member for Transport, Waste, Street Scene and Flooding presented the report which provided information about the recent increase in the remit of Community Area Transport Groups (CATGs) and approval of additional funds to allow this to progress.

Cllr Dr McClelland explained that CATGs have been operating since 2011 and involved in the delivery of over 1,000 schemes across the county, to improve road safety and encourage walking and cycling. To reflect the change in remit the Groups would be renamed as Local Highway & Footway Improvements Groups (LHFIGs).

The Cabinet noted that the Environment Select Committee undertook a review of the operation of the Groups, which included a survey of members and those involved in the CATGs. The results indicated that the majority considered that CATGs were an effective way of attracting and prioritising highway and transport investment and delivering improvements to the highways in a local area. Some responders suggested an increase in funding and support for the delivery of improved services.

Cllr Jerry Kunkler, Chair of the Environment Select Committee confirmed he along with Cllr Bob Jones, Vice-Chair of the Environment Select Committee and Cllr Graham Wright, Chairman of the Climate Emergency Task Group had received a briefing about proposed change from CATGs to LHFIGs on the 22 April 2022. The members welcome the change to LHFIG and recognise that this is building upon the success of CATGs by giving them more flexibility and funding. They considered how the changes will be implemented in the transition period and the flexibility in the membership of LHFIGs set out in the terms of reference. However, some concerns were expressed about whether there is capacity to deliver new projects. The Environment Select Committee asked for a review of the implementation of LHFIGs in 6 months time.

The Cabinet welcomed the proposals and suggestion from the Environment Select Committee for a review of the implementation process in 6 months time.

In response to comments from Cllr Gordon King about the capacity of CATGs to implement schemes and the sufficiency of CATG meetings held in a year, Cllr Dr McClelland confirmed that additional officer resources for LHFIGs were aimed at reducing the issues associated with CATGs and the number of LHFIGs meetings would be a matter for each Area Board LHFIG to determine.

In response to comments from Cllr Dr Brian Mathew about the costs associated with assessment of a scheme, publication of guidance on 20mph speed limits, Town and Parish Council contributions and Lyneham Banks landslide and impact on the budget, Cllr Dr McClelland explained that the Council follows Government guidelines in relation to 20mph zones and there is no intention of publishing a report on this matter, proposals for contributions from third parties were recommendations rather than a formal requirement as each Town and Parish Council have differing demands on their resources and this could be considered further during the review of the LHFIGs, the Council is not currently in a position to assess the costs of Lyneham Banks due to the landslide continuing to move, once this has stopped an assessment will be made.

In response to a comment from Cllr Gavin Grant about the suggestion detailed in Appendix B to the report that LHFIGs seek additional contributions from third parties towards schemes of 20% minimum, and asked if a guidance note could be made available to Parish Clerks informing them if this. Cllr Dr McClelland supported this suggestion and agreed to provide guidance to Parish Clerks on the matter.

In response to a comment from Cllr Caroline Thomas about the identification of a project at a later stage in funding cycle, there could be a very real risk that the project did not proceed and funding would be removed. Cllr Dr McClelland confirmed that this would be an issue considered in the review later in the year.

Resolved:

- 1. To approve the creation of the LHFIGs.**
- 2. That the revised Terms of Reference and Guidance Notes be adopted.**

Reasons for Decision:

The CATGs have clearly been an effective way of attracting and prioritising local highways and transport investment. They have facilitated community engagement and helped communities understand the potential for safety improvements on the highway network and the limitations because of legal, funding or other factors.

Increasing the remit and the budget provision is seen as a way of continuing the development of the Groups and furthering local involvement in Highway matters

42 **Integrated Urgent Care (IUC) Contract Extension**

Cllr Jane Davies, Cabinet Member for Adult Social Care, SEND, Transition and Inclusion presented the report which provided information about (i) the Urgent Care contract with Medvivo, (ii) a recent review of the contract by the Council and the CCG to inform recommendations for the potential extension of the contract, (iii) a request by Medvivo to increase the cost of the contract; and (iv)

the need for a review of the future urgent care delivery model to ensure it is fit for purpose and does not duplicate other services.

Cllr Davies reported that at the time of publishing the Cabinet report, the CCG agreed that it would jointly extend the contract with Medvivo for 1 year only with the Council. Since that time, the CCG has requested more time to consider its options. The recommendations remain the same as detailed in the report and below.

The Cabinet noted that the LGA High Impact Change Model and Better Care Fund require the development of a sustainable model for integrated urgent care and rapid response in crisis in line with the NHS Long Term Plan and NHS operating framework 2020/21. The model is required to be a form of community care that is available on the same day or within the 2-hour target for people assessed through the Integrated Urgent Care Clinical Assessment Service

The report detailed the costs of the service over the next 2 years and in particular an overall contract price increase of 16.4%, a significant proportion of which related to corporate overheads.

The Leader reminded Cabinet of the current levels of inflation and increases in the cost of living. He expressed a concern that requests to cover additional costs are greater than the cost of inflation, and these costs should be challenged in an appropriate way.

Cllr Gordon King, Vice-Chair of the Health Select Committee confirmed that he, Cllr Johnny Kidney, Chair of the Health Select Committee had met with the Cabinet member and officers on 25 April 2022 to discuss the report. The Members noted the reasons for the contract extension and welcomed the long-term aspiration to reduce handovers and duplication, recognising the landscape changes since the contract was originally awarded. Cllr King welcomed the opportunity of Scrutiny input into the development of future proposals.

Resolved:

- 1. Agree that the Council extends for 1 year (until April 2024) jointly with the CCG in additional to negotiating the price with Medvivo. The CCG has agreed to this option and that both parties will work collaboratively to develop options for post April 2024**
- 2. Note that officers will bring a report to a future Cabinet meeting for agreement on a future service model**

Reasons for Decision:

The proposals are following a review of the Urgent Care services which were necessary to make a decision by the 30 April 2022 to establish if the contract would be extended for a further 5 years from April 2023 until March 2028.

43 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 - 11.35 am)

The Officer who has produced these minutes is Stuart Figini of Democratic Services,
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Press enquiries to Communications, direct line ((01225) 713114 or email
communications@wiltshire.gov.uk

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Wiltshire Council

Cabinet

21 June 2022

Subject: Capital Policy for Early Years (EY) provision

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children, Education and Skills

Key Decision: Key Decision

Executive Summary

Early years settings enable the Local Authority to meet its statutory duty¹ to ensure there is sufficient childcare within Wiltshire. A new policy is required to agree how to replace 23 temporary units that are currently leased to our early years providers. Replacing these buildings will reduce the Council's financial liability in the longer term and will safeguard the 702 early years places currently provided by these organisations. This will enable the Council to continue meeting its statutory duty to ensure there is sufficient childcare within the county.

Proposal(s)

Wiltshire Council has a statutory duty to secure sufficient childcare across the county, and in order to be able to meet this duty, a new policy needs to be developed to ensure that these buildings can be replaced, and early years childcare is able to continue to be delivered.

The proposal is to contribute towards the replacement of 23 temporary buildings and this paper outlines the proposal over a ten-year term. There are no further settings that the Council will be required to provide capital support for. A capital bid has already been submitted for four buildings that have reached the end of their life.

Cabinet is recommended to;

1. Agree a policy to contribute towards the cost of replacing 23 existing building over a 10-year period assuming all other available options are explored such as other private landlords or maintained schools in the community area who could, due to falling birth rates have unused classroom space.
2. Agree that the future liability of the maintaining and further replacement or enhancement of the building would be the responsibility of the early years childcare provider

¹ [Childcare Act 2006 \(legislation.gov.uk\)](https://legislation.gov.uk)

3. Agree to a maximum contribution of 25% of the capital cost of a new building, (based on maximum total place funding of £24,382 per existing place) however, this will be limited to the number of places required at the time of application
4. Delegate any further decisions relating to this matter to the Director of Procurement and Commissioning in consultation with the Director for Education & Skills and Cabinet Member with responsibility for Children, Education, and Skills

Many of these buildings are in areas of high deprivation, and although the existing providers are responsible for replacing the building, the statutory duty to provide early years childcare is with the Local Authority. This policy will provide funding towards replacing these buildings, and ensure sufficient childcare remains available across the county.

The new policy will remove any future liability for repairs and maintenance, and the Council would continue to have a financial charge against the property to safeguard any contributions that would be made in case of the possible sale of the property. It would be the full responsibility of each organisation to provide capital funding for any future replacement buildings after the end of this process.

Reason for Proposal(s)

Early years settings provide essential childcare places to meet the demand from families and children. Buildings leased to providers by the Council are required in order to support this demand. Without ongoing investment, the Council will fail to meet its statutory duty in providing sufficient childcare places within Wiltshire, and children could be without an early years education place to meet their needs.

Terence Herbert
Corporate Director

21 June 2022

Subject: Capital Policy for Early Years (EY) provision

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children, Education and Skills

Key Decision: Key Decision

Purpose of Report

1. This report outlines the reasons that capital is required to replace old and unsustainable temporary buildings currently leased by a number of childcare providers, and a new policy to support the investment. The Council's Facilities Management team has undertaken a review of all the Wiltshire Council buildings used by early years providers in the preparation of this report. Further work has also been undertaken to obtain a clearer picture of the current situation of each building.

Relevance to the Council's Business Plan

2. The proposal is relevant to the following priorities and objectives laid down within 'Our Mission' in the Council's Business Plan²:

As a Council, we know our mission is to ensure:

- The people of Wiltshire are empowered to live full, healthy, and enriched lives.
- Our communities continue to be beautiful and exciting places to live.
- Our local economy thrives and is supported by a skilled workforce.
- We lead the way in how Councils and counties mitigate the climate challenges ahead.

For the early years the Plan aims to:

- Ensure children have the best start in life – and 'there are enough high-quality and accessible pre-school places
- Encourage our educational settings to strive for excellence in provision and achievement, using the best education establishments to help improve others.
- Provide high quality Early Years services from birth to five years

² <https://wiltshireCouncil.sharepoint.com/sites/Epichub/Shared Documents/Forms/AllItems.aspx?id=%2Fsites%2FEpichub%2FShared Documents%2FBusiness plan and Council strategies%2FBusiness Plan 2017-2027%2Epdf&parent=%2Fsites%2FEpichub%2FShared Documents%2FBusiness plan and Council strategies>

Background

3. Initially the Government allocated funding for expenditure between 1999 and 2002 to set up Sure Start Local Programmes (SSLPs) for children in areas of deprivation. One of the core services of a SSLP was to provide good quality play, learning and childcare³. During this time the Council was successful in securing funding to provide new childcare places within the most deprived areas of Wiltshire. This funded some of the temporary buildings currently leased to childcare providers in Wiltshire.
4. These early years settings are operated primarily by charities private or organisations. As these settings are not covered by the DFE school condition grant there is no capital funding available for refurbishment or replacement. No resources have been allocated to date by the Council to support the future of these buildings other than for repair and maintenance.
5. Wiltshire Council has a statutory duty to provide sufficient childcare across the county. In order to meet this duty, the Council needs to agree a policy around the replacement of these buildings so that childcare can continue to be delivered.
6. This paper proposes that Wiltshire Council contributes towards the cost to replace all of the 23 temporary units over ten years as they reach the end of their life.
7. Wiltshire Council currently lease 23 units to 22 early years settings, (one setting comprises of two buildings). Four of these buildings have reached the end of their intended lifespan and are classed as requiring replacement by the Council's Facilities Management Team.
8. The settings each provide between 16 and 57 early years places, with an overall total of 702 early years places that are at risk.

Initial Methodology by Facilities Management

9. A combination of desktop assessment and site visits have been undertaken to assess the condition of the temporary buildings. These have then been RAG rated based on the level of intervention required to maintain the building over the next 3 years, however it is expected that all 23 buildings will need replacing during the next 10 years.

Light intervention	Medium intervention	Full replacement
Minimal investment Focused on repair Some cladding replacements Relevel of the mobile Basic repairs to windows, doors, and floors.	More substantial investment Focused on replacement of elements Roofing repair or replacement Fixed wire/electrical changes Replacement fittings Replacement windows, floors, and doors	Full replacement of the unit within the next 1-3 years. Already beyond economical repair now

³ [\[Withdrawn\] Sure Start, childcare and disabled children: capital grants - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

10. The indicative costs of the interventions required are shown as a band in the table below. This is based on real cost from previous repairs, and replacement of similar buildings elsewhere in the estate, and is provided to give a guide of potential costs.

	Current indicative cost per building
RAG	Range
Green	£0.010m - £0.020m
Amber	£0.020m - £0.080m
Red	£0.340m - £0.590m

11. Full replacement of an individual temporary building represents a significant cost. While the bulk of this cost is the replacement building itself, other factors would need to be taken into consideration and may contribute to the cost. These include, but are not limited to:

- Removal of redundant building
- Improved foundations
- Improved or otherwise new services (drainage, electrics, water services)
- Consequential where heating, fire and plumbing systems have been integrated into the main school buildings
- Asbestos removal from the old unit (note that this may also be a factor in Green and Amber works)
- Access /delivery complications (cranes, building on site etc)
- Planning permissions, procurement, project management
- Unforeseen circumstances

12. Most leases agreed between Wiltshire Council and early years childcare providers are for a maximum term of five years at a time. If a building needs replacing within the life of a longer lease a break clause would be used to allow for the replacement of the building and the new lease to be put in place.

13. Many of the lease arrangements currently in place require the occupier to undertake internal repairs, with the Council managing the external repairs. In practice this may lead to minimal investment in internal repairs, and poor condition being tolerated by the occupier. These current arrangements could present a perverse incentive where repairs are left, in the knowledge / assumption that the Council will ultimately solve the problem.

14. No assessment has been made by Facilities Management of the wider suitability of these units and what standards would be expected of a modern preschool facility.

Initial report by Facilities Management

15. The 23 units have been RAG rated as below:

RAG	Number
Green	17
Amber	2
Red	4

16. Based on the RAG rating and cost banding, the Council has an initial estimated capital repair and maintenance liability of between £0.210m and £0.500m over the next 1-3 years, which is the Green and Amber rated buildings in the table below. The full replacement cost of the Red rated buildings is estimated at £2.341m.

	£	£	Cost band estimate
	Per building		Total cost
Green	£0.010m - £0.020m		£0.170m - £0.340m
Amber	£0.020m - £0.080m		£0.040m - £0.160m
			£0.210m - £0.500m

17. The table below indicates the properties Facilities Management RAG rated. All buildings indicated here are still required for the Council to meet its statutory duty to provide sufficient early years childcare within the county to meet demand.

Building no. URN	Current Provider Status	Tenure	Type	Lease Expiry	Green	Amber	Red	Number of places provided
104	Private	Lease	Pratten/mobile	0-1 years			X	28
140	CIO	Lease	Mobile	2-3 years	X			27
143	Not for Profit	Lease	Mobile	0-1 years			X	20
154	Private	Licence	Pratten	Over 5 years	X			20
176	Charity	Lease	Mobile	Over 5 years	X			57
178	Charity	Lease	Mobile	0-1 years	X			40
181	Charity	Lease	Mobile	0-1 years	X			41
213	Charity	Lease	Mobile	0-1 years	X			26
214	Private	Lease	Mobile / Shared	0-1 years	X			16

221	Charity	Lease	Land/mobile	0-1 years	X			52
224	Private	Lease	Mobile	Over 5 years	X			32
247	Charity	Lease	Mobile	0-1 years	X			37
270	Charity	Licence	Pratten	0-1 years			X	20
293	CIC	Lease	Mobile	0-1 years	X			30
294	Private	Lease	Pratten	0-1 years	X			40
299	Charity	Lease	Mobile	0-1 years	X			40
302	Charity	Lease	Mobile	0-1 years		X		40
304	Charity	Lease	Mobile	0-1 years	X			24
305	Charity	Lease	Rooms	2-3 years			X	30
313	Private	Lease	Mobile	0-1 years	X			20
315	Charity	Lease	Mobile	Over 5 years		X		24
324	Charity	Lease	Mobile	0-1 years	X			24

School Responsibilities and Exceptions

18. Schools that are maintained financially by the local authority and have early years provision on site which is run by the school, have the repairs and maintenance of the setting provided by Schools Places Team, and will not be part of the 23 buildings included in this scheme.
19. If an academy manages an early year setting, the academy trust holds the responsibility for the repair and maintenance of the setting, and the building and will not be part of the 23 buildings included in this scheme.
20. If a maintained school has a nursery on their site, which is run by a charity or private provider, this will be included in this scheme, and will be part of the 23 settings identified.

Other Considerations to factor in replacement

21. All buildings must comply with the Early Years Foundation Stage Statutory Requirements (EYFS)⁴. This relates to size of the usable classroom space, access to adequate outdoor space and rooms for meetings and staff room, safe preparation of food, adequate toilets, storage, and office space.
22. Replacement of these buildings cannot be allowed to disrupt the running of the school day. Careful planning to co-ordinate building work in the school holidays is required as far as possible, (although this may not be possible for all projects). This will also reduce the impact on the available childcare while the building work is undertaken.
23. Any permanent, brick buildings would not be included within the proposed policy, as it is only designed for the replacement of temporary buildings.

Proposed policy for replacement of existing buildings

24. The proposed policy is to contribute towards the replacement of all 23 temporary buildings as they come to the end of their life, over approximately a ten-year period. This will discharge the repairs and maintenance responsibility of the Council.

Process

25. Wherever possible, capital costs will be avoided – and all other available options will be explored such as other private landlords or maintained schools in the community area who could, due to falling birth rates have unused classroom space.
26. An assessment of sufficiency will also be carried out before any agreement to contribute towards a new building to agree the number of places required to meet the demand for childcare in the area.

