

## CABINET

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### MINUTES OF THE CABINET MEETING HELD ON 26 MARCH 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### Present:

Cllr Baroness Scott of Bybrook OBE (Chairman), Cllr John Thomson (Vice-Chairman), Cllr Pauline Church, Cllr Richard Clewer, Cllr Laura Mayes, Cllr Toby Sturgis, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

#### Also Present:

Cllr Richard Gamble, Cllr Alan Hill, Cllr Ian Thorn, Cllr Graham Wright, Cllr Robert Yuill, Cllr Clare Cape, Cllr Gavin Grant, Cllr Atiqul Hoque, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Bob Jones MBE, Cllr Gordon King, Cllr Roy While, Cllr Peter Evans and Cllr Ruth Hopkinson

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#### 27 Apologies

There were no apologies.

#### 28 Minutes of the previous meeting

The minutes of the meeting held on 5 February 2019 were presented.

#### Resolved:

**To approve as a correct record and sign the minutes of the meeting held on 5 February 2019.**

#### 29 Declarations of Interest

There were no declarations of interest.

#### 30 Leader's announcements

The Leader made an announcement about the development of proposals for special education provision in Wiltshire. A copy of the statement is attached as an appendix to these minutes.

## 31 **Public participation and Questions from Councillors**

1. Anne Henshaw, on behalf of the Campaign to Protect Rural England, asked a question about the Local Transport Plan 3 and if it would be reviewed at the same time as the review of the Core Strategy (Local Plan).

The Leader of the Council thanked Ms Henshaw for her question and explained that a written response would be provided in due course.

2. Colin Gale, on behalf of Pewsey Community Area Partnership (PCAP), Campaign to Protect Rural England (CPRE) and Pewsey Parish Council (PPC), read out a statement about key decisions made by the Council. He thanked Cllr Richard Clewer, the Director of Legal and Democratic Services and Senior Democratic Services Officer for meeting with him and providing a demonstration of the process undertaken to publish the Cabinet Forward Work Plan.

The Leader of the Council thanked Mr Gale for his statement and indicated that she was pleased that the matter had been resolved to his satisfaction.

## 32 **Wiltshire Local Plan Review Update**

Cllr Toby Sturgis presented the report which (i) detailed the outcome of consultations on the local plan review that took place in 2017; (ii) detailed the implications for plan making arising from revisions to the National Planning Policy Framework (NPPF); (iii) sought endorsement for preparation of the required statement of Common Ground with Swindon Borough Council to inform the matters to be addressed in a Joint Spatial Framework; and (iv) sought approval for a revised Wiltshire Local Development Scheme (LDS).

Cllr Sturgis explained that the report brought together the outcomes of the Autumn 2017 Wiltshire Local Plan Review consultation and amended Government policy now included in the revised NPPF. The NPPF recommended the next steps for the review of the Wiltshire Local Plan with a view to an adopted plan being in place by Summer 2021. The LDS is also updated to take into consideration progress with made and advanced neighbourhood plans as at January 2019, the timetable for the Wiltshire Housing Site Allocation Plan and the continued commitment to review minerals and waste plans.

The Cabinet noted that maintaining an up-to-date Local Plan in accordance with the NPPF would support Plan led growth across the county to support sustainable and resilient communities, safeguarding the authority from speculative and unplanned development.

In response to questions from Cllrs Mathew and Thorn about the recently agreed motions by Council on 26<sup>th</sup> February 2019 in relation to Climate Change,

the Leader confirmed that the process to consider the motions had commenced through the Overview and Scrutiny Management Committee and their request to the Environment Select Committee to consider establishing a Task Group to take the matter forward. Cllr Sturgis confirmed that the views and recommendations of the Task Group would be taken into account during the review of the Local Plan, that the Council had sufficient expertise and a knowledge base within the current Planning Team structures to take the climate change issue forward, and that in fact Wiltshire was one of the leading authorities incorporating climate change policies in its day to day activities. Cllr Sturgis also explained that the content of the motions referred to above, were already subject to National Policy, and a full public consultation would be undertaken on the Plan in due course.