⁴ [Early years foundation stage \(EYFS\) statutory framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

27. These steps will ensure that the Council is taking appropriate steps to follow Value for Money principles whilst ensuring sufficiency of childcare places across the County
28. At the time the building is replaced, the Council would no longer own the building, and would change the lease arrangements to a ground rent lease with the provider, which will replace any existing arrangements. Ground rent is money leaseholders pay the freeholder (Council) to occupy the land a leasehold property is built upon.
29. Should a building be changed mid-way through the term of any lease this will be reliant on the operator being willing to change the lease terms.
30. The proposed policy would clearly manage expectations of the providers in these temporary buildings. A timeline of replacement would be created showing the individual RAG rating, conditions of buildings and expected lease timeline.
31. To enable the timely replacement of the temporary buildings the current early years providers will be supported with the development of a clear action plan. This plan will include fundraising advice and signposting to available grants. If an organisation / provider applies for a charitable grant, it usually requires match funding from another organisation. If the Council has committed to provide a percentage of the capital costs, it will make the project far more attractive to other grant sources (like the National Lottery Fund).
32. Currently the 23 settings provide 702 early years places. The demand for childcare at each of the settings will be reviewed before any capital investment is provided as part of due diligence. This will ensure that the building will only be replaced to meet the sufficiency in the respective area of Wiltshire.
33. Current leases are normally arranged on a five-year term. This supports schools with their place planning in case they needed the space back to accommodate demand for school places. However, if providers are supplying their own new buildings, longer leases are likely to be required.
34. There are a further 35 early years provisions where a lease is in place. These consist of 17 buildings which are brick built which would not require replacement, and a further 18 have land leases from the Council, the diocese or other landowners, and the buildings are already owned by the provider.
35. Under the proposed new policy there are additional actions that would be required as part of the process to replace the buildings:
 - The Council would work in partnership with early years childcare providers currently occupying the leased buildings to ensure they are able to meet the Statutory Duty to ensure sufficient childcare is available across Wiltshire.
 - The Council would also work with the providers to ensure they understand their responsibilities in relation to building compliance matters, and are able to carry them out to ensure the building remains safe and compliant with relevant legislation
 - The Council will formulate a detailed plan to replace all the buildings, based on a full assessment of condition and risk

36. The responsibility of replacing the building is with the early years childcare provider, and therefore they would be selecting the new building, and be responsible for the related funding and building works etc. The Council would only be providing an element of the capital funding to enable the providers to attract other grants or fundraising to pay for the entire cost of the project.
37. A number of providers have been consulted regarding the outline of these proposals, and they have expressed their support and confidence about the delivery of a new building with a financial contribution from the Council and providing and managing their own new building fully.
38. Providers will be at liberty to increase the size of their provision or reduce it as necessary to meet the needs of the local population. However, the capital investment from the Council will be limited to the number of places that were accommodated in the existing building (or the lower number of places if there is a reduction).
39. The Senior Project Manager from the Build Programme (who manages a programme of creating new school buildings) produced an indicative cost to build a new early years facility. There is a cost of £585,171 to accommodate 24 three and four-year-olds (24 place nursery). This works out at a cost of £24,382 per place. However, the total cost could alter slightly, depending on the number and ages of children, and the type of building that is selected.
40. It is proposed that the capital allocated to each project will be based on a rate per place, using the build cost, and the cost per place of £24,382 above as a benchmark. The number of places will be the multiplier to work out the total funding allocation. (Example: 20 places x £24,382 per place = £0.488m total capital required).
41. As part of the proposed policy, it will be made clear that the liability of the Council is limited to the percentage contribution that is agreed as part of this paper. This will mitigate against a provider selecting either a very expensive building (and costing the Council more money), or the Provider selecting a much cheaper building (and the Council making a greater percentage contribution).
42. The Council will agree to pay a maximum contribution at the agreed percentage of the replacement building cost, based on an estimated cost per place of £24,382.
43. In addition to this, the number of required places will be agreed prior to any discussions with parents, town or parish Councils, fundraisers etc and this will be based on need, considering; current birth rate trend data, and the availability other Council, non-school or private landlord owned buildings in the community area.
44. The early years providers are currently paying rent for the lease of these buildings to the Council. However, there is currently no funding available for replacement or contribution to replacement buildings available from the Council.

45. The current yearly income from all 23 leases equates to approximately £39,460. There are different lease arrangements for each of the units. Some of the leases are due for renewal and will have new terms.
46. The expected income if each of these leases transferred to ground rent only, would be in the region of £3,450 per annum, but may vary dependent on the market rate at the time of signing the lease.

Type of Lease	Income
Current rent and leases	£39,460
Future ground lease	£3,450

47. It is clear that the income currently generated from leases does not cover the maintenance backlog already identified, and there is a very significant shortfall.
48. The policy will specify the budget available for each project as set out above.

Overview and Scrutiny Engagement

49. The relevant Overview and Scrutiny Committee (Assets Committee) will be consulted regarding this proposal.

Safeguarding Implications

50. Safeguarding is a priority of both the Council and the childcare providers occupying the buildings. The safety of all users is paramount, and action is required to ensure all buildings continue to meet all the health and safety requirements to ensure staff, parents and children using them are safe at all times. To ensure there is no increased risk to children and families a plan is required to maintain adequate safe buildings for childcare provision.
51. By ensuring sufficient childcare provision is available locally for families, there is a reduced risk of harm, as children will be able to access support and learning, and parents and carers will be able to engage in meaningful activities while the children are in the pre-school settings.

Public Health Implications

52. Currently all buildings are safe to occupy. Without a programme of replacement, there is a potential risk to the health and wellbeing of staff and children. Access to childcare provision is important to support children having the best start in life and any reduction in provision, particularly in areas of deprivation is likely to impact negatively on health inequality.

Procurement Implications

53. There are no procurement implications related to this proposal.

Workforce Implications

54. There is not any expected impact on the workforce as a result of this proposal, and any associated work is expected to be included in business as usual across local authority teams

Equalities Impact of the Proposal

55. As mentioned at the beginning of the paper at point 3, between 1999 and 2002 funding was made available to the Council to provide childcare in the more disadvantaged areas of Wiltshire. These buildings are referred to in the equalities impact assessment attached in the appendices, as it is felt there would be a negative impact on families and children in these areas if the 23 buildings were not replaced.

Environmental and Climate Change Considerations

56. The proposal would support the Council's policy to be Carbon Neutral by 2030. This would enable childcare providers to replace outdated, inefficient temporary buildings with low energy alternatives, including better efficiencies with heating and lighting and construction materials that provide environmental benefits in the process. New buildings would provide improved insulation so they would also use less energy.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

57.

	Risk	Action to mitigate the risk
1.	The Council will not meet its statutory duty to provide sufficient childcare places	Agree a policy to enable the buildings to be replaced, and maintain sufficiency
2.	Due to the condition of some of the buildings, they may become unsafe, and there is the potential for injury to children or staff	Ensure the buildings are regularly inspected and maintained
3.	There is a reputational risk to the Council if there is not a plan to replace the buildings	Agree a policy to enable the buildings to be replaced, and maintain the reputation of the Council
4.	There is a risk that if the buildings are no longer viable and are not replaced that the provider will not be viable and there will be more people out of work	Agree a policy to enable the buildings to be replaced, and maintain employment opportunities and prosperity
5.	The current buildings are not environmental efficient, and do not support the Council's policy to be Carbon Neutral by 2030	Agree a policy to enable the buildings to be replaced, and reduce their environmental impact

58. It is also important to note that due to the impact of the covid pandemic, many providers have needed to utilise savings and contingency funds that may have been previously put aside to support the replacement of their building.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

59.

	Risk	Action to mitigate the risk
1.	The DfE may want to clawback payment of SureStart grant from 1999 to 2002	Childcare will still be provided in new buildings, so clawback does not apply. Also due to the condition of the buildings provided at the time it is unlikely there will be a request to clawback any payments.
2.	A reduction in the income from leasing the buildings	This will be offset against the cost of repairs and maintenance that will no longer be required after replacement. Ground rent only will be charged, and the provider will be responsible for the building. This is very minimal at £39,460 per year.
3.	There is a risk of challenge from other providers who lease buildings on the open market	This is unlikely as the current provider will be responsible for purchasing and maintaining the new building and will be paying a market rate ground lease. There is also the possibility that private landlords can offer similar proposals when buildings reach the end of their useful life.
4.	The current provider is unable or unwilling to be responsible or replacing the existing building	The Early Years sufficiency team would engage with other childcare providers across the area to find an alternative operator to meet the local need. The option of a contribution to the alternative provider towards the replacement of the building will still be offered, although all options for a site will be considered.

Financial Implications

Further consultation on indicative costs to replace temporary buildings

60. The report outlines an average cost of £0.585m to accommodate 24 three and four-year-olds an average cost of £24,382 per place. This overall cost to the provider will be dependent on the number and ages of children, and the type of building that is selected.

61. The replacement programme provides substantial new buildings that would reduce the current carbon footprint and although future lease income is foregone, the new buildings would not be owned or, maintained by the Council, thus reducing pressure on the revenue budget. The current estimated cost of redecoration and maintenance alone, indicates a cost of £0.210m to £0.500m over the next 1 - 3 years. This would equate to revenue costs avoided of £0.700m to £1.67m over the next ten years.

62. The proposed policy over the next ten years is to support the replacement of the 23 units. In the first year, the intention would be to replace the four units already at the end of their lifespan. A capital bid was approved for £1.195m at the February 2022 Cabinet, and agreement was given to fund the replacement of the initial four buildings, including a contingency for increasing materials costs (inflation).
63. The full cost to replace these four units that have reached the end of their lifespan is estimated at £2.341m. The proposal is to contribute a proportion of the cost of the replacement (maximum of 25% to 50%). Therefore, reducing the capital required for these four units to between £0.597m and £1.195m and utilising the remaining capital budget to fund further replacement buildings.
64. The proposed policy would then deal with the replacement of the other 19 units over the next ten years, and the table below demonstrates the full potential cost for all units.

Cost of Early Years Capital

Contribution per place	% Of total cost	Number of Places	Total Capital Cost
£24,382	100%	702	£17.116m
£12,191	50%	702	£8.558m
£6,096	25%	702	£4.279m

65. The table above includes all options however the recommendation is to provide 25% funding to a maximum of current numbers in settings – so no expansion of current provision is to be funded.
66. If the current early years provider is unable to contribute the remainder of the funding, and the setting is at risk of closure, where there would be a shortfall in sufficiency of early years places in that community the Council would offer the proposed capital building contribution to other early years childcare providers to ensure sufficiency can be maintained for children and families.
67. The recommended option for capital investment is £4.279m, based on a 25% contribution. Due to the existing capital budget of £1.195m, the additional requirement to replace all 23 buildings is £3.084m based on the recommended option of a 25% contribution. The total budget can be spread over a 5-year period phased at £1.0M per annum for the duration of the works.

Legal Implications

68. If there is insufficient childcare available for parents, the Council will be in breach of its statutory duty under section 3 of the Childcare Act 2006⁵.
69. In order to facilitate construction of the new building and the grant of a ground lease to the provider, any existing lease will either need to be determined by the Council exercising a break clause (where this is contained in the lease) or

⁵ [Childcare Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

agreement will need to be reached with the provider for an early surrender of the lease.

If there is no break clause in the lease, if the provider who is currently in occupation does not want to surrender the lease early, the Council will need to adapt the build programme to coincide with the end date of the lease.

Legal Services will need to work with the Estates Team to consider the terms of the leases applicable to each of the proposed sites.

70. Legal documentation may be required to set out the terms for the use of any funding provided under the policy contained in this Report to mitigate risks of breach of funding arrangements and the triggering of any clawback. Officers will need to liaise with Legal Services to ensure these arrangements are considered and any necessary documentation is put in place.

Options Considered

71. Several options have been considered around the replacement of the temporary buildings used for early years as detailed below after discussions with a number of the 23 settings included in the paper:

Options for the Council

72. There are 4 options to consider:

1. Do nothing and continue to repair and maintain provision until it is beyond repair
2. Stop leasing any buildings to providers
3. Council to pay for the full replacement of the leased early years buildings
4. Council to contribute towards replacement of the early years buildings
 - a. At a rate of a maximum of 25% (subject to conditions)
 - b. At a rate of a maximum of 50% (subject to conditions)

	Option	Consideration	Recommend
1	Do nothing and continue to repair and maintain provision until it is beyond repair	<p>If the Council does nothing when each building is at the end of its lifespan, the Council would be unable to meet its statutory duty for providing sufficient childcare.</p> <p>There would also be an increasing repair and maintenance cost for the Council, and an increased risk of harm to children, families, or staff due to the condition of the buildings.</p>	No
2	Stop leasing any buildings to providers	This option would reduce the possibility of providers being able to provide appropriate accommodation, and lead to a lack of capacity. This would mean the Council would be unable to meet it	No

		statutory duty for providing sufficient childcare.	
3	Council to pay for the full replacement of the leased early years buildings	<p>To fully fund the 23 buildings identified would cost the Council an estimated £16,774,902.</p> <p>The Council would then also remain responsible for ongoing repair and maintenance of the buildings, and this does not reduce the liability on the Council.</p> <p>There is also a responsibility on the existing provider to fund and replace their own building.</p>	No
4a	<p>Council to contribute towards replacement of the early years buildings</p> <p>a. At a rate of a maximum of 25% (subject to conditions)</p>	<p>By the Council contributing towards the replacement cost of the new building, the provider is able to obtain additional funding from other grants more easily.</p> <p>This option will also help to ensure sufficiency and support the current providers, and the children who attend the provision.</p> <p>This will also limit the liability to the Council for capital costs and remove the liability for repairs and maintenance on the new buildings, as a ground lease would be put in place only.</p> <p>A maximum of 25% contribution limits this liability to £4.194m.</p>	Yes
4b	<p>Council to contribute towards replacement of the early years buildings</p> <p>b. At a rate of a maximum of 50% (subject to conditions)</p>	<p>By the Council contributing towards the replacement cost of the new building, the provider is able to obtain additional funding from other grants more easily.</p> <p>This option will also help to ensure sufficiency and support the current providers, and the children who attend the provision.</p> <p>This will also limit the liability to the Council for capital costs and remove the liability for repairs and maintenance on the new buildings, as a ground lease would be put in place only.</p> <p>A maximum of 50% contribution limits this liability but would cost £8.387m.</p>	No

Conclusions

73. Wiltshire Council has a duty to ensure that there is sufficient accessible childcare available for parents. 23 providers operate from temporary buildings leased by the Council, on school sites, which have a limited lifespan. If the buildings are not replaced it will impact upon the available childcare and the Council would not meet its statutory duty.
74. To meet the sufficiency duty, it is necessary to have suitable premises from which the childcare providers can operate. Wiltshire Council is responsible for the external repair and maintenance of the buildings, the cost of which is ongoing and will continue to increase as the buildings get older.
75. A contribution to the replacement of aging buildings would allow the providers to fundraise and bid for additional grant funding from external sources (e.g., The National Lottery). If the current early years provider is unable to contribute the remainder of the funding, the Council would offer the building proposal to the early years childcare market to source an alternative provider.
76. New buildings would support the Council policy to be Carbon Neutral by 2030 and would provide environmentally friendly, economic buildings.

Recommendations

77. Cabinet is being asked to consider making a capital investment contribution towards, or fully fund the replacement of 23 temporary buildings being used for early years childcare providers (pre-schools). There are 4 recommendations below.
1. Agree a policy to contribute towards the cost of replacing 23 existing building over a 10-year period assuming all other available options are explored such as other private landlords or maintained schools in the community area who could, due to falling birth rates have unused classroom space.
 2. Agree that the future liability of the maintaining and further replacement or enhancement of the building would be the responsibility of the early years childcare provider
 3. Agree to a maximum contribution of 25% of the capital cost of a new building, (based on maximum total place funding of £24,382 per existing place) however, this will be limited to the number of places required at the time of application
 4. Delegate any further decisions relating to this matter to the Director of Procurement and Commissioning in consultation with the Director for Education & Skills and Cabinet Member with responsibility for Children, Education, and Skills

This capital investment is expected to be distributed across the next 10 years, based on a rolling programme of works, prioritised by those in the greatest need.

Gary Binstead (Head of Families and Children's Commissioning)

Report Authors:

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Date of report: 17 March 2022

Appendices

- i. Equalities Impact Assessment

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EQUALITY IMPACT ASSESSMENT

(Please note, this will form part of a public facing document. If you have any questions about this, please contact Equality@wiltshire.gov.uk)

Title: What are you completing an Equality Impact Assessment on?

Wiltshire Council has a statutory duty to ensure there is sufficient childcare across the county. A policy is being written to replace 23 temporary buildings that are owned by Wiltshire Council and leased to a variety of childcare providers to provide 702 childcare places in the county. These buildings were initially made available between 1999 and 2002 through Sure Start funding available to the Council, which provided childcare in the more disadvantaged areas of Wiltshire. The EQIA will focus on the impact of not replacing these temporary buildings. How this will affect the employees, children, and families who use the buildings and services these buildings provide.

Why are you completing the Equality Impact Assessment? (please tick any that apply)

Proposed New Policy or Service	Change to Policy or Service	MTFS (Medium Term Financial Strategy)	Service Review
<u>X</u>			

Version Control

Version control number		Date		Reason for review (if appropriate)	Final version
	2		13/06/22		

Risk Rating Score (use [Equalities Risk Matrix](#) and guidance)

If any of these are 3 or above, an Impact Assessment **must be completed.
Please check with equality@wiltshire.gov.uk for advice

Criteria	Inherent risk score on proposal	Residual risk score after mitigating actions have been identified
Legal challenge	3**	1
Financial costs/implications	1**	1
People impacts	2**	1
Reputational damage	3**	1

Section 1

Description of what is being analysed

A policy will be created to outline how the Council will support early years providers to replace 23 temporary buildings that are currently leased to 22 childcare providers, offering a total of 702 childcare places. The Local Authority has a statutory duty to ensure there is sufficient childcare across the county. Without the replacement of these temporary buildings, there is a risk of not meeting this statutory duty. Consequently, this could affect the employees of the childcare settings, as well as the children and families who use them.

The buildings currently enable the childcare providers leasing them to provide sufficient childcare for working parents, which includes offering LA funded places of 570 hours a year for eligible two, three and four year olds and for working parents that are eligible up to a further 570 hours childcare. The settings also provide privately funded childcare for children aged 0 to 4 years of age.

Section 2

People or communities that are currently **targeted or could be affected** by any change

The 22 early years providers offer 702 early years places at any one time. This effectively will be supporting far more young people than 702 as not all children take a full-time place. Without the replacement of these buildings the communities in which the buildings are located, risk not having sufficient childcare to meet the demand and consequently the Local Authority would not be able to meet its statutory duty to ensure there is sufficient childcare within Wiltshire.

Early years places are vital to protect the economy and ensure the workforce in the community can undertake their employment whether at home or a place of work. As was evident with Covid, without childcare for keyworkers, there is the potential for a negative impact on the general workforce to meet the needs of the wider community.

The early years children require quality, early years provision in accommodation that is suitable to meet their needs and enable the staff to provide quality outcomes for all the children who attend. Without these buildings there is a risk we cannot provide accessible, appropriate childcare for some of our most disadvantaged children and children with SEND, as well as those with other protected characteristics. Some families may not be able to travel to alternative childcare if the current setting were to close.

Section 3

People who are **delivering** the policy or service that are targeted or could be affected (i.e. staff, commissioned organisations, contractors)

Not replacing these buildings would negatively impact staff and their wellbeing as this could lead to potential unemployment for them. Buildings that are in poor repair and reaching their end of life might impact the staff and children's wellbeing. Some of the buildings are now becoming outdated and might not be providing adequate facilities to meet changing guidance and legislation for facilities. E.g., adequate and separate hand washing and toilet facilities for staff and children. This was highlighted with COVID guidance and the extra handwashing and sharing of facilities.

Section 4

The underpinning **evidence and data** used for the analysis (Attach documents where appropriate)

Prompts:

- *What data do you collect about your customers/staff?*
- *What local, regional and national research is there that you could use?*
- *How do your Governance documents (Terms of Reference, operating procedures) reflect the need to consider the Public Sector Equality Duty?*
- *What are the issues that you or your partners or stakeholders already know about?*
- *What engagement, involvement and consultation work have you done? How was this carried out, with whom? Whose voices are missing? What does this tell you about potential take-up and satisfaction with existing services?*
- *Are there any gaps in your knowledge? If so, do you need to identify how you will collect data to fill the gap (feed this into the action table if necessary)*
- *Have you considered the [Armed Forces Covenant](#) in your consultation and research?*
- *Have you considered impacts on those living in rural areas? [Government guidance](#) is available.*
- *Refer to [the family test](#)*

To meet the Local Authorities sufficiency duty, commissioners collect occupancy data three times a year. This data is used to monitor the demand for childcare across Wiltshire and indicates the continuing need for the 702 places currently provided.

All early years providers that offer both the universal and extended early years entitlement sign up to the Wiltshire Council Local Provider Agreement. It stipulates that they must meet the need to securing sufficient childcare for working parents. It also identifies the needs for all children in the local area are met in accordance with the Special Educational Needs and Disability Code of Practice: 0-25 years (January 2015). Therefore, making sure that provision can meet the needs of these children must be considered. Furthermore, providers are expected to identify the disadvantaged children within their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. Not replacing these buildings will have a negative impact on these families.



Wiltshire_Council_Pr
ovider_Agreement_Se

SEND data is also collected for each child when a provider is adding the child to the live register within Liquid Logic information system. The options providers can choose are:

- EHCP
- No Special Educational Need
- School Action or EY Action
- School Action Plus or EY Action Plus
- SEN Support
- Statement
- Unknown

This data would help establish if children with a disability would be affected with the potential closure of an affected building.