In response to additional questions from Cllr Thorn about (i) the possibility of an A350 market area; (ii) the number of new homes to be provided up to 2036 and detailed in the Local Plan; (iii) the hierarchy of market towns and demand for new homes in specific areas; and (iv) outcomes of recent peer reviews about the delivery of new homes at larger strategic sites with associated infrastructure; The Leader, Cllr Whitehead and Cllr Sturgis commented that (i) the A350 was considered by the Local Enterprise Partnership as an economic corridor and due to its length, making the A350 a market area would become unmanageable, even though it was recognised that the two issues were linked; (ii) The Government were currently consulting on the methodology to be used to determine the required housing numbers for each Council, and this information would be available at a future meeting for the Cabinet to consider; (iii) consideration is given to a number of factors when determining the most appropriate sites for housing, including landscape, bio-diversity and employment, deliverability and viability issues.

#### **Resolved:**

- 1. To agree that the proposed Chippenham Housing Market Area, Salisbury Housing Market Area, Swindon Housing Market Area (Wiltshire part) and Trowbridge Housing Market Area (as amended), as set out in Appendix 1 to the report, are an appropriate basis for housing distribution within Wiltshire and should inform the development of a preferred strategy for the Local Plan.**
- 2. To endorse the preparation of a Statement of Common Ground with Swindon Borough Council to clarify the strategic cross boundary issues between the two authorities and the future role of the Joint Spatial Framework.**
- 3. To agree the revised Wiltshire Local Development Scheme at Appendix 2 to the report.**
- 4. To authorise the Director for Economic Development and Planning, in consultation with the Director of Legal and Democratic Services, Cabinet Member for 'Spatial Planning, Development Management and**

**Property’, to make minor amendments to the Local Development Scheme in the interests of clarity and accuracy before publishing it on the Council’s website.**

- 5. Delegates authority to the Director for Economic Development and Planning, in consultation with the Director of Legal and Democratic Services, Director of Finance and Procurement and Cabinet Members for ‘Spatial Planning, Development Management and Property’ and ‘Finance, Procurement, IT and Operational Assets’ to undertake subsequent reviews and updates to the LDS with any significant modifications being referred to Cabinet as appropriate.**

*Reason for Decision:*

*Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires the Council to prepare and maintain a Local Development Scheme (LDS). The LDS sets out a rolling three year programme to deliver local planning documents. Delegated authority allows for future updates to the LDS to be undertaken in an efficient manner.*

*The revisions to the LDS and use of the Housing Market Areas will allow progress to continue to be made on maintaining an up-to-date Local Plan for Wiltshire in line with revised national policy.*

### **33 Licensing and support of Microsoft software for Wiltshire Council**

Cllr Philip Whitehead presented the report which sought approval to competitively procure software licences and related support services for Microsoft products through Crown Commercial Services (CCS) framework contract RM3733 - Technology Products 2, under Lot 2 which is for Packaged Software.

Cllr Whitehead explained that the Microsoft software used within the council underpins all the council’s ICT systems, and impacts on Wiltshire Police’s service delivery. It is relied upon for the council’s service delivery from back office support functions through to frontline services to the public and police, and in the future delivery of digital services to the public.

To use this software, the Council are required to license it under an Enterprise Agreement (EA) with Microsoft, who also provide supplier support. The current three-year agreement ends on 30<sup>th</sup> June 2019, although if the council committed to renew the agreement by 31<sup>st</sup> March 2019, savings of £366k would be secured on its renewal cost.

In response to questions from Cllr Hubbard, Chairman of the Digital Strategy & Implementation Task Group, about (i) the desire of Microsoft that all clients move to cloud based services and the number of Council systems currently migrated to the Cloud; (ii) forward planning taking into account previous advice from suppliers and how plans have been implemented. Cllr Whitehead reported that most local authorities were currently migrating to the Cloud and that

Wiltshire was as advanced as other local authorities in this process, which it was anticipated would take up to 3 years.

The Leader of the Council reported that the Council had recently appointed a new Interim Director: Digital Transformation and IT who would move the project along at a faster pace.

**Resolved:**

**To approve the procurement of a 3-year Enterprise Agreement and associated Premier Services Agreement for Microsoft licences and support services. That this be undertaken through a competitive call off from Lot 2 of the Crown Commercial Services RM3733 framework Technology Products 2, and that authority be delegated to the Interim Director for Digital Transformation and IT to approve the award of any resulting contract for the best value solution.**

**The new contract would run from 1<sup>st</sup> July 2019 to 30<sup>th</sup> June 2022.**

*Reason for Decision:*

*Our existing Microsoft Enterprise Licence Contract with Bytes (the reseller) expires on 30<sup>th</sup> June 2019. If we do not have licences in place, we will have to cease using the software and essential public services will be significantly disrupted.*

34 **Service Devolution and Asset Transfer Package - Chippenham**

Cllr Richard Clewer presented a report recommending a final package of services and assets to transfer to Chippenham Town Council from Wiltshire Council and provided information relating to the financial impact this would have on Wiltshire Council.

Cllr Clewer detailed the final package of the services and assets to be transferred and that all Section 106 monies held or due to Wiltshire Council relating to assets within the Chippenham Town boundary would be transferred to the Town Council.

In response to a question from Cllr Cape about the project meeting its planned timescales for the transfer on 1<sup>st</sup> June 2019, Cllr Clewer confirmed that this deadline was achievable, subject to no unforeseen issues arising.

In response to a question from Cllr Hopkinson about (i) the availability of a published timetable for all the forthcoming service devolution and asset transfer to towns; and (ii) capacity of the Council's legal team to undertake the additional work generated by the devolution of services and transfer of assets, Cllr Clewer confirmed that (i) a timetable had not been published for the remaining individual town transfers, however, he was anticipating releasing the next few waves shortly; (ii) additional staff had been appointed to the legal team to help with the process.

Cllr Clewer thanked members of Chippenham Town Council for their involvement in securing the transfer of services and assets detailed in the report.

**Resolved:**

- 1) To approve the final list of services and assets listed in the report that will be transferred to Chippenham Town Council. The inclusion of any open space land is subject to consideration of any objections received following the advertising of the disposal in accordance with statutory obligations.**
- 2) Note the net revenue impact to the Council and acknowledge that the Service Devolution programme benefits of cost savings and avoidance will be realised on a cumulative basis as the programme progresses and as more Towns/Parishes complete the process.**
- 3) Delegate the implementation of the transfer of assets and the service delegation to the Growth & Investment Programme Director in consultation with Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism.**

*Reason for Decision:*

*To complete the transfer of the package of assets and services to Chippenham Town Council.*

**35 Change to approved Service Devolution & Asset Transfer Package - Devizes' Market Place**

Cllr Richard Clewer presented a report seeking approval for a change to the agreed Service Devolution and Asset transfer Package for Devizes, originally considered and approved by Cabinet on 15<sup>th</sup> January 2019.

Cllr Clewer confirmed that the change to the agreed package only affected the Market Place in Devizes. He explained that following the package approval by Cabinet, further representations had been received from Devizes Town Council and residents of Devizes, including an e-petition containing 717 signatures. In light of the additional representations, officers developed four options contained in the report, considered by the Town Council and Area Board, with option 2, detailed below being the preferred option:

- Agree to Devizes Town Council's request to convert a proportion (c.50%) to community space with the remainder run by Wiltshire Council as a Pay & Display car park. Whilst the freehold of the market place will still transfer to Devizes Town Council as originally envisaged, a proportion will need to be leased back to Wiltshire Council on which a chargeable car park will be set up and run. It is believed that similar revenues of

c.£95k to Wiltshire Council will be achieved from a percentage Pay & Display on site, and the remaining amount from displaced parking.