We already know that some of these settings are in rural locations and families from disadvantaged backgrounds may not be able to travel to other childcare providers that are in neighbouring villages/towns if their local provision closed. Families who serve within the Armed Forces also need to ensure they have accessible, available childcare. Other families with protected characteristics would also be impacted along with the community local to the early years setting.

Initial engagement has been with the Estates team establishing the RAG rating and condition of the buildings, along with the cost of repairs and maintenance. The next step is to write the policy and have initial discussions with all the childcare providers that lease our buildings. These meetings will inform settings about the policy and explore their financial position to replace the buildings. Ensuring these initial meetings take place with all 22 providers will mean the providers have all the information they need and allow them to start to develop their business plans as appropriate. This will help to mitigate reputational damage and indicates how we can support the next step working towards replacement of their building.

Although a Family Test has not been completed, family life of staff and families who attend the setting could be affected if the provision is not maintained. There is a possible financial impact for the staff if they face redundancy from closures and consequently can affect the health and wellbeing of the whole family.

Avoiding closures will mitigate this impact.

The buildings are on school sites, and not replacing the building could impact a child's transition to Primary School.

Section 5

Conclusions drawn about the impact of the proposed change or new service/policy

Prompts:

- *What actions do you plan to take as a result of this equality analysis? Please state them and also feed these into the action table*
- *Be clear and specific about the impacts for each Protected Characteristic group (where relevant)*
- *Can you also identify positive actions which promote equality of opportunity and foster good relations between groups of people as well as adverse impacts?*
- *What are the implications for Procurement/Commissioning arrangements that may be happening as a result of your work?*
- *Do you plan to include equalities aspects into any service agreements and if so, how do you plan to manage these through the life of the service?*
- *If you have found that the policy or service change might have an adverse impact on a particular group of people and are **not** taking action to mitigate against this, you will need to fully justify your decision and evidence it in this section*

As a result of this equality analysis, the policy to be implemented will include the impact on staff and families if the buildings were not to be replaced. This will consider all children and include those with SEND, families from disadvantaged backgrounds, and families with protected characteristics

Discussions with all providers will be at the earliest convenience to ensure everyone is aware of the support the Council will be providing to replace the existing buildings and prevent closure of the setting.

Local Authority Commissioners will implement the policy for replacement of buildings and will oversee the entire process supporting, and working with all providers. This will include establishing each individual setting financial position to replace the building, signposting to grants/fundraising opportunities where applicable, and working with each setting on their business plans. Consideration for demand for childcare in the area and needs of individual families will also be considered.

Section 6

How will the outcomes from this equality analysis be **monitored, reviewed and communicated?**

Prompts:

- *Do you need to design performance measures that identify the impact (outcomes) of your policy/strategy/change of service on different protected characteristic groups?*
- *What stakeholder groups and arrangements for monitoring do you have in place? Is equality a standing agenda item at meetings?*
- *Who will be the lead officer responsible for ensuring actions that have been identified are monitored and reviewed?*
- *How will you publish and communicate the outcomes from this equality analysis?*
- *How will you integrate the outcomes from this equality analysis in any relevant Strategies/Policies?*

Local Authority Commissioners will monitor the entire process of working with the providers to establish robust plans to replace the temporary building they are currently leasing.

Local Authority Commissioners will inform providers of the policy and what support is available to them during this time.

This Equality Analysis will form part of the Cabinet report and the policy that will outline how we intend to support all 22 providers to replace their temporary buildings in a planned and sustainable way.

* The EqIA forms part of Wiltshire Council's Corporate Governance structure. Please also refer to council policies on managing risk and performance, partnership working and policy development where relevant.

***Copy and paste sections 5 & 6 into any Committee, CLT or Briefing papers as a way of summarising the equality impacts where indicated**

Please send a copy of this document to Equality@wiltshire.gov.uk

Completed by:	Nicola Harris	
Date	23/02/2022	
Signed off by:	Gary Binstead	
Date	13 th June 2022	
To be reviewed by:	Gary Binstead	
Review date:	30 th September 2022	
For Corporate Equality Use only	Compliance sign off date:	

Equality Impact Issues and Action Table (for more information on protected characteristics, see risk assessment document)

Identified issue drawn from your conclusions (only use those characteristics that are relevant)	Actions needed	Who is responsible	Date	Expected outcome
Age				
	N/A			
Disability				
Page 44	Ensure the needs of all children including children with SEND and children from disadvantaged backgrounds are considered. Obtain data from Liquid Logic and setting as required.	LA Family and Children's Commissioner Provider	Ongoing until all buildings replaced in approx 1-10 years	All needs of children are met through supporting the provider to replace their temporary building with a new suitable building to continue providing quality accessible childcare.
Gender Reassignment				
	N/A			
Marriage and Civil Partnership				
	N/A			
Pregnancy and Maternity				
	N/A			
Race (including ethnicity or national origin, colour, nationality and Gypsies and Travellers)				
	N/A			
Religion and Belief				
	N/A			
Sex				
	N/A			
Sexual Orientation				

	N/A			
Other (including caring responsibilities, rurality, low income, Military Status etc). Refer to family test: https://researchbriefings.files.parliament.uk/documents/CBP-7714/CBP-7714.pdf				
	Ensure children and families are not disadvantaged through closures of temporary buildings. Working with providers to find solutions to enable them to replace their building will mitigate the negative impact closure could have on these families.	LA Family and Children's Commissioner Provider	Ongoing until all buildings replaced in approx 1-10 years	All needs of children are met through supporting the provider to replace their temporary building with a new suitable building to continue providing quality accessible childcare.

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Wiltshire Council

Cabinet

21 June 2022

Subject: Children's Centre Services Contract Extension

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Key Decision: Key

Executive Summary

Children's centre services are a vital resource for parents with very young children (aged 0-5). They provide advice and support to families and have been delivered in Wiltshire for 18 years.

There are 11 children's centre buildings operating across the county, and further community spaces where services are delivered across each area, as well as offering services in family homes. National charity Spurgeons are commissioned in the south, east, and west of the county, and local charity The RISE Trust are commissioned in the north of the county to deliver these services.

The children's centre services contracts are due to expire on 31st March 2023.

This paper proposes to extend the contract by one year to allow the development of a Family Hub model to replace children's centre services, which will offer 0-19 services across the county from 1st April 2024 in line with the Government's ambition.

Proposal(s)

It is recommended that:

1. Cabinet agrees to the negotiation of a one-year contract extension with the current children's centre commissioned providers (Spurgeons and The RISE Trust) until 31st March 2024. This will allow officers to undertake due diligence and a full consultation with parents and partners organisations to ensure that the development of Family Hubs in Wiltshire meets the needs of local communities.
2. The decision to award a one-year contract and authority for the completion of all necessary legal documentation is delegated to the Director of Procurement & Commissioning in consultation with the Corporate Director of People, and the Cabinet Member for Children, Education & Skills. A paper will be presented to Cabinet to recommend

the future Family Hub model following the consultation events later this year.

Reason for Proposal(s)

The Government has committed to championing Family Hubs, which are a way of joining up locally and bringing existing family help services together to improve access to services, connections between families, professionals, services, and providers, and putting relationships at the heart of family help.

Family Hubs bring together services for families with children of all ages (0-19) or up to 25 with special educational needs and disabilities (SEND), with a great Start for Life offer at their core. They can include hub buildings and virtual offers, but the following principles are key to the family hub model:

- **More accessible**

- through clearly branded and communicated hub buildings, virtual offers, and outreach.

- **Better connected**

- family hubs drive progress on joining up professionals, services, and providers (state, private, voluntary) – through co-location, data sharing, shared outcomes, and governance. Moving from services organised for under-fives to families with children of all ages reduces fragmentation (even though an emphasis on early years and the ‘Start for Life’ offer will remain).

- **Relationship-centred**

- practice in a Family Hub builds on family strengths and looks to improve family relationships to address underlying issues.

For Family Hubs to be effective and ready to run from March 2024 there is a requirement for a period of consultation and redesign and so an extension to the current children’s centre services contract would be necessary to allow sufficient time for these developments.

The Government is making funding available to Local Authorities to transform their services into Family Hubs. Wiltshire will submit bids for this funding. If the funding bids are not successful there is still a desire to move to a Family Hub model from April 2024.

Terence Herbert
Chief Executive

21 June 2022

Subject: Children's Centre Services Contract Extension

Cabinet Member: Cllr Laura Mayes Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Key Decision: Key

Purpose of Report

1. This report outlines the reasons why a one-year extension to the children's centre services contract would help to maintain the current early help services offered by the incumbent children's centre contract holders and allow preparation for transformation to a Family Hub model.

Relevance to the Council's Business Plan

2. The proposal is relevant to the following priorities and objectives laid down the Council's Business Plan¹:

The people of Wiltshire are empowered to live full, healthy, and enriched lives

- We get the best start in life
- We stay active
- We are safe
- We live well together
- We ensure decisions are evidence-based
- We have the right skills to prosper
- We have vibrant, well-connected communities

Background

3. When the current children's centre services were commissioned in 2016 following a competitive tender process, the successful organisations were offered a contract for a period of five years (expiring 31st March 2021). The contract included an option to extend for a further two years. This option was exercised in April 2020 and the contract will now expire at the end of March 2023. Therefore, an exemption is required to extend the contracts for a further 12 months.
4. The value of the contract for 2022/23 is £2.777 million, which is a decrease of 18% on the original contract.
5. This paper proposes to extend the current contract by one year to allow the development of a Family Hub model to replace children's centre services, which will offer 0-19 services across the county from 1st April 2024 in line with the Government's ambition.

¹ [Business plan - Wiltshire Council](#)

6. The Government has committed to championing Family Hubs, which are a way of joining up locally and bringing existing family help services together to improve access to services, connections between families, professionals, services, and providers, and putting relationships at the heart of family help.
7. Family Hubs bring together services for families with children of all ages (0-19) or up to 25 with special educational needs and disabilities (SEND), with a great Start for Life offer at their core.
8. The current children's centre services deliver most of the core components of the Government's Best Start for Life vision:
 - Midwifery – appointments are held at some children's centre venues, and they link with midwifery services
 - Health visiting – many clinics and appointments with health visitors are held at children's centre venues and the two services work together very closely
 - Mental health support – IAPT sessions are held at children's centres venues and the staff work with agencies to support parental mental health
 - Infant feeding advice with specialist breast feeding support – Peer to peer breast feeding support is offered at children's centre venues and through virtual support
 - Safeguarding is a children's centre priority
 - Children's centre services work closely with District Specialist Centres and those services relating to Special Educational Needs and Disabilities (SEND).

This makes the transformation from children's centre services to Family Hubs a logical next step.

Main Considerations for the Council

9. The children's centre services contracts require an exemption to enable them to be extended by 12 months, from 1st April 2023 to 31st March 2024.
10. To transform the services from a children's centre to a Family Hub model will require a due diligence exercise and a period of public and partnership consultation.
11. Following consultation, it will take a period of time to specify and commission the new service. A paper will be presented to Cabinet outlining the plans following the consultation process later in the year.

Overview and Scrutiny Engagement

12. The proposal will be presented to the Exemptions Panel.

Safeguarding Implications

13. Safeguarding is a priority of both children's centre services providers and is a core element of the current model. They regularly monitor cases and work with families at all levels of need from universal through to families who are at risk of breakdown or who are already separated. There will be no increased risk to children and families through these proposals.

Public Health Implications

14. Public Health contribute £0.600million per year to the children's centre contracts. There is also a contribution of £0.059 million for the service to deliver the Baby Steps programme, this is an innovative perinatal education programme for parents who may need additional support. It helps get parents off to the best start, enabling them to build supportive relationships and care for their baby.
15. Children's centres are a critical partner in delivering the national Healthy Child Programme, an evidenced-based programme of prevention and support for families and children 0-19 years (24 years for those more vulnerable). They work closely with Local Authority funded Public Health Nursing Services and there would be negative implications for service delivery and for the wellbeing of families and children if there was a gap in provision before Family Hubs are established in 2024.

Procurement Implications

16. Any extension or award of contract will be completed in line with the Public Contract Regulations 2015 (PCR2015) and Part 10 of the Council's Constitution.
17. Advice has been sought from the to the Commercial and Procurement Team to ensure compliance with the PCR 2015 as above.
18. We will work with the Commercial and Procurement Team to develop a procurement plan and timeline that meets the requirement to have a new contract in place by the 01.04.2024

Equalities Impact of the Proposal

19. The equalities impact of the proposed decision is believed to be low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required.

Environmental and Climate Change Considerations

20. It is anticipated that the energy consumption and associated emissions will not alter from their current levels as a result of this proposal.
21. The current contract holders work to reduce the impact on the environment by reducing paper use and travel.

Risks that may arise if the proposed decision and related work is not taken

22. If the proposed decision is not taken, the contract will expire in March 2023 without sufficient time to consult or develop a replacement service with families and partners. Therefore, posing a risk to family early help support services

during the critical first 1001 days in a child's life. This would result in an increase in demand for internal support and safeguarding services, which would have an increased financial impact on the Council.

23. The council would not meet the government's desire to have Family Hubs in operation by the end of the current parliament.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

24. There is a risk that the current providers would decline the request to extend the contract. To mitigate this there have already been discussions with the current providers about the potential to extend the contract, and the value of the extended year would need to be equal to the current annual contract rate.

Financial Implications

25. Since the original contract was negotiated in July 2016, there have been annual negotiations with the providers around service efficiencies and flexible delivery models that could be made whilst prioritising and protecting the service levels provided to Wiltshire families. The contract value reduction is 18% (£0.424m) over the course of the contract with a limit on the level of back office and management overheads chargeable to the contract. In order to reduce exposure to risk and future service levels and taking into account the Government's proposals around Family Hubs, it is not proposed that the financial value of the contract should not change from its current value for the proposed extension period.

Legal Implications

26. Any extension or award of contract should be conducted in accordance with the requirements set out in Part 10 of the Council's Constitution, the SPH Manual and the Public Contract Regulations (2015). Legal Services will need to be engaged throughout this process, with the relevant legal and procurement advice sought.
27. Wiltshire Council's Legal Services must draft robust legal documentation for this matter. Legal Services will need to be consulted to review the final documentation before execution.
28. Cabinet should delegate authority to enter into the extension contract and any relevant legal documentation to an appropriate individual.

Workforce Implications

29. The current uncertainty around the recommissioning of the service has an impact upon the staff working for the contracted service and some have left as they are in need of security. The extension will ensure certainty for a further year, during transformation to Family Hubs.

Options Considered

30. The options are to:

1. Do nothing

This is not a viable option as early support services are required to meet the needs of many families across the county and reduce the risk of the need for statutory services. Legally the Council cannot do nothing as the contracts cannot be automatically extended.

2. Extend the contract by one year

This will allow the development of a Family Hub model in consultation with families and partner organisations, and a smooth transition to the new model.

3. Not to extend the contract and for it to end on 31st March 2023

This would leave us without an effective service for families with children under the age of five from 1st April 2023. This would increase demand on services from Health Visiting and the internal Support and Safeguarding Teams.

Conclusions

31. There is a clear direction from central government to move to a model of early support through Family Hubs, and Wiltshire Council are developing this model with families and partners organisations, with the aim of being operational by 1st April 2024.

It is recommended that:

1. Cabinet agrees to the negotiation of a one-year contract extension with the current children's centre services commissioned providers (Spurgeons and The RISE Trust) until 31st March 2024. This will allow officers to undertake due diligence and a full consultation with parents and partners organisations to ensure that the development of Family Hubs in Wiltshire meets the needs of local communities.
2. The decision to award a one-year contract and authority for the completion of all necessary legal documentation is delegated to the Director of Procurement & Commissioning in consultation with the Corporate Director of People, and the Cabinet Member for Children, Education & Skills. A paper will be presented to Cabinet to recommend the future Family Hub model following the consultation events later this year.

Helen Jones (Director - Procurement and Commissioning)

Report Authors:

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10 May 2022

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Wiltshire Council

Cabinet

21 June 2022

Subject: Procurement of Passenger Transport Contracts

Cabinet Member: Cllr Dr Mark McClelland Cabinet Member for Transport, Waste, Street Scene and Flooding

Key Decision: Key

Executive Summary

Wiltshire Council spends around £31.3m per annum providing passenger transport services, of which around £27.4m is procurable spend. Passenger transport Contracts are procured using mini competitions through a Dynamic Purchasing System (DPS). A DPS is a type of framework but with the advantage of suppliers being able to apply to join at any time.

The current DPS is due to expire in September 2022 and this paper sets out why a DPS should continue to be adopted and how this might be achieved.

Proposals

It is recommended that:

- i. Cabinet agrees to the introduction of a revised Dynamic Purchasing System (DPS) as a platform for the procurement of passenger transport contracts.
- ii. Cabinet delegate the responsibility for the award of contracts onto the DPS to the Director for Highways & Transport in consultation with the cabinet member.
- iii. Start date of proposed DPS arrangement will be from 01 September 2022 with an initial end date of 31 August 2027 with an optional extension of 2 years bringing this to a total of 7 years ending 31 August 2029

Reason for Proposals

To ensure that Wiltshire Councils passenger transport contracts can be procured in an efficient and transparent manor, whilst maximising the market and potential cost savings.

Terence Herbert
Chief Executive

Subject: Procurement of Passenger Transport Contracts

Cabinet Member: Cllr Dr Mark McClelland Cabinet Member for Transport, Waste, Street Scene and Flooding

Key Decision: Key

Purpose of Report

For Cabinet to agree to the tender of a new Dynamic Purchasing System (DPS) for the procurement of passenger transport contracts.

Relevance to the Council's Business Plan

Contracts introduced through passenger transport activity contribute to all of the key elements of the Councils business plan, including:

A thriving economy:

- Support the local economy by making it easy and affordable for workers, shoppers and visitors to access local centres and facilitate development growth by helping to facilitate the planned housing and employment growth set out in the Wiltshire Core Strategy. This will likely take the form of a regular internal working group from all areas of the Place Directorate to ensure that public transport is being considered when developing schemes in a more joined up approach.
- Improve journey time reliability for road users by removing some car trips from the highway network and therefore reducing congestion and delays.

Empowered People & a Resilient Society:

- By ensuring improved access to public transport is introduced, social mobility will be improved, and elderly and more vulnerable members of our community can live independently for longer reducing pressure on social care services.
- Enable local groups to operate community and voluntary transport schemes particularly to provide local access and safety net transport services to meet needs that cannot be effectively provided by other means, such as the Link schemes.
- Help support Community Rail Partnerships (CRP's) to improve stations and train services, by including Wiltshire's Rail operators and the CRP's in stakeholder discussions when considering public transport.

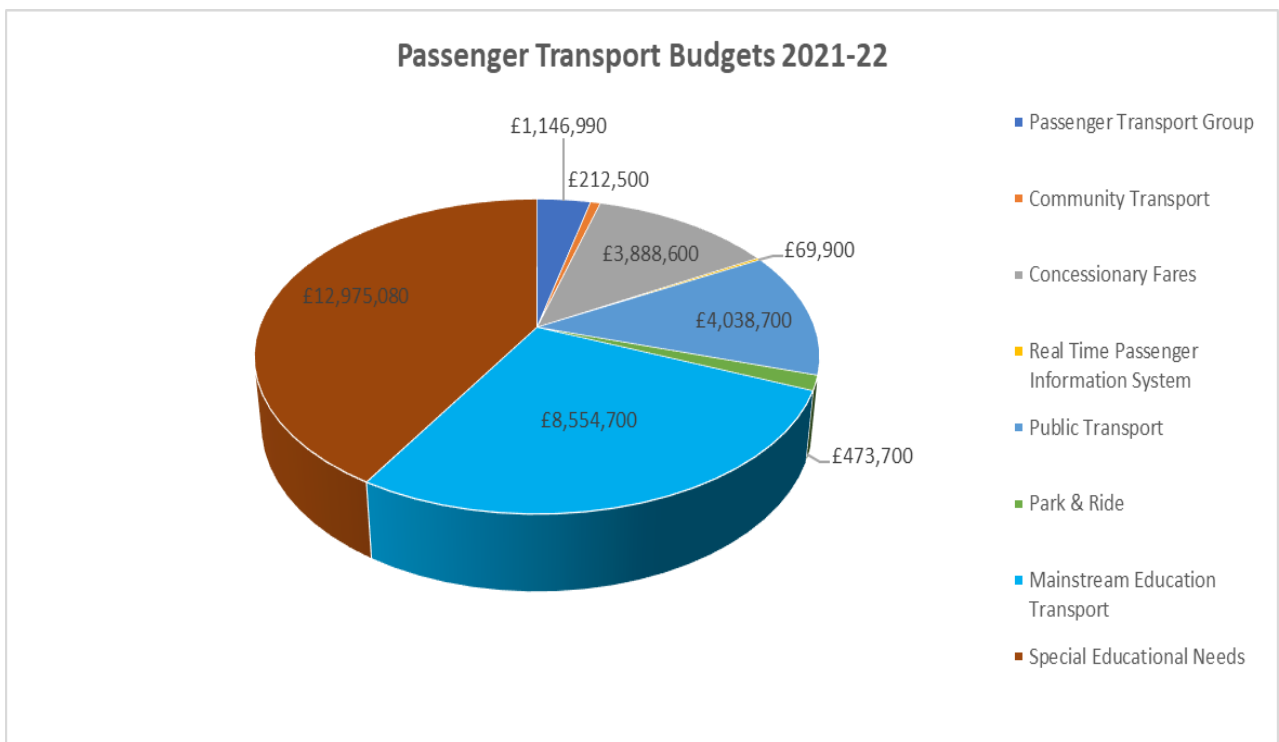
- Ensure that local communities have a much more significant say in how public transport is shaped and delivered in Wiltshire.
- Communities will have a significant voice when service delivery has not met their expectations.
- Provide access to key services and facilities for Protected Characteristics groups as defined by the Equality Act 2010.

Sustainable Environment:

- Enhance the built and natural environment by reducing greenhouse gas emissions and air quality pollutants from buses.
- By increasing the number of passenger trips made by public transport to 10% more than pre pandemic levels, this will contribute significantly to the Councils overall pledge for Wiltshire to be carbon neutral.

Main Considerations for the Council

Wiltshire Council spends around £31.3m per annum providing passenger transport services as per the graphic below, of which currently around £27.4m is procurable spend:



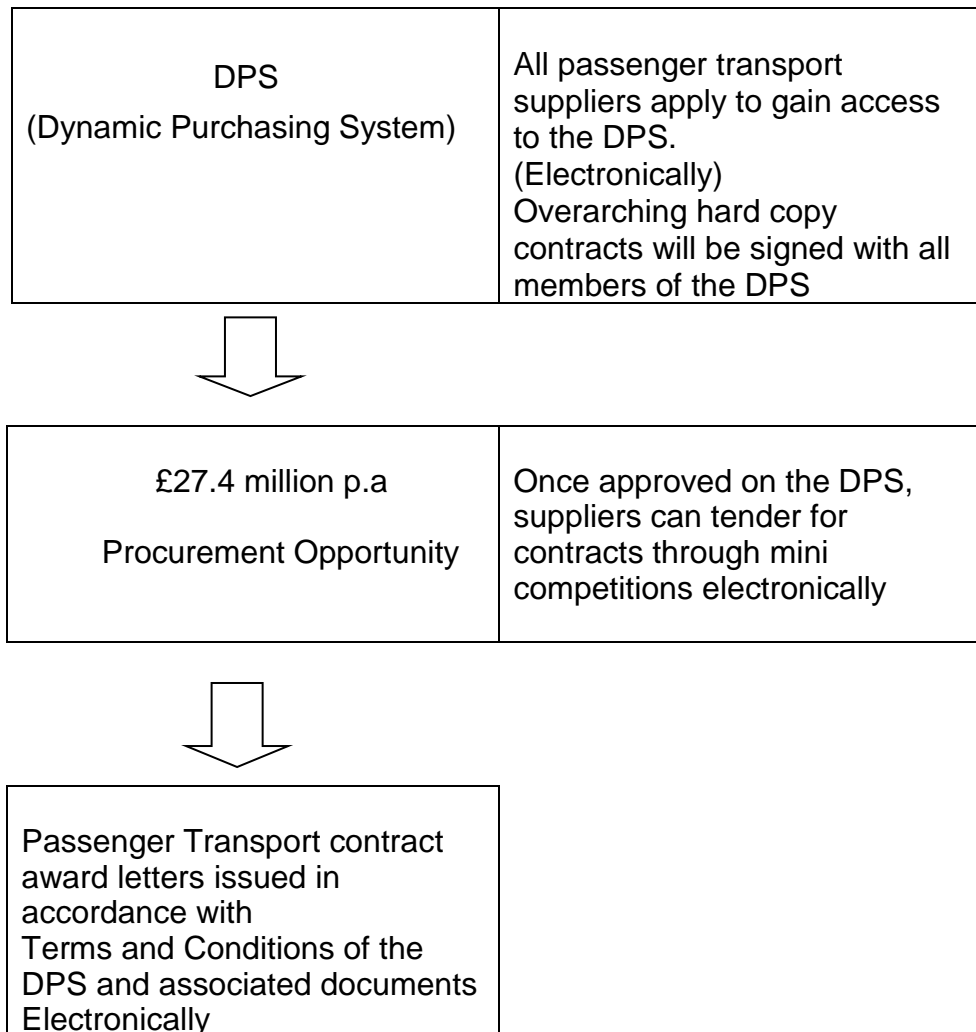
What is a Dynamic Purchasing System (DPS)?

A DPS is a procedure available under Public Contract Regulation’s 2015 (PCR) for contracts for works, services and goods commonly available on the market.

A DPS must be established using a restricted procedure PCR2015 Reg 34-5 and you cannot limit the number of tenderers who qualify and should be open to any supplier who satisfies the selection criteria specified.

The successful supplier is then awarded a non-financial contract to join the DPS.

Once accepted onto the DPS all admitted participants will be invited to submit a tender for each mini competition. Examples of a mini competition might be a £10k contract for a home to school taxi, or the procurement of an entire network of home to school and public transport contracts at £15m. The below represents this diagrammatically.



The Passenger Transport Unit (PTU) currently utilise a DPS to tender and award contracts for all passenger transport arrangements via mini competitions and has done so for the past 5 years.

Wiltshire Council is seeking to continue using a DPS to:

- Ensure that Wiltshire Council is contracting with suppliers who can deliver services to the required standard
- Encourage new suppliers throughout the life of the DPS
- Reduce the timescales required when procuring services in line with PCR 2015 and the Councils Constitution
- Reduce internal administrative processes
- Establish a clear, open, and transparent procurement programme for all

- Allow suppliers to join the DPS at any time during its lifetime if they satisfy the selection criteria

What is being proposed?

The DPS will specify that Wiltshire Council may purchase around £32m per annum, over 7 years, so a total potential procurable spend of £240m.

The DPS will be open to all suppliers to apply and will remain open throughout its 7-year term.

It is not the intention of Wiltshire Council to preclude any suppliers from joining the DPS and, in fact it is hoped to increase the supplier base, as market competition around passenger transport is poor.

Transport suppliers will be invited to apply for entry onto the DPS, where they will be assessed for both their capacity and suitability.

The DPS will be split into 2 lots:

Lot 1 –: Passenger Transport Vehicles, >16 Seats

- Mainstream Home to School Transport.
 - Public Transport.
 - Demand Responsive Transport.
- (including E-auctions and season tickets)

Lot 2: Small and Specialist Vehicles <15 seats

- Special Educational Needs Transport
 - Post-16 Educational Transport
 - Adult and Child Social Care Transport
 - Demand Responsive Transport
 - Mainstream Home to School Transport
- (including E -auctions)

There will also be the facility to manage emergency procurement requirements for unforeseen terminations, or emergency new requirements.

Advantages of a DPS over traditional tendering methods

- A DPS is like a framework, in that it provides a pre-approved platform of suppliers, and also, allows new suppliers to join at any point.
- It is suitable for commonly used purchases, these characteristics of which are generally available in the passenger transport market
- A DPS allows buyers, such as Wiltshire Council, to continually expand their network of suppliers and welcome new businesses that can meet their changing needs.
- They help streamline procurement processes, provide greater flexibility, and speed up contract awards with a fully electronic route to market.

- A framework is much more restrictive with the application window and its frequency. Frameworks can only last for a maximum of four years.
- To become an approved and preferred supplier the tender documents are typically shorter and less work for a DPS.

Implementation

Supplier engagement meetings will take place to ensure they are fully aware of what they are expected to do to apply to the DPS. Officers will provide support to make this process as easy as possible, as it is not the intention of the Council to preclude suppliers who may not be familiar with this process.

The following are the key implementation points and proposed timescales:

Table A

<i>Issue ITT</i>	June-2022
<i>Tender Clarification Deadline</i>	17 June 2022
<i>Return of Final Tender Documents</i>	01 July 2022
<i>Evaluation of Tenders</i>	July 2022
<i>Post-Tender Meeting</i>	01 August 2022
<i>Internal review and approvals</i>	02 August 2022 – 15 August 2022
<i>Inform tenderers of outcome of evaluation process</i>	15 August 2022
<i>Standstill Period</i>	15 August 2022 – 25 August 2022
<i>Start of Contract Period</i>	01 September 2022

Relevant ongoing engagement with suppliers is required once the DPS is up and running, including the opportunity for suppliers to provide feedback via annual surveys, and sharing relevant statistics or data around how effectively the DPS is performing – likewise, ensure suppliers are kept up to date with changes in the process or system.

Overview and Scrutiny Engagement

There has been no requirement for engagement with Overview and Scrutiny

Safeguarding Implications

Within the Invitation to Tender (ITT) for the DPS it is very clear and upfront of Wiltshire Councils continued efforts to safeguard the Wiltshire populace. Below is an extract from the ITT:

All potential suppliers should fully understand and fully support Wiltshire Councils safeguarding policy:

“Wiltshire Council is committed to safeguarding all children, young people and vulnerable adults. We believe that all children, young people and vulnerable adults have an equal right to protection from abuse, regardless of their age, race, religion, ability, gender, language, background or sexual identity and consider the welfare of the child/ young person / vulnerable adult is paramount.”

“Transport suppliers will be expected to work with the Council by ensuring that Safeguarding is integral to the operation of all contracted Journeys.”

The terms and conditions of contract have been revised to include improved and more relevant safeguarding clauses. They also contain revised contract termination clauses to protect users of services and Wiltshire Council in the event of a serious safeguarding incident.

Public Health Implications

There are no public health implications from this proposal

Commercial and Procurement Team Implications

The Commercial and Procurement Team have been fully engaged throughout this process and we will continue to engage with them.

The Dynamic Purchasing System is being created (and will be managed) with the requirements set out in the Public Contract Regulations 2015 and Wiltshire Council’s Constitution.

Equalities Impact of the Proposal

There are no perceived impacts on equality from the tender of a revised DPS

Environmental and Climate Change Considerations

There are no perceived impacts on environment and climate change from the DPS.

There will however be a piece of work done to determine what environment and climate change considerations could be included in the mini competitions. This might be certain engine types, or zero emission vehicles for example.

Risks that may arise if the proposed decision and related work is not taken

- Potential new entrants to the market would be precluded from tendering should a framework approach be adopted
- Continued savings would not be achieved through reduced administration
- Reduced tender timescales would not be possible meaning reduced tender efficiency

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

The main barriers identified will be resourcing the tender. A dedicated staff member within the PTU will be allocated, but they will need to work in partnership with colleagues in legal and the SPH.

There are also concerns that some suppliers will have a limited knowledge of IT and what is expected of them to complete the tender exercise. Therefore, we will introduce the following:

- Face to face training available where required
- Tutorial videos
- Guidance documents provided and kept up to date with any changes
- Communications publicised regularly
- A dedicated superuser

Financial Implications

Having a DPS should help the Council with cost avoidance and may lead to ongoing savings throughout the period of the DPS:

- Having a DPS generally provides a lot more flexibility allowing new entrants at any time, stimulating competition, and reducing prices
- Once established, the automated nature of a DPS means that suppliers can bid for contracts without having to invest hours of valuable time in form-filling each time.
- Companies are no longer exposed to the costs and risk of investing days in putting together a tender proposal - only to keep losing out.
- Procurement savings can translate in lower prices.
- Contracts can be added, issued, and awarded faster.
- Crucially, the streamlined system also means that contracts can begin sooner – and be paid for faster, improving company cash flow.

Legal Implications

Legal Services are fully engaged in this process. Any procurement exercise should be conducted in accordance with the requirements set out in Part 10 of the Council's Constitution and therefore legal and procurement advice will need to be sought on the final tender pack before release and Legal Services will also be consulted to review the final contract documentation before execution.

Recommendation

It is recommended that:

- i. Cabinet agrees to the introduction of a revised Dynamic Purchasing System (DPS) as a platform for the procurement of passenger transport contracts.
- ii. Cabinet delegate the responsibility for the award of contracts onto the DPS to the Director for Highways & Transport in consultation with the cabinet member.
- iii. Start date of proposed DPS arrangement will be from 01 September 2022 with an initial end date of 31 August 2027 with an optional extension of 2 years bringing this to a total of 7 years ending 31 August 2029

The following unpublished documents have been relied on in the preparation of this Report:

None

Wiltshire Council

Cabinet

21 June 2022

Subject: Public Health Nursing Services: future delivery model

Cabinet Member: Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Cllr Ian Blair-Pilling, Cabinet Member for Public Health, Public Protection, Leisure, Libraries, Facilities Management and Operational Assets

Key Decision: Key

Executive Summary

The purpose of this report is to provide Cabinet with the information to decide on the future delivery model for Wiltshire's Public Health Nursing (PHN) Services beyond April 2024. These services are currently delivered by HCRG Care Group (previously Virgin Care Services) as part of Wiltshire Children's Community Healthcare Services (WCCHS) contract.

The HCRG contract is a collaborative commissioning arrangement between the Council and NHS Bath and North-East Somerset, Swindon and Wiltshire Clinical Commissioning Group (BSW CCG). The total contract value for 20/21 was £13.6m of which Wiltshire Council contributes 48% to fund Public Health Nursing (PHN) Services and 2% to fund Speech and Language Therapy services to support children with Education Health and Care Plans (EHCPs). The five-year contract for WCCHS, awarded to HCRG Care Group (previously Virgin Care) in 2016, was extended by two years, taking the current contract until 31st March 2023. In March 2022, Cabinet agreed for a further one-year contract to be negotiated with HCRG Care Group to enable due diligence of the options to be completed and for full consultation to be undertaken with children, young people and families if required. This takes the contracting period to 31st March 2024.

Prior to 2016, children's community services were provided across six separate organisations and parents/ carers of children with special educational needs reported healthcare provision to be confusing and disjointed. It was decided to bring the services together as one overarching children's community health service to create a more pathway-based, less medicalised approach to care.

An initial assessment of a long list of options for the future commissioning of WCCHS was presented to the Wiltshire Locality Commissioning Group (WLCG) and it was agreed for an in-depth option appraisal of the following to be undertaken:

- 1a. Combined WCCHS - one single provider of universal and specialist services across Wiltshire (the current model) – contracted as a single lot
- 1b. Combined WCCHS – one single provider (current model) - contracted as 2 separate lots
2. Disaggregate the current service - LA in-house PHN services and CCG commission specialist community health services separately

All three options have been thoroughly appraised against a set of key criteria which takes account of the strategic objectives for PHN services and a range of technical elements including human resources, finance and IT. See Appendix for the full report.

The appraisal highlighted greatest variation across the three options in relation to the technical elements – particularly human resources and finance and as a result, the option to procure a combined community children’s health service with BSW CCG as a single lot scored the highest (option 1a).

However, a closer look at the procurement options identified a modified version of this option, thought to be more favourable, which is for the Council and the CCG to issue their own terms and conditions for their respective commissioned services. This will allow a single integrated service to be provided and should also allow the Council and CCG to maintain ‘ownership’ and oversight of their respective services.

Proposal(s)

It is recommended that the Cabinet agrees to the following in respect of the future delivery model for Public Health Nursing Services:

- To undertake a single procurement of a combined universal and specialist children’s community health service with separate terms and conditions for the respective Council and CCG elements of the contract.
- To ensure a clear collaborative commissioning agreement is in place
- To strengthen the emphasis on PHNS-partnership and integration with non-health services through the commissioning process
- To delegate to the Director of Public Health and Director of Procurement & Commissioning in consultation with the Corporate Director of People and Corporate Director of Resources/Deputy Chief Executive to agree the award of a contract following the tendering process.

Reason for Proposal(s)

The contract with HCRG Care Group to deliver the Wiltshire Children’s Community Healthcare Service expires on 31 March 2024 following completion of an exceptional 1 year contract agreed at Cabinet on 29 March 2022. There

is a need to decide on the provision of Public Health Nursing Services from 1 April 2024.

Terence Herbert
Chief Executive

Wiltshire Council

Cabinet

21 June 2022

Subject: Wiltshire Children's Community Health Services: future delivery model

Cabinet Member: Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Services, Education and Skills

Cllr Ian Blair-Pilling, Cabinet Member for Public Health and Public Protection, Leisure, Libraries, Facilities Management and Operational Assets

Key Decision: Key

Purpose of Report

1. The purpose of the report is to provide Cabinet with the information to decide on the short-term future of Wiltshire's Public Health Nursing Services (PHNS), currently delivered by HCRG Care Group (HCRG) as part of Wiltshire's Children's Community Healthcare Services (WCCHS) contract.

Relevance to the Council's Business Plan

- 2.1 The Public Health Nursing Service (PHNS) is central to the guiding themes of prevention and early intervention, improving social mobility and tackling inequalities set out in the Wiltshire Council Business Plan Principles 2022-2032. Core to any PHNS is to lead the delivery of the Healthy Child Programme, an evidence based universal programme for children aged 0-19 (currently being updated to extend from 19-24 years). The programme provides the bedrock for health improvement, public health and reducing inequalities. Expectant parents, parents/carers, children, and young people are empowered to make healthy choices and additional support is provided proportionate to need as required.
- 2.2. The universal nature of PHNS provides an opportunity to gather population health data that can inform our local Joint Strategic Needs Assessment and enable a better understanding of our local communities, thus also contributing to this guiding theme.

Background

- 3.1 Wiltshire Council and Bath and North-East Somerset, Swindon and Wiltshire Clinical Commissioning Group (BSW CCG) currently contract with HCRG Care Group (HCRG) to deliver Wiltshire Children's Community Health Service (WCCHS). This service delivers PHNS and specialist children's community health services.