Cllr Peter Evans confirmed that the Town Council supported the revised proposal for the Market Place.

Cllr Clewer and Cllr Whitehead thanked members of Devizes Town Council and the Town Councillors for their involvement in securing an agreed solution for the Market Place.

**Resolved: That the options detailed in the report be noted, including the preferred option 2, detailed above, and delegate the negotiation of the final agreement and its implementation to the Director Growth & Investment, in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism.**

*Reason for Decision:*

*To complete the transfer of the package of assets and services to Devizes Town Council.*

### 36 **Approach to Disposal of Assets and Property Acquisitions**

Cllr Philip Whitehead presented a report which (i) reviewed the process for the disposal of surplus assets to allow for the streamlining of the authority's processes and (ii) considered an option to expand the Council land and property holding.

Cllr Whitehead explained that the Council have set out a commercial agenda and have a desire to be more business-like in its dealings, principally to mitigate the increasing financial challenge on Council revenue budgets. The council already holds commercial and strategic land and property, producing revenue to the Council, one business-like approach would be to expand this and a clear policy framework is required to make prudent property acquisitions.

It was noted that the current approach is for Cabinet approval to be sought on every individual disposal, irrespective of their size or scale. The proposed approach is to have a robust officer process to test the options for Council assets and consider re-use for either corporate or financial needs. Cllr Whitehead referred to the flowchart at Appendix 1 to the report and explained that the flowchart represented how the process for the disposal of surplus assets would be managed, which would include the involvement of Cabinet and local members. Cllr Whitehead did concede that the flowchart was rather complex and may need further revisions agreed at a future Cabinet meeting.

The Cabinet heard from Cllr Thorn, Chairman of the Financial Planning Task Group. Cllr Thorn commented on the observations and recommendations of the Task Group, as detailed below, and confirmed that subject to the comments

being taken into account by the Cabinet, the Task Group supported the detail of the report:

- The need to clarify the final decision makers within the large membership of the Asset Gateway Group listed.
- Recognise the significant experience and expertise of the inhouse Assets team more.
- Be mindful of the council's reputation (and values) when setting parameters for who and what we will invest in.
- Clarify that the minimum 3% yield is after *all* costs rather than just borrowing costs.
- In considering opportunities be aware of shifting markets and growth areas.

In response to questions from Cllr Clewer, officers confirmed that sites of special value that were surplus to requirements could still be considered by the Cabinet.

**Resolved:**

- 1. To agree that in the future that Cabinet will receive an annual report on the overall disposal programme.**
- 2. To agree that a bi-annual update will be provided to Cabinet for noting and to consider additional sites declared surplus.**
- 3. To agree to maintain and enhance engagement with local elected members concerning proposed asset disposals.**
- 4. To endorse the process for decision making for disposals, as set out in Appendix One to the report.**
- 5. To agree that the financial threshold for pure commercial property acquisitions or commercial developments should achieve 3% or more after all costs, in line with the Capital Investment Strategy. Acquisitions for strategic land purchases or economic development purposes will be subject to other tests, as agreed by the Asset Gateway Group.**
- 6. To agree to negotiate the purchase of the investment, subject to further financial due diligence, as set out in the Part 2 paper and report back to Cabinet the outcome of negotiations. To delegate the decision to Corporate Director Growth, Place & Investment, in consultation with the Cabinet Member for Finance, Procurement, ICT and Operational Assets.**
- 7. To agree to delegate the decision to make commercial property acquisitions, subject to the threshold as set out in the Capital Investment Strategy, to the requirements of the Capital Investment**