- 3.2 The original contract commenced in April 2016 and was for a period of 5 years with the option to extend for 2 years. This option was exercised in April 2021, taking the current contract to the end of March 2023. In March 2022, Cabinet agreed for an additional one-year contract to be negotiated with HCRG, taking the contracting period to 31st March 2024.
- 3.3 Prior to 2016, children’s community services had been provided across six separate organisations; some of the specialist services were sitting outside of Wiltshire-county borders and required parents / carers to travel outside of Wiltshire for appointments. This also limited the extent to which community services could provide services embedded within education and respite settings. Parents / carers of children with Special Educational Needs and/or Disabilities (SEND) reported this to be a confusing and disjointed healthcare provision. For this reason, and to create a more pathway-based, less medicalised approach to care, it was decided to bring the services together as one overarching children’s community health service.
- 3.4 The total contract value for WCCHS for 2021/22 is £13,684,068, of which Wiltshire Council contributes 48% to fund Public Health Nursing Services and 2% to fund Speech and Language Therapy Services to support children with Education Health Care Plans. BSW CCG contribute the remaining 50% to fund Children’s Specialist Community Health Services and the Looked After Children Service. The table below shows how the funding is split between commissioners.

Commissioner	Value	Proportion
Wiltshire Council (Public Health)	£6,528,047	48%
Wiltshire Council (Children’s Commissioning)	£336,277	2%
BSW Clinical Commissioning Group	£6,819,744	50%

- 3.5 Wiltshire Council is responsible for PHNS in Wiltshire. PHNS is a service directly funded by the Public Health Grant which the local authority receives from the Department of Health and Social Care. The service forms part of the Director of Public Health’s responsibilities for ‘any of the Secretary of State’s public health protection or health improvement functions that they delegate to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the NHS 2006 Act, inserted by section 18 of the 2012 Act’.
- 3.6 The PHNS is required to deliver against the requirements set out in the Health & Social Care Act 2012 to provide a universal service for all expectant parents, children and young people, with an emphasis on prevention and support. This includes leading on the delivery and co-ordination of the Healthy Child Programme 0-19, a national public health programme based on the best available evidence to achieve good outcomes for children. The mandated elements of the PHNS are five universal reviews delivered by the health visiting service from pregnancy through to two and a half years of age, and the National Child Measurement Programme.

3.7 The PHNS service is made up of the following key elements:

- Health Visiting - 0-4 years old
- School Nursing - 5-19 years old
- Family Nurse Partnership (FNP) – a strengths-based programme to support young parents. In Wiltshire this is targeted on young women who conceive at or below the age of nineteen. It is a licenced programme that provides intensive support from pregnancy until the child's second birthday. It is not mandated.
- The National Child Measurement Programme - delivered through the School Nursing Service provides robust public health surveillance data on child weight status to inform national and local planning to reduce obesity

3.8 BSW CCG is responsible for commissioning the following services:

- Community Paediatrics
- Speech & Language Therapy
- Integrated Therapies (Physiotherapy & Occupational Therapy)
- Children's Community Nursing Services
- Children's Continuing Care
- Learning Disability Nursing Services
- Children's Safeguarding Services (named nurses & specialist safeguarding nurses)
- Paediatric Audiology (West Wiltshire only)
- Children's Continence Service
- Looked After Children's Service

3.9 The Looked After Children's (LAC) Service provides specialist health assessments, personal health planning and intervention, advice and support to children and young people who are looked after and their parent/carers. It also provides specialist advice to partner agencies on the health needs of children looked after and actively participates in care planning and review meetings. These services are delivered in conjunction with universal services. Currently review health checks and assessments for looked after children are undertaken by health visitors (up to age 5) and school nurses (over the age of 5).

Main Considerations for the Council

4.1 The Council is looking at 3 potential options for commissioning the service:

- 1a. Combined WCCHS - one single provider of universal and specialist services across Wiltshire (the current model) – contracted as a single lot

1b. Combined WCCHS – one single provider (current model) - contracted as 2 separate lots

2. Disaggregate the current service - LA in-house PHN services and CCG commission specialist community health services separately

4.2 Options 1a and 1b propose the same model of a combined WCCHS but present alternative tendering and procurement arrangements.

4.3 All three options have been thoroughly appraised against a set of key criteria which takes account of the strategic objectives for PHN services (summarised below) and the following technical elements: human resources, finance, ICT/ systems, procurement and legal.

Strategic objectives:

- Service user engagement, whole family approach and smooth transitions
- Focus on prevention, early identification, early intervention and targeting those at higher risk of poorer outcomes
- A strong partnership and integrated working ethos within the service and across the system
- Equity and ease of access to a high high-quality, agile, and responsive evidence-based service that meets the needs of children, young people, and families in the right place and at the right time
- Strong population health approach to assessing need
- An excellent resilient workforce

4.4 Evidence was gathered from liaison with key local stakeholders and representatives involved in PHN commissioning and provision across a range of local authorities, and comparative performance data was reviewed See Appendix for the full report.

4.5 The appraisal highlighted minimal variation in relation to the strategic elements. The differences in scoring are explained below.

4.5.1 The in-housing option (2) scored slightly lower when considering the focus on prevention, early identification, early intervention and targeting those at higher risk of poorer outcomes (strategic element 2). This was due to the anticipated negative impact of disaggregating the universal and specialist elements of WCCHS on the current pathway-based approach to care for children. Public Health Nurses having ready access to specialist nurses supports addressing developmental challenges at an early stage without having to refer on to specialist teams, improving timeliness of care for service users. It also increases knowledge among the PHN team.

4.5.2 Option 1b scored slightly lower on strategic element 3 (a strong partnership and integrated working ethos within the service and across the system) to reflect the risk of a seamless WCCHS across

both universal and specialist services if each of the lots are awarded to two separate providers.

4.5.3 The in-housing option (2) scored slightly lower when considering strategic element 4 (equity and ease of access to a high-quality, agile, and responsive evidence-based service that meets the needs of children, young people, and families in the right place and at the right time). A review of health visiting metric data on the coverage of mandated contacts, indicates that commissioned providers tend to perform better than in-housed services. The current service performs the same or better than the regional average and the three closest statistical neighbours.

4.6 Overall, option 1a scored highest in the appraisal, followed by option 1b and lastly option 2. The greatest variation occurred in relation to the technical elements, specifically human resources, finance, and ICT/systems, where the in-housing option scored notably lower than the other two options.

4.6.1 The appraisal indicated considerable financial risk associated with disaggregating the combined WCCHS and in-housing PHNS, including: the potential for the financial envelope to not be sufficient when the service is disaggregated; losing economies of scale; the need for additional ongoing support and running costs to manage a service of this size; and the cost of mobilisation which were reported to be underestimated and very high in other areas.

4.6.2 The human resource implications of in-housing bring with it additional costs and risks to staffing recruitment and retention. Administering the TUPE process for such a large workforce (minimum of 166 people/ 125 FTE) would require significant resource from Council support services, such as HR, finance, legal and IT. Staffing retention and recruitment difficulties are a significant risk associated with in-housing, particularly if the local authority cannot provide assurance that NHS terms and conditions (which tend to be more favourable than local authority terms and conditions) will be retained for existing and future clinical staff.

4.6.3 ICT risks identified with the in-housing option relate to the challenges of data migration and interfaces with systems for both current and historical records. The need for IT support with suitable experience and understanding of NHS data requirements was also found to be critical for mobilisation and data migration.

4.7 Whilst option 1a scored highest, a closer look at the procurement options identified a modified version of this option, thought to be more favourable. This would involve the procurement of a combined children's community health service with BSW CCG however, the Council and the CCG would issue their own terms and conditions for their respective commissioned services. This will allow a single integrated service to be provided and should also allow the Council and CCG to maintain 'ownership' and oversight of their respective services.

- 4.8 Integration is one of the guiding themes of the Wiltshire Council Business Plan in terms of designing and delivering services in partnership with service users and local communities. In-housing PHNS clearly presents great opportunity for alignment and joined up pathways with local authority partners, however, the appraisal demonstrates that PHNS-LA partnerships are possible for commissioned as well as in-housed services. It will be important that the commissioning process places an emphasis on strengthening partnership and integration with local authority and non-health services.

Overview and Scrutiny Engagement

5. The report will be considered by the Health Select Committee at its meeting on 7th June.

Safeguarding Implications

6. Safeguarding children is a key component of the PHN Service. Health Visiting, Family Nurse Partnership and School Nursing Services are expected to ensure appropriate safeguards and interventions are in place to reduce risks to children and young people from conception where there are safeguarding concerns. When concerns are identified they will work in partnership with key services to intervene effectively in line with agreed local safeguarding protocols. This proposal is not believed to pose any risk to the safeguarding of children, young people, or vulnerable adults.

Public Health Implications

- 7.1 Central to the PHN Service is the delivery of the national Healthy Child Programme (HCP), a universal evidence-based prevention and early intervention programme that aims to ensure that every child gets the good start they need to lay the foundations for a healthy life. It is an integral part of Public Health England's priority to support healthy pregnancy, ensure children's early development and readiness for school, and reduce health inequalities in young children.
- 7.2 Good health, wellbeing and resilience are vital for all our children and there is strong evidence that robust children and young people's public health is important to achieve this. Universal and targeted public health services provided by health visiting and school nursing teams are, therefore, crucial to improving the health and wellbeing of all children.
- 7.3 The Healthy Child Programme is based on the concept of 'proportionate universalism' recognising that it is not sufficient to focus solely on the most disadvantaged to reduce health inequalities. Services must be available to all and able to respond to the level of presenting need. This is one of the key messages from the Marmot Review of health inequalities (2010).
- 7.4 The foundations for virtually every aspect of human development including physical, intellectual, and emotional development, are established in early childhood.

Procurement Implications

- 8.1 The procurement and award of the contract will be completed one in line with the Public Contract Regulations 2015 (PCR2015) and Part 10 of the Council's Constitution.
- 8.2 The Commercial and Procurement Team should be engaged through the entire process agreeing the final procurement model with Commissioners and partners as required.
- 8.3 The Commercial and Procurement will review and sign off procurement related documentation.
- 8.4 The modified version of the preferred option, namely, to undertake a single procurement of a combined universal and specialist children's community health service with separate terms and conditions for the respective Council and CCG elements of the contract, would ensure commissioners maintain 'ownership' of their respective services.

Equalities Impact of the Proposal

9. The equalities impact of the proposed decision is believed to be low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required.

Environmental and Climate Change Considerations

- 10.1 A transformation programme set out by commissioners in the early part of the current contract and implemented by the provider demonstrates a commitment to reduce the impact on the environment and reduce emissions. This included reducing the number of buildings staff were working out of; eradicating paper records; and introducing mobile working which has enabled staff travel to be more efficient.
- 10.2 Consideration of opportunities to further reduce carbon emissions and positively affect climate change will be factored into the future contract and retendering process.

Risks that may arise if the proposed decision and related work is not taken

11. If the proposed decision is not taken, the Local Authority will have to agree an alternative delivery model that comes with the risks identified in the options appraisal report.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

12. The risks of this proposal are outlined in the options appraisal. There is a perceived risk that partnerships with LA and non-health services will not be as strong although the evidence around this is mixed from other areas. Emphasis will be placed in the contract and through the commissioning

process on the importance of strengthening PHNS-partnership and integration with non-health services.

Financial Implications

- 13.1 The recommended option proved to be the most favourable from a financial perspective.
- 13.2 A combined universal and specialist service enables efficiencies and economies of scale to be achieved through sharing of management and back of house functions. Any opportunities for achieving future economies to also be explored as part of the development of Family Hubs.
- 13.3 No transitional costs are required as these will be managed by the provider to whom the contract is awarded

Legal Implications

- 14.1 There should be no legal barrier to this option. However, should the Council act as lead commissioner, a Section 75 agreement will be required to authorise the Council to commission NHS services on the CCG's behalf.
- 14.2 Any procurement exercise should be conducted in accordance with the requirements set out in Part 10 of the Council's Constitution, the SPH Manual and the Public Contract Regulations (2015). Legal Services will need to be engaged throughout this process, with the relevant legal and procurement advice sought.
- 14.3 Wiltshire Council's Legal Services must draft robust legal documentation for this matter. Legal Services will be consulted to review the final documentation before execution.
- 14.4 Cabinet should delegate authority to enter into the contract with the provider and any other relevant legal documentation required (such as a Section 75 agreement with the CCG) to an appropriate individual.

Workforce Implications

- 15.1 There are no direct employment issues as a result of the recommendations for Council staff.
- 15.2 The evidence suggests that the option recommended will provide relative stability for the PHNS workforce – at a time of increasing demand and increasing complexity of cases among children and families, and national staffing shortages.

Options Considered

- 16.1 The options under consideration are:
 - 1a. Combined WCCHS - one single provider of universal and specialist services across Wiltshire (the current model) – contracted as a single lot

- 1b. Combined WCCHS – one single provider (current model) - contracted as 2 separate lots
2. Disaggregate the current service - LA in-house PHN services and CCG commission specialist community health services separately
- 16.2 All three options have been thoroughly appraised against a set of key criteria which takes account of the strategic objectives for PHN services and a range of technical elements including human resources, finance and IT.
- 16.3 Option 2 was rejected as it does not best support a service that requires integration for the following reasons:
- Each Lot will be for a different service and have different terms and conditions
 - The process could result in two different providers with no history of working together, or with a potentially difficult relationship
 - Whilst we can specify that they must work together in certain circumstances there are limitations to this under this procurement approach
- 16.4 Option 3 was rejected mainly due to the anticipated increase in costs associated with in-housing the PHNS (ongoing costs, mobilisation costs, clinical governance), and the risks related to staffing retention and recruitment if Agenda for Change (health service) Terms and Conditions were no longer available to the workforce.
- 16.5 Option 1 scored the highest and was most favoured, however, a closer look at the procurement options identified a modified arrangement for the procurement aspect of this model. The modification is for the Council and the CCG to issue their own terms and conditions for their respective commissioned services. This will allow the benefits of a single integrated service to be realised, whilst also allowing the Council and CCG to maintain 'ownership' of their respective services.

Conclusions

- 17.1 It is recommended that the Cabinet agrees to the following in respect of the future delivery model for Public Health Nursing Services:
- To undertake a single procurement of a combined universal and specialist children's community health service with separate terms and conditions for the respective Council and CCG elements of the contract
 - To ensure a clear collaborative commissioning agreement is in place
 - To strengthen the emphasis on PHNS-partnership and integration with non-health services through the commissioning process
 - To delegate to the Director of Public Health and Director of Procurement & Commissioning in consultation with the Corporate Director of People and Corporate Director of Resources/Deputy Chief Executive to agree the award of a contract following the tendering process.

Helen Jones (Director of Procurement & Commissioning)
Kate Blackburn (Director of Public Health)

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Date of report: 10th May 2022

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Wiltshire Council

Cabinet

21 June 2022

Subject: Disposals Programme Update

Cabinet Member: Cllr Phil Alford, Cabinet Member for Housing, Strategic Assets, Asset Transfer

Key Decision: Non Key

Executive Summary

The council has a programme of disposal of sites that are surplus to operational requirements to generate capital receipts, to support Councils overall Capital Programme. This report sets out performance over the last year and forecast receipts from disposals for the next financial year. The report further seeks approval to declare specific sites surplus and capable of review to determine the best overall return for the council; the 4 assets to be declared surplus are listed in Appendix 2.

Proposal(s)

- That Members note the position in respect of disposals for financial year 2021/22 and the projected receipts for 2022/23.
- That Members confirm that freehold interest of the 4 assets can be sold to either generate capital receipts in support of the Council's capital programme or reused to generate income or service delivery, community or strategic outcomes for the Council.
- Where the decision is to dispose, authorise the Director for Assets and Commercial Development to dispose of the freehold interest in the assets or in his absence the Corporate Director Resources.

Reason for Proposal(s)

To note the current position in respect of capital receipts and the targets for the financial years 2021/22 and 2022/23 and confirm the freehold interest in the 4 assets can be sold to generate capital receipts, after a review of the options to determine how the best overall interest of the Council can be achieved.

**Terence Herbert
Chief Executive**

Wiltshire Council

Cabinet

21 June 2022

Subject: Disposals Programme Update

Cabinet Member: Cllr Phil Alford, Cabinet Member for Housing, Strategic Assets, Asset Transfer

Key Decision: Non Key

Purpose of Report

1. The purpose of this report is to note the position in respect of capital receipts targets for the last year and the target for the financial years 2021-23. Also, to confirm the freehold interest in the assets can be sold to generate capital receipts. The freehold interest in the 4 assets referred to in Appendix 2 are to be declared surplus and capable of review, to determine the best overall return for the council.

Relevance to the Council's Business Plan

2. The disposal of assets raises capital to assist and support the Council's medium term financial strategy (MTFS) which subsequently supports the Council's Business Plan and its aims and targets. Specifically, the business plan describes a *review and rationalise the Council's assets*. Re-use of assets may contribute to service delivery, community or strategic outcomes.

Background

3. On 26th March 2019, Cabinet approved a revised approach to disposal of surplus assets. This report sets out the current and forecast position for disposals and capital receipts.
4. Once assets are declared surplus each site is considered by the Asset Gateway Group to determine the best overall return for the Council, during which time other uses of the sites are considered. The Group determines what is in the best interest for the Council, from a service, community or financial perspective.
5. The 4 assets listed in Appendix 2 are recommended for declaring surplus and capable of review.

Main Considerations for the Council

6. Capital receipts from the sale of assets are used to support the capital programme of investment in the communities of Wiltshire. Examples of the types of investment made and programmed to be made are provided in the Council's Budget, but they range from investment in better roads, waste collection and recycling, extra care homes, health and wellbeing centres and

initiatives to provide better and more efficient customer access to Council services.

7. Running, managing and holding assets is expensive but with careful investment as described above, services can be transformed and delivered in a way that improves customer satisfaction and relies less on needing a building/asset for service delivery.
8. When assets become surplus to the core requirements of the Council and available for alternate uses, one option is disposal; where the capital realised can then be used to support further investment.
9. At Cabinet on 12 September 2017, the Cabinet resolved that the Council would not consider domestic / low value requests for land purchases. This approach remains to be adopted by the Council and will continue into the foreseeable future. Exception cases will be considered where the disposal facilitates the homeowner to make modifications to assist with caring responsibilities and where there is support from a social care perspective.

Overview and Scrutiny Engagement

10. The Financial Planning Task Group, on 26th November 2020, considered the Cabinet paper for 1st December 2020 and the comments from the group have been incorporated into the process of dealing with surplus assets.

Safeguarding Implications

11. There are no direct safeguarding implications with this proposal.

Public Health Implications

12. There are no direct public health implications with this proposal.

Procurement Implications

13. The decision to dispose of the freehold interest does not have any direct procurement implications. However, when the appointment of agents to market the assets or when pre-marketing surveys are required, their procurement is carried out in accordance with the Council's procurement rules and policies.

Equalities Impact of the Proposal

14. None

Environmental and Climate Change Considerations

15. Where a sale or reuse envisages potential development, any environmental and/or climate change issues are best considered through the planning application process. Should the review identify an opportunity retain sites the environmental and climate change considerations shall be considered as part of the business case for re-use of the site.

16. Consolidation of the Council's estate contributes to a reduction in our carbon footprint overall and therefore our carbon council neutral goal.

Risks that may arise if the proposed decision and related work is not taken

17. The Medium Term Financial Strategy (MTFS) for the Council is, in part, dependent on the success of the disposal of property and assets. Failure to decide to declare new freehold interests to be sold, failure to sell those that are currently declared or an inability to re-use existing assets for alternate purposes will impact on the council's ability to achieve its overall business plan. This is balanced against service delivery, community or strategic outcomes.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18. A risk that may arise is that due to legislative or other changes a service need arises for an asset after it has been sold and the Council then has to look to acquire or rent in an asset. However, the list of assets will be considered by the Chief Executive and Directors, via the Asset Gateway Group, to determine if there is an identified service need that could be fulfilled from any of the properties on the list in Appendix 2. The purpose of the Asset Gateway Group is to establish service needs and establish the appropriate property solutions to satisfy these.

Financial Implications

19. As explained above, the realisation of capital from the sale of assets is used to support the MTFS and Council Business Plan. Reducing sales and the delivery of capital receipts will reduce the amount that the Council can invest in its communities and/or be used to reduce borrowing requirements and thus free up revenue for delivering services. The disposal of surplus assets is not only integral to the council's medium term financial planning but often makes good asset management sense too. This is balanced against service delivery, community or strategic outcomes.
20. A capital receipt target for two years from 2021/22 was set at £5.916m and the actual receipts from sales is set out below, net of costs of enhancement and sale:

Summary		As at 11.04.22			
		Sites	Banked	Anticipated (in addition to Banked)	Total
Receipts targets					
2021/22	£3,277,000	12	£2,891,713		£2,891,713
2022/23	£2,639,000	27		£3,742,765	£3,742,765
	£5,916,000		£2,891,713	£3,742,765	£6,634,478
				Variance	£718,478

Legal Implications

21. There are no legal implications with the paper other than it will result in legal work to formalise them. In respect of the assets being put forward as part of the programme, where the resolution is to sell, the asset will be sold at or above market value, thereby ensuring that the best price properly payable will be received thus satisfying the requirements of s123 of the Local Government Act 1972. Market value will be determined by either open marketing of the sites or through an external valuation being procured to reflect any special circumstances. The assets will also be categorised as strategic assets due to their strategic importance to contribute to the MTFS and will not be available for Community Asset Transfer unless Cabinet subsequently decides otherwise.
22. Legal Services will work with Estates & Development to investigate the freehold titles to the properties and identify any site constraints that will need to be considered on any proposed disposal or reuse.

Workforce Implications

23. The sites being declared surplus do not have any staff located, thus there are no workforce implications to be considered. Any work on reviewing assets will be carried out within existing staff resources.

Options Considered

24. Declaring additional assets surplus to the requirements of the Council will provide additional funds for the Medium Term Financial Plan and Council's Business Plan. Prior to disposal the Council will undertake a thorough review of the options for assets ensuring the outcome is in the best interest of the Council.

Conclusions

25. To note the progress of property sales to generate capital receipts in support of the Council's capital programme and, where appropriate, to maximise the amount of capital from them to support the MTPS and Council Business Plan, after a review of the options to determine how the best overall interest of the Council can be achieved.

Simon Hendeby (Director - Assets and Commercial Development)

Report Author: Rob Scott, Robert.Scott@wiltshire.gov.uk,

11th April 2022

Appendices

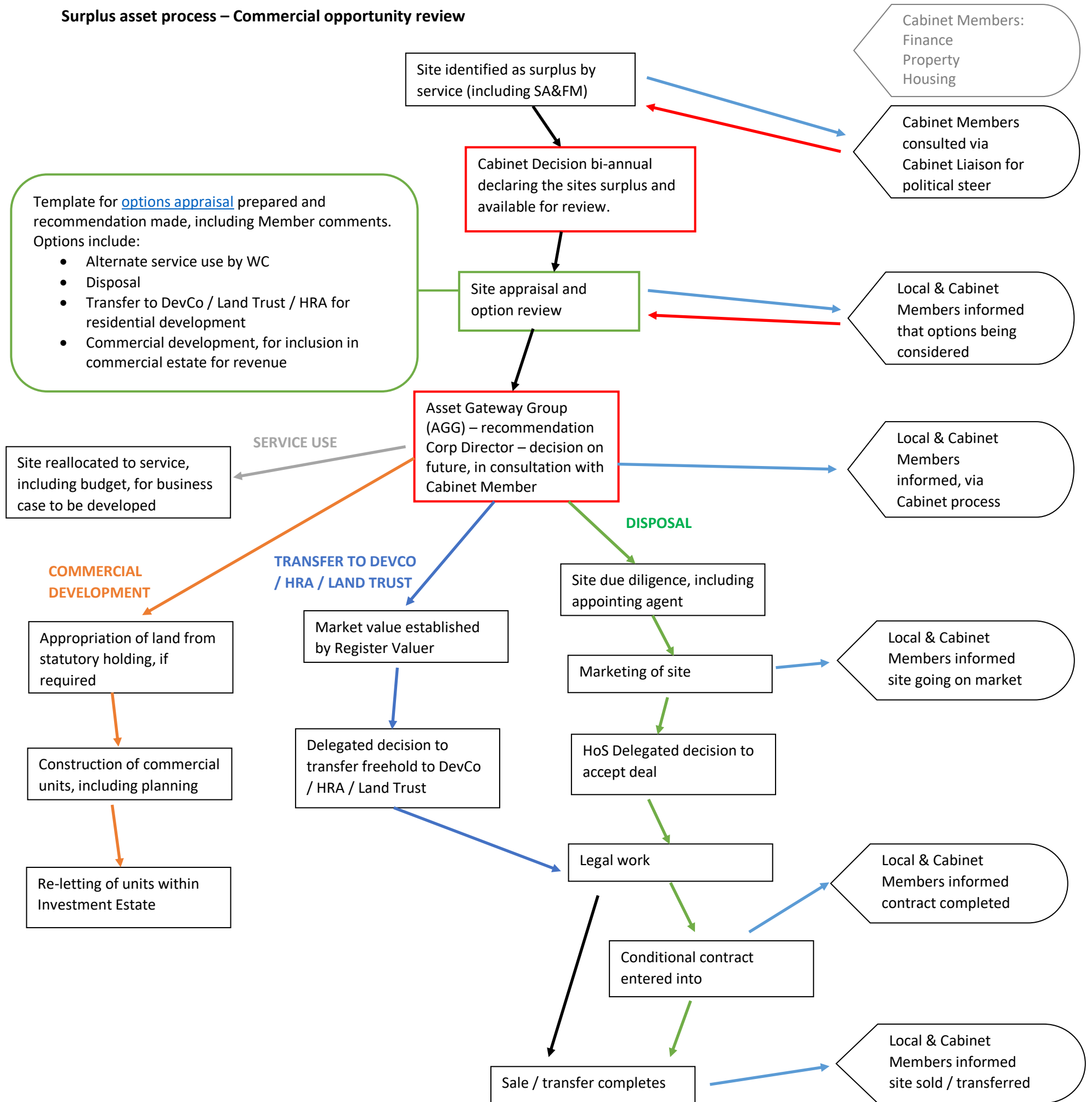
Appendix One – Asset review process
Appendix Two – Assets for consideration

Background Papers

The following documents have been relied on in the preparation of this report:

None

Surplus asset process – Commercial opportunity review



Benefits of revised approach





- Improved prior notification for Cabinet Members of the sites that are being considered for review and sale.
- Reduction in reports being presented to Cabinet, currently every 2/3 months whereas revised approach is bi-annual report
- Greater visibility of progress for sales within a particular financial year
- Greater due diligence to establish the best option for the Council (via robust option appraisal)

Disposal / sales reporting process

- Annual report to Cabinet summarising the disposals undertaken in a financial year and sites declared surplus for forthcoming years. Report will include a statement about future year's targets and a basic summary of whether we are *overall* forecast to achieve (no site details provided for future years). Reported to Cabinet either in April or May.
- Bi-annual report to Cabinet setting out progress of disposals against target, including a list of "pending" transactions, for that financial year. Reported to Cabinet either October or November.
- Monthly reports on progress within financial year provided to Cabinet Member (Property and Finance), setting out the headlines for the month.
- Cabinet Members to receive minutes of Asset Gateway Group.

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Appendix 2 - Sites to be declared surplus (available for option review)

Town	Site	Site reference	Current stage of review/Notes	Plan
Devizes	Melbourne House	611	Surplus Approval/ Outcome of a service review process, indicates this will not be needed for existing use as service enhanced elsewhere in the authority.	
Rowde	Manor Farm Cottage	842	Surplus Approval/Property has become vacant.	
Hindon	East Street Amenity Land - HRA land	02495	Surplus Approval/ Land to facilitate adjoining development.	
Bradford on Avon	Avon Close Garages	02050	Surplus Approval/Surplus to operational requirements following SDAT completion.	

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Wiltshire Council

Cabinet

21 June 2022

Subject: **Development of the BSW Integrated Care System and the Wiltshire Alliance**

Cabinet Member: **Cllr Richard Clewer, Leader and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing**

Key Decision: **Non-Key**

Executive Summary

A statutory Integrated Care System for Bath and NE Somerset, Swindon and Wiltshire commences on 1 July 2022. This paper outlines the development of place based collaboration between Wiltshire Council and NHS partners through the Wiltshire Alliance.

Proposal(s)

It is recommended that Cabinet:

- Notes the further development of place-based working arrangements through the Wiltshire Alliance

Reason for Proposal(s)

In December 2021, Cabinet endorsed the development of place based working arrangements for health and social care through the Wiltshire Alliance. This paper outlines the current situation ahead of the formal commencement of the Integrated Care System for Bath and NE Somerset, Swindon and Wiltshire.

Terence Herbert
Chief Executive

21 June 2022

Subject: Development of the Integrated Care System

Cabinet Member: Cllr Richard Clewer, Leader and Cabinet Member for Climate Change, MCI, Economic Development, Heritage, Arts, Tourism and Health and Wellbeing

Key Decision: Non-Key

Purpose of Report

1. To outline the developing arrangements for Bath and NE Somerset, Swindon and Wiltshire (BSW) Integrated Care System (ICS) and the role Wiltshire Council should play in them.

Relevance to the Council's Business Plan

2. This item is relevant to the guiding themes of prevention and early intervention and working together set out in the new council business plan as well as the outcomes set out under 'empowering people' – we get the best start in life, we are active and we are safe.

Background

3. In February 2021 the Government published the White Paper "Integration and innovation: working together to improve health and social care for all"¹. This was followed by the introduction of the Health and Care Bill [2021]² which was passed into law at the end of April 2022.
4. The Health and Care Act focusses on setting out how the health and social care system should be based on integration rather than competition; its structure, and how Integrated Care Systems (ICSs) will be set up with distinct statutory functions for the Integrated Care Board (ICB) and Integrated Care Partnership.
5. The reforms place Integrated Care Systems (ICSs) on a statutory footing with a "broad duty to collaborate", and a "triple aim duty" to pursue:
 - Better health and wellbeing for everyone;
 - Better quality of health services for all individuals; and
 - Sustainable use of NHS resources.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/960549/integration-and-innovation-working-together-to-improve-health-and-social-care-for-all-print-version.pdf

² [Health and Care Bill publications - Parliamentary Bills - UK Parliament](#)

6. Fundamentally different from the purpose of Clinical Commissioning Groups (which will cease to exist at the end of June 2022), ICSs will exist to:-
 - improve outcomes in population health and healthcare
 - tackle inequalities in outcomes, experience and access
 - enhance productivity and value for money
 - help the NHS support broader social and economic development.
7. Every part of England will be covered by an ICS that will bring together NHS organisations, local government and wider partners at a system level. For our area, the ICS covers Bath and North East Somerset, Swindon and Wiltshire (BSW).
8. Placing ICSs on a statutory footing, and assigning them clear duties will, the Government states, deliver more efficient and more collaborative health and social care services to local populations.
9. The Health Foundation, however, noted while legislation is necessary, “making collaboration work depends as much on culture, management, resources, and other factors as it does on NHS rules and structures”. The King’s Fund agreed, noting that the success of the reforms would be “critically dependent on culture and behavioural change” rather than on legislation.

Guidance

10. In line with the Health and Care Act 2022, the ICS Design Framework states new structures include:-

An ICS Health and Care Partnership

- Each ICS will have a **Partnership at system level**, formed by the NHS and local government as equal partners – **it will be a committee**, not a body.
- Members must include local authorities that are responsible for social care services in the ICS area, as well as the local NHS (represented at least by the ICS NHS body). Beyond this, members may be widely drawn from all partners working to improve health, care and wellbeing in the area, to be agreed locally.
- There is an expectation that the ICS Partnership will have a specific responsibility to **develop an “integrated care strategy”** to promote and address broader health, public health and social care needs for their whole population.
- The chair of the partnership can also be the chair of the ICS NHS body but doesn’t have to be – for local determination (*the chair of the BSW Partnership will be independent*)

An ICS NHS Body (known locally as the Integrated Care Board – ICB) - whose functions will include:-

- Developing a plan to meet the health needs of the population
- Allocating resources

- Joint working and governance arrangements
 - Arranging for the provision of health services and major service transformation programmes
 - People Plan implementation
 - Leading system-wide action on digital and data
 - Joint work on estates, procurement, community development, etc.
 - Leading emergency planning and response
11. The ICS NHS bodies will take on all functions of CCGs as well as direct commissioning functions NHSE may delegate, including commissioning of primary care and appropriate specialised services. There is an expectation that the ICS NHS body will have a unitary board – members of the **ICS NHS Board** – known locally as the Integrated Care Board (ICB) will have shared corporate accountability for delivery of the functions and duties of the ICS and the performance of the organisation.

The BSW ICS Board and Partnership

12. Since the announcement of the Government reforms, the BSW ICS has been making further preparations to take on the additional powers and arrangements set out in the Act.
13. The BSW Partnership provides a mechanism for collaboration and common decision-making for issues which are best tackled on a wider scale. The partners are inclusive of health, local authority and voluntary sector representatives across BSW. The BSW Partnership does not replace Partners' Boards and Governing Bodies. Two principles underpin the governance arrangements:
- Decisions are made at system- or place (B&NES, Swindon and Wiltshire) -level, and taken by the partner organisations – leaders at system and locality levels come together and form agreements in principle and by consensus, then take these to their sovereign organisations for ratification;
 - We aim to make and take decisions at the most appropriate level and as close to local level as possible.
14. The BSW Partnership has been developing its Partnership Memorandum of Understanding that sets out its vision, values, how it is led, and how the partners will work together. This is known locally at the BSW Integrated Care Partnership (ICP).
15. Stephanie Elsy was confirmed as Chair-Designate of the BSW Integrated Care Board (ICB) in July 2021. The high-level vision for BSW has been agreed as *“Working together to empower people to lead their best life.”*
16. Since the last update to Cabinet, additional Non-Executive Directors and Integrated Care Board Executives have been appointed. The development of ICB and ICP membership and functions is ongoing. There will be senior council involvement in both bodies. Richard Clewer, Leader of the Council and Terence Herbert, Chief Executive will represent the Council on the ICP and ICB respectively.

Becoming an Integrated Care Alliance / Place-Based Partnership in Wiltshire

17. The BSW ICP is mapped to the footprint of the BSW Clinical Commissioning Group (CCG) which was formed from a merger of B&NES, Swindon and Wiltshire CCGs in April 2020.
18. Within the BSW area, there are separate, established and complex health and social care eco-systems with varying degrees of integration between health and social care services. B&NES, Swindon and Wiltshire will therefore form their own Place-Based Partnerships of “Alliance”. These Alliances will sit underneath the BSW ICB . The following diagram demonstrates the nested view of the BSW system as currently envisioned.

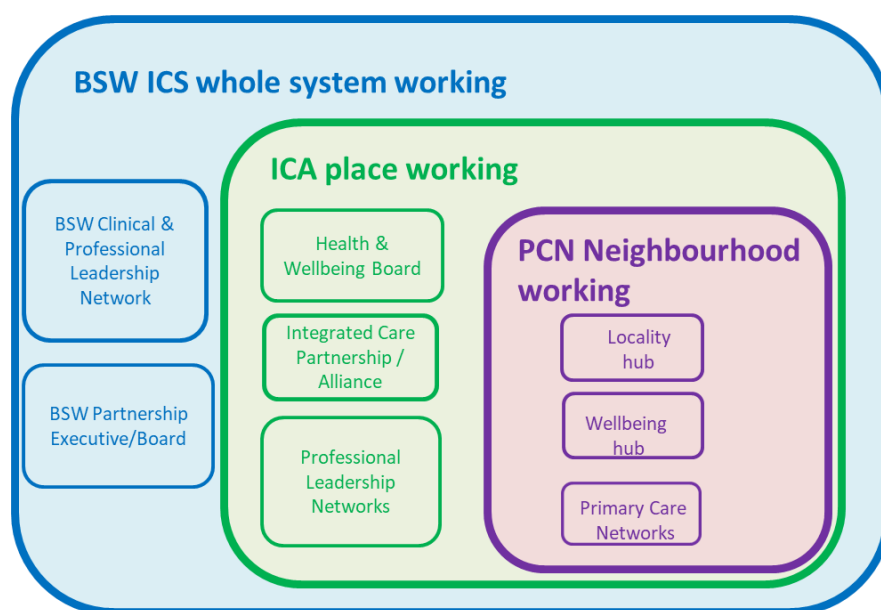
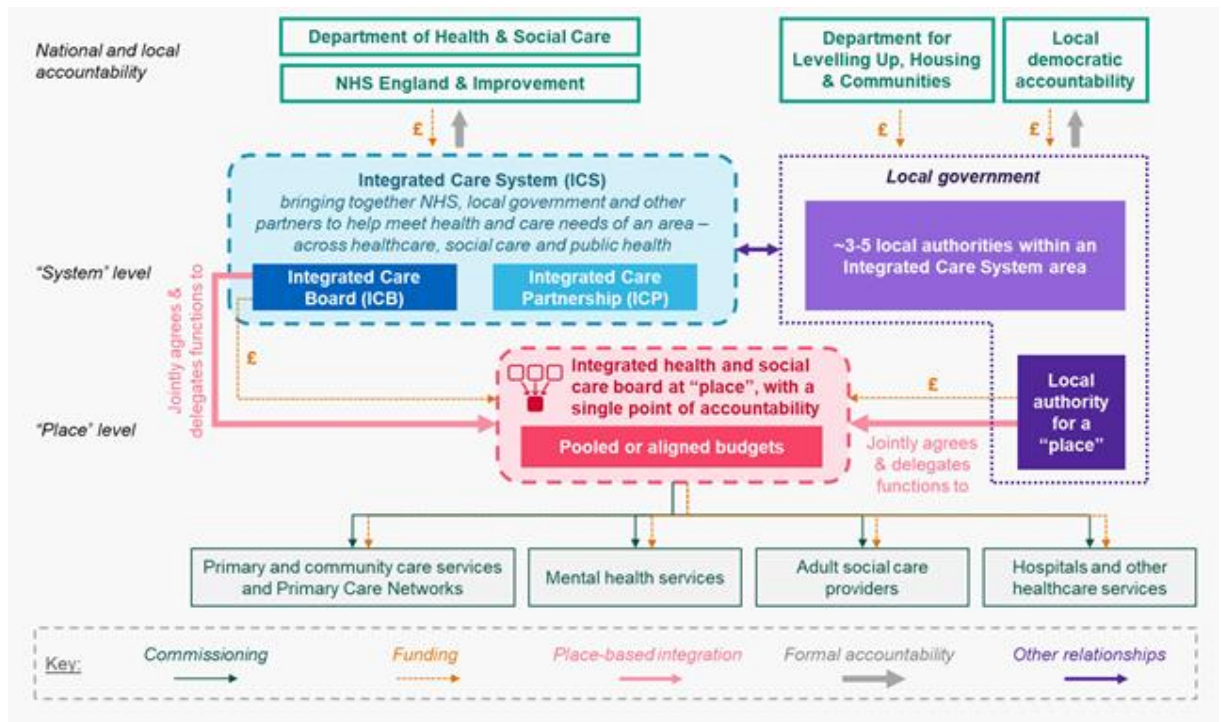


Figure 1 - System, Place and Neighbourhood

19. The Act does not set out fixed arrangements for the governance of place-based partnerships such as the Wiltshire Alliance; instead, it gives flexibility for partners to agree how they work locally. For Wiltshire, this means we need to establish a structure and governance system for the Wiltshire Integrated Care Alliance which supports the strategy and vision of the BSW Partnership whilst facilitating local decision-making, collaboration and integration.
20. A further Integration [White Paper](#) (Joining up care for people, places and populations) came out in February 2022. It set out a vision for integration, proposed shared outcomes for health and social care, proposed simplified s75 agreements to enable pooled budgets, proposed single leaders and new inspection regimes for place, and committed to a single health and care record for all by 2024.
21. The Integration White Paper sets out the expectation that by spring 2023, all places within an Integrated Care System (ICS) adopt a governance model that achieves clarity of governance and clarity of scope in place-based arrangements, including:

- a clear, shared, resourced plan across the partner organisations for delivery of services within scope and for improving shared local outcomes
- over time, a track record of delivery against agreed or shared outcomes
- a significant and, in many cases, growing proportion of health and care activity and spend within that place, overseen by and funded through resources held by the place-based arrangement.