**Strategy, to the Corporate Director Growth, Place & Investment, in consultation with the Cabinet Member for Finance, Procurement, ICT and Operational Assets.**

- 8. To agree that strategic property acquisitions that do not meet the threshold will be reported back to Cabinet for consideration.**
- 9. To endorse the Approach to Asset Management, as set out in Appendix 2 of the report.**

*Reason for Decision:*

*To streamline the authority process associated with the disposal of surplus land and establish a forum for all operational needs to be considered as part of the asset review process. The process will include information being reported to Cabinet to inform of progress of the overall programme.*

*For the council to take a more commercial approach and address the challenges of revenue pressures facing the Council, one option is to explore the expansion of the property portfolio and the proposal is to allocate funds and create a policy framework for strategic property acquisitions.*

37

**Proposal to join a Flexible Dynamic Purchasing System (DPS) for Independent and Non-maintained Special Schools (ISS)**

Cllr Laura Mayes presented a report which sought approval to join a Dynamic Purchasing System (DPS) being led by Bristol City Council and enter into resulting agreements. This will support the commissioning of placements for children up the age of 16 with SEND, where needs cannot be met within local special schools.

Cllr Mayes explained that where a child or young person has special educational needs and/or disability (SEND) and their needs cannot be met within a mainstream or maintained special school, a placement in an independent or non-maintained provision may be required. For these independently provided placements, Wiltshire Council has been a partner in the West Sussex led Dynamic Purchasing System (DPS) which expired on 28 February 2019.

Wiltshire Council has engaged with a number of other Local Authorities to consider future shared procurement options in this area. Working in collaboration with other Local Authorities is considered beneficial for both the Market and Local Authority. The report identifies and proposes an appropriate partnership arrangement and DPS for Wiltshire council for the next five years for independent specialist schools.

In response to a question from Cllr Clewer about the monitoring of costs and attaining best value for money, Cllr Mayes confirmed that costs would be monitored, along with ensuring that the best outcomes are being achieved for

each individual child and that the provider is delivering the expected level of service.

**Resolved:**

- 1. To join the Dynamic Purchasing System arrangement (DPS), with Bristol City Council as the procurement lead on behalf of Wiltshire Council, to support the commissioning of placements from independent and non-maintained specialist provision for children with SEND aged up to the age of 16 years.**
- 2. To delegate authority for award of contract resulting from this tendering process to Terence Herbert, Corporate Director, in consultation with the Cabinet Member for Children, Education and Skills**

*Reason for Decision:*

*Working collaboratively with a range of local authorities which will assist with information sharing and enhanced provider engagement. This opportunity will also increase Wiltshire's leverage and assist in improved cost management.*

38 **Adoption of a new Performance Management and Risk Management Policy**

Cllr Philip Whitehead presented a report which introduced the new corporate Performance and Risk Management Policy that sets out an assurance framework including business planning, performance management and risk management.

Cllr Whitehead explained that the proposed new policy is a response to the findings and recommendations of a recent internal audit of performance and risk. It also formalised much of the current practice which has been developed since previous separate strategies were approved. The new policy sets out an assurance framework; including risk and linking to financial management, which through business planning, monitoring and management links all activity back to Wiltshire Council's strategic priorities as set out in the Business Plan.

The Cabinet heard from Cllr Thorn, Chairman of the Financial Planning Task Group. Cllr Thorn explained that the Task Group welcomed the new Policy, the closer connection between the Policy objectives and the Business Plan and were very encouraged about the new process.

In response to a question from Cllr Grant about the calculations used for the risk appetite element and whether it was an adequate level of scaling, Cllr Whitehead confirmed that he was willing to work with the Task Group in monitoring the risk appetite scores and would consider making amendments if they were necessary.