22. Alongside this, expectations for Integrated Care Partnerships were set out – with each ICP expected to publish an integrated care strategy by December 2022. This aligns well with the intention of Wiltshire’s Health and Wellbeing Board to refresh its Joint Health and Wellbeing Strategy later this year.

Main Considerations

23. Accordingly, the following formal financial delegation to a Wiltshire Integrated Care Alliance Joint Committee is likely to be sought after July 2022:

- From the ICB and Council for:
 - Better Care Fund
 - Other joint funding lines already managed using S75 agreements.
- From the ICB for:
 - Community services – adults and childrens
 - Primary care – needs further work on details
 - Locality MH/LD/ASD
 - Hospice and end of life care
 - Other children’s services e.g. SEND
 - VCSE funded services

- Individual commissioning – S117, LD/A, other specialist
- CHC and FNC
- From Wiltshire Council: to be determined in due course.

Other partners may choose to delegate whole or parts of budgets to be governed by the Joint Committee in support for specific initiatives.

Place Based Collaboration

24. New Terms of Reference for the proposed structures, will be submitted for approval after July 2022. Currently, there is an understanding that the following functions will be delivered as the core components of the Wiltshire Alliance:
- An Alliance Joint Committee will act as the key committee for the Alliance.
 - Delivery and implementation of decisions of the Joint Committee – the membership and function of an Alliance Delivery Group will be reviewed, establishing a group with stable membership drawn from across partners focussed on implementing the decisions of the Joint Committee.
 - The following partnership support arrangements are developing in order to support members of the Joint Committee:
 - a. Monthly meetings of Clinical Directors of the Primary Care Networks, and Practice Managers.
 - b. VCSE Leadership Alliance – members for the Joint Committee will be nominated from this group
25. The Alliance Joint Committee will have a key role in aligning strategies, developing commissioning and operational plans, determining work programmes, planning services, ensuring clinical and care professionals' input to local plans, managing a place-based budget (to be agreed and delegated by ICB and Cabinet), maintain and review s75 agreements including the Better Care Fund, and monitor quality and performance. The Committee will also develop proposals for approval by the ICB/ Cabinet as appropriate that are not covered under existing s75 agreements.
26. Membership of the Alliance Joint Committee will include the Directors for Adult Social Care, Children's Services and Public Health in Wiltshire Council as well as ICB Directors of Place, Clinical Leads, Acute Trusts, Community Providers, Primary Care, Mental Health, VCS and Healthwatch Wiltshire. The secretariat for the Alliance (the Joint Committee, the Delivery Group and any sub committees) will be provided by the ICB corporate office.

Overview and Scrutiny Engagement

27. Health Select Committee had the opportunity to contribute to an early draft of this report at their meeting on 7 June. The Health and Care Act led to some minor changes to the powers of the Health Select Committee which have been considered.

Safeguarding Implications

28. No direct safeguarding implications of this proposal; further discussion on how the statutory NHS partnership discharges its safeguarding functions will take

place. The Safeguarding Vulnerable People Partnership will continue to involve appropriate NHS representation.

Public Health Implications

29. The Director of Public Health will be a member of the relevant boards. Integrated working is essential and will help us to shift the focus from acute to primary and community care and, in turn, to preventative activity and population health.

Procurement Implications

30. No direct procurement implications. The proposed place based governance will have to navigate different funding sources and accountabilities, procurement regulations and VAT regimes in the same way as existing joint procurement and commissioning between the council and NHS partners.

Equalities Impact of the Proposal

31. No direct equality implications. Equality analysis for service reconfigurations will need to be undertaken ahead of agreement as it is currently.

Environmental and Climate Change Considerations

32. No direct environmental or climate change considerations. However, the Council is involved in supporting the BSW ICS Net Zero Design Authority.

Risks that may arise if the proposed decision and related work is not taken

33. NHS decision making will reside at system (BSW) level if appropriate place based (Wiltshire) governance is not agreed.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

34. Governance arrangements may become complex and accountability blurred. This risk will be managed through developing a clear understanding of the role of each board within the proposed MoU and amongst partners.

Financial Implications

35. There are no direct financial implications arising out of this report. Any pooled budgets, s75 agreements or requests for formal delegations will be brought before cabinet in due course.

Legal Implications

36. The Health and Care Act is not overly prescriptive in recognition that integration needs to be structured and agreed at a local level. There is, however, a requirement for local authorities to participate and be a part of the ICS.

37. At this stage, there does not appear to be any fettering of the Council's powers or functions. The arrangements will still be subject to the Council's governance arrangements and other relevant law such as the Public Contracts Regulations 2015.

The Health and Wellbeing Board is set to maintain its existing responsibilities for developing a Joint Strategic Needs Assessment, Joint Health and Wellbeing Strategy and encouraging integration. The HWB has considered its desired relationship to other elements of place based governance. The membership of the Health and Wellbeing Board will change following the abolition of the CCG, however new regulations on this as part of the Health and Social Care Act have not been issued yet. They are likely to be forthcoming within the next couple of months. This will also allow consideration to be given to membership from the VCS as well as other appropriate local partners.

38. Any further formal delegations of local authority decision making will need to be agreed by cabinet in due course. At this stage there are no proposals for that other than that already covered under the s75 agreement overseeing the Better Care Fund and associated activity.

Workforce Implications

39. No direct workforce implications at this stage. Any proposals for additional joint teams would be brought forward in due course.

Conclusions

40. The governance for the ICS and place-based decision making within that continues to develop. Once the ICS is on a formal statutory footing, any further proposals for pooling of budgets will come to cabinet for consideration.

Lucy Townsend, Corporate Director, People

Report Author: David Bowater, Executive Office, david.bowater@wiltshire.gov.uk

23 May 2022

Appendices

None

Background Papers

None

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Wiltshire Council

Cabinet

21 June 2022

Subject: Update on the Wiltshire Towns Programme

Cabinet Member: Councillor Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, Military-Civilian Integration, Economic Development, Heritage, Arts, Tourism, and Health and Wellbeing

Key Decision: Non Key

Executive Summary

The Covid-19 pandemic and associated lockdowns have resulted in a significant impact on high streets and town centres across the UK. Although the challenge of vacancy has been apparent for a number of years, this decline in the high streets was attributed to a number of factors including:

- a historic reliance on a shrinking retail offer which is vulnerable to changing consumer habits such as opportunities for online shopping and out of town retail
- long term empty units/high levels of occupant turnover and a shrinking retail offer driven by the rise in on-line shopping; absentee landlords; mixed quality redevelopment and conversions into living space; and, in some instances, problems of anti-social behaviour.

After the first Covid-19 lockdown in 2020, one study judged that close to half of Britain's retail businesses carried a significant risk of failure. Chain stores are shutting, shopping thoroughfares are more gap-toothed than ever, and the huge malls which once symbolised modernity are now struggling. Many town centres now find themselves in economic shock.

In light of this challenge and recognising the contribution of these sectors to Wiltshire's economy, Wiltshire Council allocated £1M a year between 2021-2025 to support activity on the high street, providing meaningful and transformational support to grow businesses, support employment and transform Wiltshire's high streets to meet the needs of the local community. Wiltshire Council's business plan enshrines our commitment to creating and supporting vibrant town centres.

This paper updates on activity to date and plans for the future to support the creation of viable high streets which meet the needs of the community and can adapt for the future.

Proposal(s)

That Cabinet:

- Note the contents of this report and the progress on the Wiltshire Towns Fund to date
- Delegate authority to the Corporate Director for Place, and Head of Economy and Regeneration, in consultation with the Cabinet Member for Economic Development, to implement the activities described
- Delegate authority to the Corporate Director for Place, in consultation with the Cabinet Member for Economic Development, to develop and submit potential business cases to the Levelling Up capital programme.

Reason for Proposal(s)

To provide an update on activities undertaken through the Wiltshire Towns Programme and confirm planned future activities necessary to support town centres to recover and respond to ongoing economic challenges.

Terence Herbert
Chief Executive

Subject:	Update on the Wiltshire Towns Programme
Cabinet Member:	Councillor Richard Clewer, Leader of the Council and Cabinet Member for Climate Change, Military-Civilian Integration, Economic Development, Heritage, Arts, Tourism, and Health and Wellbeing
Key Decision:	Non Key

Purpose of Report

1. To update Members on the activity that has taken place under the Wiltshire Towns Programme
2. To update Members on planned activity under the Wiltshire Towns Programme and agree the proposed delegated authority provisions to enable the Council to develop the programme and related Levelling Up bids

Relevance to the Council's Business Plan

3. The Wiltshire Towns Programme is critical to delivering on the Council's Business Plan priority to have vibrant, well-connected communities. Working with and supporting local businesses is important for developing a strong, thriving and sustainable local economy across Wiltshire which supports the delivery of wider priorities. Delivering investment into the market towns throughout the county helps meet the priorities of the Council's Business Plan 2022-32, including:
 - a. Empowered People
 - b. Resilient Society
 - c. Thriving Economy
 - d. Sustainable Environment
4. Vibrant high streets safeguard resident access to services, allowing them to shop locally reduces carbon impact and supporting high street businesses will support Wiltshire's economy, with retail within the top 3 sectors contributing to Wiltshire GVA (approximately 10%).

Background

5. The Covid-19 pandemic and associated lockdowns have resulted in a significant impact on high streets and town centres across the UK. Although the challenge of vacancy has been apparent for a number of years, this decline in the high streets was attributed to a number of factors including:

- a historic reliance on a shrinking retail offer which is vulnerable to changing consumer habits such as opportunities for online shopping and out of town retail
 - long term empty units/high levels of occupant turnover and a shrinking retail offer driven by the rise in on-line shopping; absentee landlords; mixed quality redevelopment and conversions into living space; and, in some instances, problems of anti-social behaviour.
6. After the first Covid-19 lockdown in 2020, one study judged that close to half of Britain's retail businesses carried a significant risk of failure. Chain stores are shutting, shopping thoroughfares are more gap-toothed than ever, and the huge malls which once symbolised modernity are now struggling. Many town centres now find themselves in economic stagnation
 7. Despite the cessation of Covid restrictions, the closure of the Covid-19 Grants Scheme and removal of the ongoing government support means that businesses are facing an increasingly uncertain future. This situation is exacerbated by the rising cost in living and energy bills driving a 35% fall in retail spend in April 2022.
 8. Retail supports approximately 20,000 jobs in Wiltshire and is a top 3 sector by employment and specialisation. The overall impact is larger as this does not include services, leisure (including food and drink), or tourism businesses which are located on the high street and are also affected.
 9. In light of this challenge and recognising the contribution of these sectors to Wiltshire's economy, Wiltshire Council allocated £1M a year between 2021-2025 to support activity on the high street, providing meaningful support to grow businesses, support employment and transform Wiltshire's high streets to meet the needs of the local community.

Town Centre Economic Strategy

10. Wiltshire Council has recent experience with high street renewal and has sought to use that experience to develop programmes across our towns.
11. The Government has identified best practice research for town centres which has been used to inform the strategy for Wiltshire. In particular, officers have considered research from the Institute of Place Management that identified factors where partners and stakeholders could have most influence and impact:

"In 2014, the Institute of Place Management identified 201 factors that influence the vitality and viability of the high street or other, traditional, retail agglomerations, like town centres. Over the summer we have updated this work as part of the development of the High Streets Task Force and identified 36 new factors that researchers had found also impact upon the performance of high streets/town centres. From crowd funding to hipster stores, the last five years have seen some changes on our high streets. All these factors will be influencing the decision making of local place leaders and partnerships, therefore all 237 factors have been reviewed by a panel of experts in place management to establish:

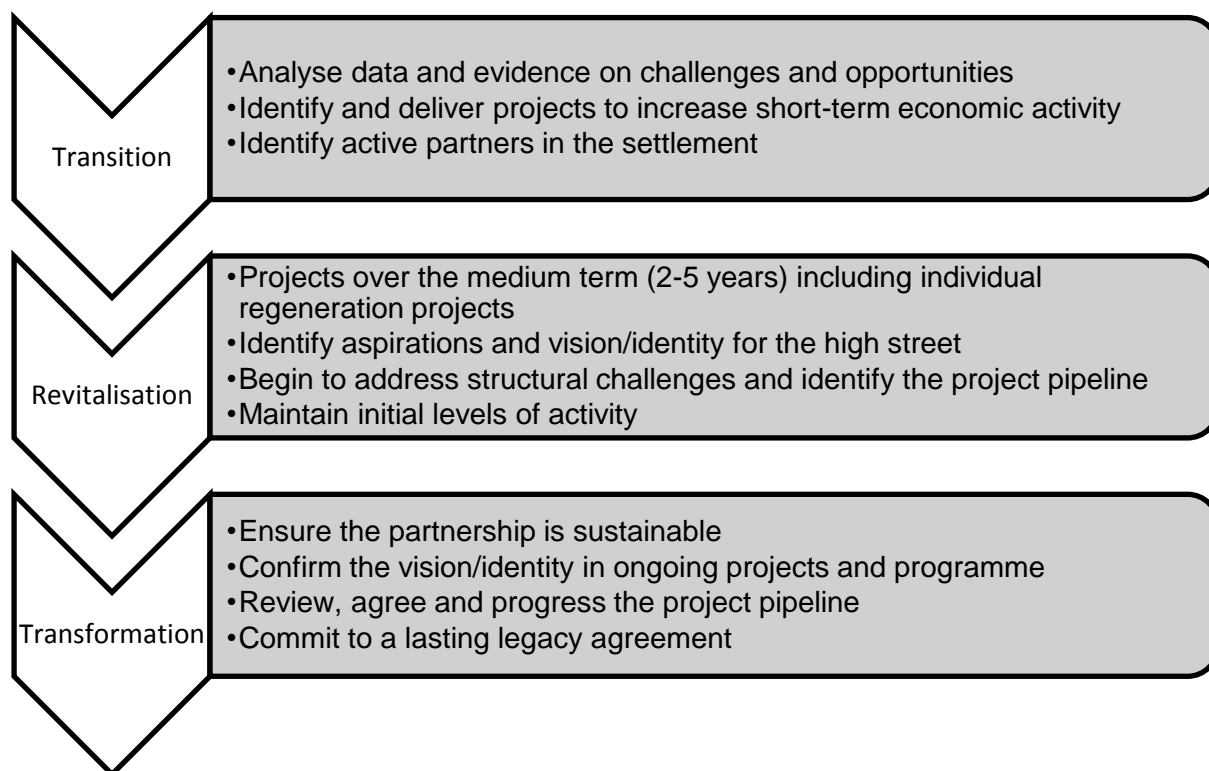
1. How much influence each factor has on the vitality and viability of town centres/high streets? In other words, **what matters?**
2. How much local control there is over each factor? In other words, **what can you do about it?**

By calculating a score for each factor, based on both influence and control this has enabled the High Streets Task Force to identify the Top 25 Priorities that local place leaders and place leaders should be focusing on, in their quest for vitality and viability and to have sustainable high streets that meet the needs of their catchment communities.”

12. Those 25 factors have been considered and grouped into meaningful workstreams to support planning across Wiltshire’s town centres. These workstreams have been matched to aims for the Wiltshire Towns Programme as follows in Item 1

TH	Management	Experience	Retailers	Physical	Programme
IPM 25 Factors	Experience Appearance Necessities Walking Accessible Safety/Crime	Activity Place Marketing Markets Experience Appearance Non-Retail Offer Retail Offer Innovation	Retail Offer Anchors Merchandise Attractiveness Barriers to Entry Adaptivity	Necessities Walking Accessible Recreational Space Liveable Redevelopment Functionality	Vision and Strategy Data and Analysis Place Management Networks and Partnerships Functionality
AIM	Ensuring the existing aspects of the town centre are well managed and maintained	Driving a quality experience for residents and visitors Delivering new experiences to drive consistent footfall	Supporting small-medium Wiltshire businesses to access the high street and its opportunities.	To reduce vacant or space in town centres and deliver sustainable mixed-use centres which attract residents and visitors	Build an understanding of local high streets, and developing sustainable models of place leadership

13. Alongside these priorities, experience suggests that rebuilding the high street means striking a balance between dealing with immediate challenges and planning for the longer term. Officers have developed a cyclical model that supports moving from short term activity generation to longer term strategic programme, working as follows:



14. These factors and strategies will guide partnership working with town councils and high street businesses to develop action plans, projects and strategies for each of our high streets, responding to the circumstances and needs of the local community.

Main Considerations for the Council

15. Alongside the strategic research above, officers have undertaken the following activity:

- a) **Footfall Data:** Officers are developing the provision of data on footfall in settlements to support assessment of impact of high street activities and understanding of where support is required. Supporting understanding of current consumer behaviour.
- b) **Town Centre Spaces:** Officers are providing short-term support to create appealing high streets, through provision of facilities, green spaces, street dressing, to provide safe spaces for residents to return to the high street.
- c) **Digital Training:** Fewer than 20% of Wiltshire's high street businesses have a social media presence, meaning that marketing of town centres is lower than competitors. Officers have established a scheme to provide training for businesses on creating and maintaining a digital presence as well as data on the effectiveness of their online activity.
- d) **What's on in Wiltshire App:** Officers are working to develop the What's on in Wiltshire App, a platform to bring together events and activities that will attract visitors into one convenient location, supporting residents and visitors to easily find events that interest them across a multitude of settlements.

Activity going forward:

16. Given the research undertaken above and with developed understanding of the current plans of town councils, officers have developed the following proposals for activity. These proposals will provide transformational support for Wiltshire's town centres, building on a "what works" ethos to increase vibrancy and economic vitality.
17. Officers will work with town councils to develop Action Plans that identify necessary activities to support the high street through the length of the programme. Action plans will be formed through a series of engagements to run through the baseline information/evidence already collected and develop planned activity in line with the strategy above.
18. Officers will extend provision of visitor heritage trails through apps and story-telling to provide free and informative activities for visitors, connecting local people to their town centres and the history of their local area.
19. The funding for 2022/23 is allocated as follows and draws on an Earmarked Reserve carried forward. The EMR was created as there was less activity than planned in the third quarter 2021/22 as resources were diverted onto the new grant scheme to support business in response to the Omicron variant

Vibrant Wiltshire	Funding to support new businesses opening on the high street and existing businesses to upgrade their offer and become more resilient.	500,000
Business Support	Support for businesses in receipt of grants to access good advice and ensure business plans are robust and tested	50,000
What's on in Wiltshire App	Events app with supporting marketing activity to support residents re-accessing the high street	80,000
Heritage App expansion	Increasing performance of heritage app and expanding county wide	80,000
Master-planning	Work to develop masterplans for principle settlements	50,000
Pipeline Development	Funding to support developing a pipeline of projects to support further bidding activity, with particular consideration for workspaces	150,000
Staffing, monitoring and evidence	Resource to support the programme across the number of settlements and manage projects, monitor progress and develop evidence on what works	100,000
Generating Activity Programme	Fund for TCs to bid into to create activity on the high streets, looking at events, marketing and promotion, supporting new businesses and increasing the access for the local community.	300,000
Wiltshire Visitor Promotion	Campaign to promote Wiltshire as a destination to our residents and catchment area and bring footfall back to the high street	150,000

Generating Activity Programme

20. To increase capacity and support immediate work to encourage people back to the high street, officers are working with town councils to develop and fund activity generation plans to:
- Drive footfall and spend to town centres
 - Reach a wider catchment, with a focus on new audiences and inclusion
 - Support an increased retail, community and social function that encourages visits during the day and evening.
 - Support perception of the town centre as a place that will create a convenient and attractive destination for both local residents and visitors
 - Extend the visitor season for town centres – providing support through quieter periods.
21. Through the allocation of support under activities in the Town Centre dressing programme (item 15b) and the proposal for the Generating Activity programme (item 20), town centres will receive the following allocations for the first phases of this programme.
22. Additional support will be available directly to businesses, and further allocations will follow as towns build on best practice and the most effective interventions.

Indicative allocations:

Town	Shop Numbers	Employment Measure	Proposed Activity Generation Allocation	Existing Allocation (population based)	Total
Salisbury	452	45075	30000	15000	45000
Trowbridge	283	21925	30000	15000	45000
Chippenham	244	21340	30000	15000	45000
Devizes	212	11450	20000	10000	30000
Warminster	191	19485	20000	10000	30000
Melksham	127	11295	20000	10000	30000
Marlborough	160	10095	20000	7000	27000
Calne	90	5250	10000	10000	20000
Corsham	81	9145	10000	10000	20000
Westbury	80	4490	10000	10000	20000
Royal Wootton Bassett	109	8145	10000	7000	17000
Bradford on Avon	87	7175	10000	7000	17000
Amesbury	82	8885	10000	7000	17000
Malmesbury	79	8340	10000	7000	17000
Pewsey	59	3130	10000		10000
Cricklade	29	1610	5000		5000
Tidworth	29	2043*	5000		5000
Tisbury	26	1831*	5000		5000
Ludgershall	23	1620*	5000		5000
Mere	23	1285	5000		5000
Wilton	21	2465	5000		5000

Downton	12	845*	5000	5000
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23. Alongside this, officers will work to agree a promotional scheme that focuses on generating additional visits and spend to our towns and high streets, and restoring consumer confidence, as well as visitor industry rebuilding and safeguarding for a stronger future.

The campaign would focus on the following priorities:

- To encourage locals to visit Wiltshire towns and high streets.
- To drive additional visitors and spend, achieving a ROI
- To improve sector productivity by increasing visits to our towns and high streets during key off season and shoulder season periods.
- To provide a campaign platform that Wiltshire tourism and hospitality businesses can get involved with via a 'Residents Campaign' initiative, that builds longer-term demand.

Latest consumer tourism research indicates that visitors are likely to take a short break or visit places that are local to them but are often reluctant to do so because of lack of product knowledge and consumer confidence. Therefore, using geo targeting this campaign will intend to focus on a local audience.

- Local audience – who live in, or within a 30–45-minute drive, of Wiltshire
- For digital activity the audiences will be split into two categories to sit in line with potential interests; a younger adult audience focussed on those with interests in high street shopping and days out, culture/food/drink; and a family-focused audience consisting of adults over 30, highlighting family-friendly activities and experiences across the county.

Vibrant Wiltshire

24. Given the challenges on the high street, a number of retail units have become empty in the previous months, some as a direct result of the impact of Covid-19 and some for other reasons, including as a result of the ongoing evolution of consumer spending habits. The proposed Vibrant Wiltshire fund identifies that these empty retail units may be re-occupied on a short-term basis to stimulate the economy and encourage footfall to the area.

25. It is proposed that Wiltshire Council establishes a Vibrant Wiltshire fund to support high streets to meet the needs of their communities by delivering transformational change to the county's town centres and help to curate thriving places where people want to live, work and visit.

26. The programme will support the development of currently underutilised or vacant spaces located in Wiltshire market town centres. The focus will be on bringing new types of uses into the area, strengthening and diversifying the current High Street offer. Attracting independent businesses within the creative, food and drink and digital sectors will be a priority. The package of interventions will boost levels of footfall and bring vacant units and heritage properties back into use, creating new jobs and the conditions for people to want to spend time and money in the high streets.

27. If successful the programme will safeguard and enhance the High Street environment, increase the number of businesses and new jobs in the area with a focus on providing opportunities for residents in adjacent communities.

28. The Vibrant Wiltshire programme will have two different grant options:

a. **High Street Business Start Up Grant**

This grant will provide funding to businesses looking to open in a currently empty retail unit in the high streets.

The aim of the grant is to bring empty retail premises back into use and the grant range is anticipated at £2,500 to a maximum of £10,000. Exceptional circumstances will be considered.

b. **Business Diversification Grant**

The recent Covid-19 crisis has demonstrated how important it is for a high street business to be able to adapt and diversify to survive.

The crisis has encouraged many businesses to think about how they might diversify in the future both to react to difficult times but also to capitalise on new opportunities.

This grant will be available to high street businesses and is anticipated to provide a range of funding from £500 to £10,000. Applicants will need to set out a clear proposal in a simple application form, describing the activity they want to undertake, what they require funding for and evidence that they have sought to establish best value through quotes.

29. The fund will seek to support businesses that can prove viable and are willing to commit to the high street over the longer term and provide a return on investment.

Project Pipeline Development and Levelling Up

30. Where high streets are most significantly exposed to a decline in retail, it will be necessary to plan for and encourage multi-use spaces that maintain community facilities while being commercially viable. Under the Towns Programme, officers will work to develop town centre masterplans for settlements where sensible, based on a combination of challenge and opportunity.

31. In addition, to successfully bring in capital funding for transformative schemes, a project pipeline is required that would allow officers to adapt to short bidding windows and any forthcoming opportunities. Under the banner of the Wiltshire Towns Programme, we propose providing support to develop the pipeline, including resourcing for green-book business case development.

32. Within this workstream, work is ongoing to develop submissions for Levelling Up Round 2. Noting that Wiltshire remains low priority for investment in this funding, this approach will prioritise existing developed projects capable of meeting the deliverability criteria.

Strategy Development

33. Officers will consider a number of workstreams that will link the high street to its wider economic or spatial impact including:

- a) Public Art and the High Street

- b) Design and the High Street
- c) A Wiltshire Food and Drink Strategy (including the Wiltshire Marque and shop local/low carbon produce)
- d) Evening and Night-time Economy
- e) Workspaces on the High Street

These strategies may be progressed as projects emerge.

Overview and Scrutiny Engagement

34. The Environment Select Committee will receive a briefing on the Wiltshire Towns Programme in June 2022.

Safeguarding Implications

35. There are no direct safeguarding implications associated with the proposal.

Public Health Implications

36. Within the factors to be considered with towns, walking and accessibility are high priorities to deliver vitality. Alongside developing action plans that address these questions, town centre action plan development will have regard to air quality requirements and recent research and best practice on Healthy High Streets, and will engage with the Public Health team for project and strategy development.

Procurement Implications

37. Procurement advice will be sought as projects are progressed.

Equalities Impact of the Proposal

38. Each of the projects as they are shaped will undertake an equalities impact assessment as they progress.

Environmental and Climate Change Considerations

39. The goals of the Wiltshire Towns Programme are well aligned with the climate strategy, in that an improved offer and experience of town centres and high streets will support an increase of local people using their local centre, and reducing the need or desire to travel elsewhere for retail and leisure.

40. Projects for which funding is proposed to be allocated will have environmental benefits. These impacts will be considered as proposals are developed.

Risks that may arise if the proposed decision and related work is not taken

41. If work on the Wiltshire Towns Programme is not progressed, Wiltshire's town centres may see further decline in spend and footfall, with resultant business closures. Some towns may lose a critical mass of retail and see wide-spread decline, resulting in long-term vacant units on the high street, unemployment and lack of facilities for the local population. Residents needing to travel further afield for retail and leisure will increase carbon emissions and costs.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

42. Activities undertaken as part of the Wiltshire Towns Programme may be ineffective, particularly in the context of the rising cost of living. Ongoing monitoring of footfall data will take place to assess the effectiveness of activities and any not having the desired impact will not be supported further.

Financial Implications

43. £1m per annum has been allocated to the Wiltshire Towns Programme between financial years 2021/22-2024/25. There has been less activity than planned in the third quarter 2021/22 on the Wiltshire Economic Programme as resources were diverted onto the new grant scheme to support business in response to the Omicron variant. As recommended in the Qtr 3 Revenue Budget Monitoring report (£0.723m) underspend against Wiltshire Towns Recovery budget has been transferred to an EMR for the initiatives described above.

Legal Implications

44. Consideration will be given to legal implications as projects are developed. Projects will build on existing learning from grant schemes developed through Future High Streets Fund and the Covid-19 Grant Programme to ensure full compliance is maintained.

Workforce Implications

45. This function will be undertaken within Economy and Regeneration. Recruitment is ongoing for existing posts within the Regeneration service and capacity will remain under review.

Options Considered

46. Option to not progress with the Wiltshire Towns Programme. Given the contribution of retail, hospitality and leisure to Wiltshire's wider economy, lack of support could result in substantial economic decline.
47. Option to include or prioritise other projects. Officers have engaged with the High Streets Task Force and What Works centre to understand the best options for supporting town centres. Local leadership and activity generation are identified as critical for long-term vitality. However as above, should interventions fail to impact positively on footfall, they will be reviewed and not progressed.

Conclusions

48. Considering the value of retail, hospitality and leisure to Wiltshire's wider economy, and the advice from the High Streets Task Force and Institute of

Place Management, officers have developed a programme to provide long-term resilience for Wiltshire's town centres and high streets.

49. Further development will be undertaken with town partners, such as town councils and businesses, to establish plans and support project delivery for long-term vitality.

Parvis Khansari, Corporate Director for Place

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Wiltshire Council

Cabinet

21 June 2022

Subject: Change in commissioning care at Furlong Close

Cabinet Member: Cllr Jane Davies Cabinet Member for Adult Social Care, SEND, Transition and Inclusion

Key Decision: Key Decision

Executive Summary

Furlong Close is currently owned by Hft which provides care there for 17 Wiltshire Council funded residents and 12 residents from 11 other local authorities. In February 2021, Hft gave notice on all contracts with Wiltshire Council with them ending on 19 May 2021. Due to its obligations under the Public Contracts Regulations 2015, the Council went out to tender for the delivery of services at Furlong Close but was unsuccessful in securing an alternative provider.

Following an inspection of Furlong Close by the Care Quality Commission, a report was published in September 2021 which found the service to be inadequate. A subsequent report published in March 2022 found the service as requiring improvement.

During this time officers have worked closely with the Friends and Families of Furlong Close to support alternative arrangements on the site. Hft is currently concluding the sale of the land and buildings at Furlong Close to Specialised Supported Housing (SSH). Officers have supported discussions for the site to change from Residential (which does not meet CQC standards of care due to the campus nature of the current arrangement) to Supported Living. This is a change in line with the wishes of the residents as well as Friends and Families. SSH in partnership with the Friends and Families group have selected Inclusion, a not-for-profit housing association, which will lease the site from SSH and manage the accommodation. In liaison with the Friends & Families, Inclusion has identified Agincare as the provider of care and support on the site. As Agincare is on the Council's Good Lives Alliance Framework, it has met the relevant quality checks.

The Council currently holds a covenant on the Furlong Close site which restricts its use to residential care only (this is known as C2 use). In order to deliver Supported Living on site the covenant needs to allow C3b use. C3b use will allow up to 6 people, living together as a single household and receiving care. By restricting to C3b rather than C3, which would allow general housing on the site, the Council is protecting the interests of the residents. The Council wants to ensure that the site cannot be used for purposes other than the care of the residents and any new people the Council wishes to place there

to receive care to meet their needs. The Council can only vary the covenant on the land which it has benefit from. Any other covenants will be a matter for SSH to resolve with the appropriate parties.

Proposal(s)

It is recommended that:

- 1 Cabinet agrees to a variation of the covenant from C2 to C3b use only.
- 2 Cabinet agrees that a first nomination rights agreement is sought in favour of the Council to cover the situation if voids arise at Furlong Close.
- 3 Cabinet agrees to delegate to the Director of Procurement & Commissioning in consultation with the Corporate Director of People and the Corporate Director of Resources/Deputy Chief Executive all necessary steps, including the variation of the covenant and the nomination rights agreement.

Reason for Proposal(s)

The Council has worked closely with the Friends and Families group to seek a long-term solution for Furlong Close. A provider to deliver residential care could not be found through a tender process, and there was also the risk that CQC would not approve registration due to the model not meeting their standards of care. Supported Living is concordant with CQC standards of care and will provide more opportunities for residents to develop independent lives and secure tenancies for their homes in line with their wishes.

Terence Herbert
Chief Executive

21 June 2022

Subject: Change in commissioning care at Furlong Close

Cabinet Member: Cllr Jane Davies Cabinet Member for Adult Social Care, SEND, Transition and Inclusion

Key Decision: Key Decision

Purpose of Report

1. This report outlines the reasons why a change in the covenant on the Furlong Close site is required.

Relevance to the Council's Business Plan

2. The proposal is relevant to the following priorities and objectives laid down the Council's Business Plan¹:
 - The people of Wiltshire are empowered to live full, healthy, and enriched lives
 - We get the best start in life
 - We stay active
 - We are safe
 - We live well together
 - We ensure decisions are evidence-based
 - We have the right skills to prosper
 - We have vibrant, well-connected communities

Background

3. Furlong Close is owned by Hft which provides care for 17 Wiltshire Council funded residents and 12 residents funded by 11 other local authorities. In February 2021, Hft gave notice on all its contracts to Wiltshire Council with them ending on 19 May 2021. The February decision followed an earlier decision by Hft in October 2020 to close the site which was challenged in the High Court by a representative of a resident. Due to its obligations under the Public Contracts Regulations 2015, the Council went out to tender for the delivery of services at Furlong Close but was unsuccessful in securing an alternative provider.
 4. Following an inspection by the Care Quality Commission, a report was published in September 2021 which found the service to be inadequate. A subsequent report published in March 2022 found the service as requiring
-

improvement. During this time officers have worked closely with the Friends and Families of Furlong Close to support alternative arrangements on the site. Hft is currently concluding the sale of the land and buildings at Furlong Close to be purchased by Specialised Supported Housing (SSH). Officers have supported discussions for the site to change from Residential (which does not meet CQC standards of care due to the campus nature of the current arrangement) to Supported Living. This is a change in line with the wishes of the residents as well as Friends and Families. SSH, in partnership with the Friends and Families group, have selected Inclusion, a not-for-profit housing association, to lease the site and manage the accommodation. In liaison with the Friends & Families, Inclusion have identified Agincare the provider of care and support on the site. In liaison with the Friends & Families, Inclusion has identified Agincare as the provider of care and support on the site. As Agincare is on the Council's Good Lives Alliance Framework, it has met the relevant quality checks.

5. The Council currently holds a covenant on the Furlong Close site which restricts its use to residential care only (this is known as C2 use). In order to deliver Supported Living on site the covenant needs to allow C3b use. This covers up to 6 people living together as a single household and receiving care. C3b use will allow up to 6 people, living together as a single household and receiving care. By restricting to C3b rather than C3, which would allow general housing on the site, the Council is protecting the interests of the residents. The Council wants to ensure that the site cannot be used for purposes other than the care of the residents and any new people the Council wishes to place there to receive care to meet their needs. The Council can only vary the covenant on the land which it has benefit from. Any other covenants will be a matter for SSH to resolve with the appropriate parties.

Main Considerations for the Council

6. In order to secure the long-term future of Furlong Close, the current covenant needs to be varied to enable C3b use.
7. The Council wants to protect the wishes of the residents to live on the site. The new tenancies will enable residents to have their own homes and the Council will commission the care separately. Residents may wish to change care provider or receive a direct payment to pay for care in the future and officers will support them to promote their well-being, have regard to their views, wishes, feelings and beliefs and, where individuals lack capacity to make decisions, what is in their best interests.
8. By limiting the variation to C3b only the Council will prevent the site being used for general purpose housing which could put the long-term future of the residents' homes at risk. The Council will protect its position through a nomination agreement that will provide the ability for the Council to fill any vacancies in the property, should they arise.

Safeguarding Implications

9. Safeguarding is a priority for the Council in respect of the residents of Furlong Close. There will be no increased risk to residents through these proposals.

Public Health Implications

10. There are no Public Health implications.

Procurement Implications

11. The Council conducted two separate procurement exercises seeking a provider to take over the site as residential provision, but these exercises were unsuccessful.
12. Inclusion have selected Agincare as the care and support provider at the site. Agincare is a provider on the Good Lives Alliance (which is the Council's established purchasing arrangement for the type of care and support provided a Furlong Close).

Workforce Implications

13. There is not any expected impact on the workforce as a result of this proposal. TUPE arrangements are a matter between Hft and Agincare.

Equalities Impact of the Proposal

14. The equalities impact of the proposed decision is believed to be low against all criteria on the Equalities Risk Criteria Table and, therefore, a full Equalities Impact Assessment is not required.

Environmental and Climate Change Considerations

15. It is anticipated that the energy consumption and associated emissions will not alter from their current levels as a result of this proposal.
16. Officers will discuss with SSH how any refurbishments they make on the site can improve the environmental aspects.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

17. If the proposed decision is not taken, the risk is that the current residents will have to be moved from Furlong Close, which is against their wishes.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

18. There is a risk that SSH might use the site to apply for planning permission for general housing. This risk is managed by having a variation that restricts usage to C3b only and not general C3 use.

Financial Implications

19. The estimated financial impact of this change of service moving from residential to supported living anticipates seeing overall financial savings. The

new service will not be in excess of the current costs. There is a savings target of £250k in 2022-23 by changing commissioned care from residential to supported living and this proposal will support that.

20. The use of a Good Lives Alliance Provider will ensure the costs remain at agreed rates greatly reducing the level of financial risk.
21. The estimated level of saving is around £150k per annum. This estimate is based upon the current level of residents and assuming their needs do not change. However, this does not take into consideration additional requirements for 1:1 support etc. in the future. These variables will not result in the care package exceeding current rates as a residential care home.

Legal Implications

22. The Council can only vary the C2 covenant to the extent that it has an interest in the land.
23. There are no specific implications for the Council under the Public Contracts Regulations 2015 ('the 2015 Regulations'). The existing supplier is proposing a sale and purchase of its business and the buyer is making arrangements for services to be delivered from the site from a third-party contractor. The buyer's service delivery contractor is an existing contractor of the Council. Where the Council purchases services from the contractor, it must do so in accordance with the terms of the relevant contract to ensure continued compliance with the 2015 Regulations.

Workforce Implications

24. There are no workforce implications for the Council. The TUPE arrangements are a matter between Aginare and Hft.

Options Considered

25. The options are to:
 1. Do nothing -
This is not a viable option as Hft wants to leave the site and a provider for residential care cannot be found. There is a strong risk that CQC would not re-register the site as residential accommodation.
 2. Vary the covenant for C3b use only -
This will allow the development of Furlong Close into Supported Living accommodation.

Conclusions

It is recommended that:

- 1 Cabinet agrees to a variation of the covenant from C2 to C3b use only.**
 - 2 Cabinet agrees that a first nomination rights agreement is sought in favour of the Council to cover the situation if voids arise at Furlong Close.**
-

3 Cabinet agrees to delegate to the Director of Procurement & Commissioning in consultation with the Corporate Director of People and the Corporate Director of Resources/Deputy Chief Executive all necessary steps, including the variation of the covenant and the nomination rights agreement.

Helen Jones Director of Procurement & Commissioning

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