Cllr Britton, Chairman of the Audit Committee, referred to the Roles and Responsibilities detailed in the new Policy, in particular, he commented on the role of the Audit Committee in monitoring and reviewing the effective development and operation of performance and risk management, and receiving progress reports as required. Cllr Britton asked why, on this occasion the Audit Committee had not had an opportunity to consider the new Policy prior to it being considered by Cabinet. Cllr Whitehead apologised for this oversight and confirmed that he was willing to attend a future Audit Committee to discuss the new Policy and consider any comments arising from the discussions.

In response to a question from Cllr Clewer about the risk appetite scoring of calculations and in particular the risk of Pandemic Flu, which was a national issue, Cllr Whitehead explained that there were a number of risks outside of the Council's control, Pandemic Flu being one. He confirmed that the scoring calculation could be reviewed as the process develops.

**Resolved:**

- 1. To approve and adopt the new Performance and Risk Management Policy.**
- 2. To authorise the Director of Corporate Functions and Digital, in consultation with the Cabinet member for Finance, Procurement, ICT and Operational Assets the authority to approve amendments that do not make a material change to the policy.**
- 3. To authorise the Director of Corporate Functions and Digital and the Director of Finance the responsibility for the policy's implementation.**

*Reason for Decision:*

*Current strategies do not reflect practice which has been developed and improved in recent years. The new policy clarifies and codifies a corporate approach to performance and risk management that also meets the recommendations of the Corporate Peer Challenge and Internal Audit.*

**39 Performance Management and Risk Outturn Report: Q3 2018/19**

Cllr Philip Whitehead presented a report which provided an update on performance against the stated aims in the council's Business Plan 2017-27. The report provided information on key measures as well as the council's strategic risk register, covering the period October to December 2018.

Cllr Whitehead thanked the Corporate Support Manager for the revised formatting of the report, which produced an easier to understand document.

In response to a question from Cllr Ian Grant about the reducing percentage of pupils attending good and outstanding secondary schools in Wiltshire, Cllr Mayes confirmed that there was a concern about this trend. Cllr Mayes reported

that the recently appointed Director of Education and Skills had been tasked with addressing the issues in this area. Cllr Mayes explained that the newly formed Wiltshire Education Standards Board had now met on three occasions to consider the issues further. She noted that early intervention and support for schools that displayed reducing standards was an important factor in raising standards, and this would be implemented, along with improvements to monitoring and internal systems.

The Leader of the Council reminded the Cabinet that the report referred to secondary schools in Wiltshire, she indicated that there were different challenges for all schools across the county, which could be impacted by reduced funding, school leadership teams and management of day to day school activities. It was imperative that the County had a highly skilled workforce. The Leader also commented on a number of London schools that had previously been failing but were now success stories.

Cllr Thomson referred to the opportunities for community engagement provided by Wiltshire Libraries. He noted that although the number of transactions detailed in the report had reduced over time, the number of visitors to Libraries were increasing steadily year on year.

**Resolved: To note the updates and outturns:**

- 1. Against the measures and activities ascribed against the Council's priorities.**
- 2. To the strategic risk register.**

*Reason for Decision:*

*The current corporate performance framework compiles measures used to monitor progress in service areas against planned objectives that relate to the goals laid out in Wiltshire Council's current Business Plan 2017-27.*

*The strategic risk register captures and monitors significant risks facing the Council: in relation to significant in-service risks facing individual areas and in managing its business across the authority generally.*

#### 40 **SWLEP Governance Framework Update**

Cllr Pauline Church presented a report which provided an update on the changes to the governance arrangements to the Swindon and Wiltshire Local Enterprise Partnership (SWLEP) and seeking approval to implement the necessary changes required.

Cllr Church explained that the Government undertook a review of Local Enterprise Partnerships (LEPs) in 2018. One of the key recommendations to come out of this review was that LEPs should have a legal personality. Another recommendation from the review is that LEPs should have a secretariat

independent of local authorities and other organisations that is answerable to the LEP Board.

The SWLEP Board took the decision in September 2018 to establish the LEP as a company limited by guarantee with the objective of being fully incorporated by 1<sup>st</sup> April 2019. The SWLEP has since incorporated on 14 January 2019.

In response to questions from Cllr Thorn about (i) the Articles of Association; (ii) Representation on the Board; (iii) conflicts of interest; (iv) role of the Accountable Body; and (v) scrutiny function, Cllr Church and officers confirmed (i) that the issues with the Articles of Association have now been resolved; (ii) and (iii) the Leader of the Council would no longer be a member of the Accountable Body as her inclusion in the membership would generate a number of conflicts of interest. The Leader's position would be taken by the appropriate Cabinet member; (iv) the Local Authority would continue to receive funding from the Government, the Accountable Body would be responsible for proposing schemes and how the funding is allocated and the Council's Section 151 officer would be responsible for the oversight and monitoring of the proposals; (v) it is proposed that democratic accountability would change the current structures to form a Joint Scrutiny Task Group comprising four elected Councillors from each of the two Unitary Authorities to perform all overview and scrutiny functions on behalf of both the Councils and the SWLEP.

Cllr Hill explained that he had been involved in the scrutiny of the current LEP for the past three years and he confirmed that further discussions were taking place about the future scrutiny function and process.

Cllr Britton, Chairman of the Audit Committee, reminded the Cabinet that the Audit Committee had a responsibility for partnerships and there was a requirement to seek a separation between the work of the Audit Committee and the Task Group.

In response to questions from Cllr Wickham about (i) the vote of the current LEP towards the new structures; (ii) the TUPE of employees to the new structure; (iii) the membership of the new SWLEP Board; (iv) The quality and level of scrutiny going forward, Cllr Church confirmed that (i) the vote to move towards employing the new LEP structures was unanimous agreed by the LEP; (ii) officers are currently located at the LEP office environment although employed by Wiltshire Council; (iii) the Leaders of the two Authorities would no longer be members of the new SWLEP Board, their places would be taken by appropriate Cabinet Members; (iv) there were no plans to reduce the scrutiny role and this would be maintained at the highest level.

The Leader of the Council reported that she had had discussions with the LEP about their responsibility for any future redundancy payments for employee's subject to TUPE, and had received confirmation that this was in hand.

**Resolved:**

- 1. Confirm the continuing role of the Council as Accountable Body to the SWLEP to be exercised in accordance a revised SWLEP Governance Framework and Accountable Body Agreement to reflect new guidance from Central Government and the SWLEP's incorporation as a company limited by guarantee.**
- 2. Approve in principle the transfer of any assets pertaining to SWLEP activities to the new SWLEP Ltd company on terms to be agreed and set out in a Business Transfer Agreement.**
- 3. Approve in principle the transfer of SWLEP staff to the incorporated SWLEP under TUPE and the commencement of formal consultation with the Unions and affected staff. [This meets the objectives of the SWLEP Board; it is in line with Government objectives of LEPs having their own identity; and the staff identified already operate at arm's length from the Council.]**
- 4. To agree that the Cabinet Member for Economic Development, supported by the Corporate Director Growth, Investment and Place will represent the Council on the Board of Directors.**
- 5. To authorise the Corporate Director for Growth, Investment and Place, after consultation with the Cabinet Member for Economic Development and Salisbury Recovery, the Director of Finance and Procurement and the Director of Legal and Democracy to finalise the terms of the Accountable Body Agreement and Business Transfer Agreement, to execute these documents on behalf of the Council, and to take such other action as is necessary to protect the interests of the Council; and the Council in its role as Accountable Body; and secure the transfer of business and staff to the new company.**

*Reason for Decision:*

*The Swindon and Wiltshire Local Enterprise Partnership, as a result of guidance from central Government, took the decision in September to establish the LEP as a company limited by guarantee with the objective of being fully incorporated by 1st April 2019.*

*This change has implications for the Council in its role both as a partner of the SWLEP and as the Accountable Body for the SWLEP.*

*This includes updates to the formal agreements and documentation between the SWLEP and the Council, the requirement to transfer some assets and liabilities to the new SWLEP company and has potential implications for the employment status of staff employed to carry out SWLEP activity.*

*This report therefore requests Cabinet to approve in principle a set of actions relating to the transfer of responsibilities and to delegate authority to the*

*Corporate Director for Growth, Investment and Place after consultation with the relevant Cabinet Member, Director of Finance and Procurement and Director of Legal and Democracy, to implement the necessary changes and authorise the formal agreements required.*

41 **Urgent Items**

There were no urgent items.

42 **Exclusion of the Press and Public**

**Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Number 43 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.**

43 **Approach to Disposal of Assets and Property Acquisitions**

Cllr Philip Whitehead presented a report seeking approval to progress an investment in a commercial property. He responded to a number of questions about the proposed acquisition and confirmed that a further report on the issue would be considered at a future Cabinet meeting.

**Resolved:**

- 1. That the recommendations detailed in the report be agreed.**
- 2. That the Deputy Leader of the Liberal Democrat Group be included in the circulation of the final report.**
- 3. That an embargo be placed on the details of the acquisition, until information is available in the public domain.**

*Reason for Decision*

*To commit to the principle of commercial property acquisition of a commercial opportunity to improve the revenue position of the Council; and giving them authority to carry out further due diligence.*

(Duration of meeting: 9.30 am - 12.25 pm)

These decisions were published, earlier, on the 28<sup>th</sup> March 2019 and will come into force on 5<sup>th</sup> April 2019

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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## WILTSHIRE COUNCIL

### CABINET

26 March 2019

#### Item 4 - Leader's Announcements

##### Development of Proposals for Special Educational Provision in Wiltshire

I am taking this opportunity to update you on the current position regarding the Council's proposals for special educational provision in Wiltshire.

Yesterday evening the Council issued a press statement advising that Wiltshire Council is extending its consultation on transforming special school education.

A group of families had taken a case to court challenging the process which had been followed in the period leading up to the publication of statutory proposals in January 2019. On 15 March 2019 they were granted permission to take some aspects of their case forward to a hearing, which was scheduled to take place in April.

In order to promote good working relationships with families, prevent further delay and uncertainty, and to conserve public money and cost for both parties, the council has now agreed a new way forward with the parties concerned as a better alternative to court proceedings.

1. Wiltshire Council has agreed to withdraw the decision to approve a statutory notice about the closure of three special schools (Larkrise, Rowdeford and St Nicholas), and the related notice regarding the opening of a new special school in Rowdeford.
2. We will now treat all previous consultation and responses that took place between 9 January 2019 and 1 March 2019 as part of a pre-publication consultation. This means they are treated as part of an initial consultation on what proposals should be published for further consideration. This is a process with a number of steps, and the council is re-opening the first stage. The council will reach a decision about the next steps after the end of the extended consultation period.
3. We will open the consultation again today, 26<sup>th</sup> March, and close it on 6<sup>th</sup> May at 5 pm. We have extended the consultation longer than the 4 weeks agreed with the families as this does fall over the Easter holidays. As part of this consultation, all responses, including responses putting forward options that differ from the proposal

to close the three schools and open a single school in Rowdeford, will be fully considered.

4. If anyone has already responded (we had over 2,400 on-line responses and 100 emails) they do not have to resubmit as these will automatically be taken forward into the report for Cabinet. Any further comments or proposals can be sent to the email address that has been used throughout - [specialschools@wiltshire.gov.uk](mailto:specialschools@wiltshire.gov.uk).
5. Officers are planning to hold a further two consultation meetings, and these will be promoted on the Council and WPCC websites and through the schools.
6. A new decision on the steps to be taken should then be made by the Council's Cabinet this summer. A summer decision will mean that the timetable for future SEN provision will still be met.