

Cabinet

MINUTES OF THE CABINET MEETING HELD ON 29 JUNE 2021 AT ONLINE.

Present:

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Jane Davies, Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Pauline Church, Cllr Simon Jacobs and Cllr Dr Mark McClelland

Also Present:

Cllr Trevor Carbin, Cllr Liz Alstrom, Cllr Helen Belcher, Cllr Chuck Berry, Cllr David Bowler, Cllr Clare Cape, Cllr Jo Trigg, Cllr Ernie Clark, Cllr Nick Errington, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Gavin Grant, Cllr Ross Henning, Cllr Sven Hocking, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Mel Jacob, Cllr Johnny Kidney, Cllr Carole King, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Kathryn MacDermid, Cllr Dominic Muns, Cllr Bill Parks, Cllr Sam Pearce-Kearney, Cllr Tamara Reay, Cllr Pip Ridout, Cllr Paul Sample JP, Cllr James Sheppard, Cllr Martin Smith, Cllr Caroline Thomas, Cllr Ian Thorn, Cllr Elizabeth Threlfall, Cllr David Vigar, Cllr Bridget Wayman, Cllr Suzanne Wickham and Cllr Christopher Williams

10 **Apologies**

There were no apologies.

11 **Minutes of the previous meeting**

The minutes of the meeting held on 1 June 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 1 June 2021 at a later date, subject to all references to Chair and Vice-Chair being replace with Leader and Deputy Leader respectively.

12 **Declarations of Interest**

There were no declarations of interest.

13 **Leader's announcements**

There were no Leaders announcements.

14 **Public participation and Questions from Councillors**

The Leader of the Council reported that a large number of questions had been received in relation to the Chippenham HIF and as this item was due to be considered by Cabinet at its meeting on 13 July 2021, he would take those questions at that time.

Questions were received from the following members of public:

- Cllr Campbell Ritchie – Malmesbury Town Council

The Leader explained that the questions had received written responses which were published on the Council's website. A supplementary question was asked by Cllr Grant on behalf of Cllr Ritchie about the specific plan and timescales for making funding available in Wiltshire. The supplementary question with response will be included in a re-published Supplement 2 to the agenda.

In addition to the above public questions, a number of questions and comments were received from:

- Cllr Carole King – Care Leavers
- Cllr Liz Alstrom - Chippenham Traffic Lights
- Cllr Ian Thorn – Westbury Incinerator and Home Farm Trust at Horsebrook, Calne
- Cllr Gordon King – Cleveland Bridge, Bath and Clean Air Zones impact on towns in West Wilts, Westbury relief road and Westbury Incinerator
- Cllr Sam Pearce-Kearney – New Councillors training programme and future training opportunities
- Cllr Paul Sample JP – De-trunking of the A36 from Southampton to Bristol
- Cllr Bridget Wayman – Ash die back
- Cllr Adrian Foster – Westbury Incinerator
- Cllr Cape – Chippenham HIF
- Cllr Jon Hubbard – LGA Training Courses
- Cllr Gavin Grant – Ash die back

The above questions and comments received verbal responses at the meeting and a number would also receive written responses following the meeting.

15 **Wiltshire Local Plan Review Update**

Cllr Nick Botterill, Cabinet Member for Development Management, Strategic Planning and Climate Change presented the report which provided an update on the Wiltshire Local Plan Review following the recent consultation. In introducing the report, he acknowledged that (given the questions and statements made) there appeared to be some misunderstanding about the

purpose of the report and explained that no decisions were being made at the meeting about policies for the draft plan but on further evidence that would be needed, which we shouldn't prejudge the outcome of. It is an update report that sets out an initial summary of the main issues from people responding to the consultation. He explained that the Council had a legal duty to prepare the plan and despite the pandemic it was important to continue with the consultation following Government guidance.

The Cabinet noted that following their approval on 1 December 2020, consultation was undertaken on the Wiltshire Local Plan Review between 13 January 2021 and 9 March 2021. The report provided an initial summary of the main issues that were raised through the consultation and the next steps. It was felt that the consultation was a success due to the numbers of responses and comments received, especially during the time of the pandemic.

The report highlighted that development needs must be planned for positively, and that difficult choices will need to be made. Concerns noted from local communities centred around environmental issues, ability for infrastructure to cope (particularly health, education and transportation) and the view that while significant housing has taken place this has not been matched with new jobs. An understanding of the issues and concerns are an important part of the work going forward, and these would need to be considered alongside the development of new evidence to inform policies within the draft Plan.

The Cabinet were informed that it is good practice to update the evidence base for a Local Plan throughout the plan's preparation, and there was a need for further technical evidence on a range of issues, and these were detailed in the report.

Following some concerns from the public about timescales and process, the Leader explained that, as indicated above, Cabinet considered a report on the progression of the Local Plan in December 2020, at which point it was agreed to go out to consultation on the key component to inform the Local Plan and a report would be brought back to Cabinet following the consultation which ended in March. Since that consultation has closed and responses digested, the Council had advertised that it would be bringing an update on the Local Plan Review to Cabinet on its Forward Work Plan which was published on 28th May.

The deadline for Cabinet questions has not changed. Whilst late questions will be accepted, the deadline is there to allow time for responses to be prepared; where questions are submitted later, this may mean a response cannot be provided ahead of the meeting. If Cabinet agreed the recommendations in the report, steps will be taken to develop the Local Plan Review and there will be further public consultation. Residents can keep informed with the progress of the Plan via its dedicated webpage [Local Plan Review - Wiltshire Council](#)

Public questions and statements were received from the following:

Adrian Temple-Brown
Anne Henshaw

Bill Jarvis
Charlie Caffyn
Charmian Spickernell
Chris Caswill
Dr Helen Stride
Gail Delahaye
Ian James
Isabel McCord
Jane Durrant
Janet Giles
Jeremy Wire
Kim Power
Kim Stuckey
Louise Weissel
Maureen Lawrence
Melissa Hillier
Cllr Myla Watts – Deputy Leader Chippenham Town Council
Richard Ecclestone
Ros Oswald
Rowena Quantrill – Climate Friendly Bradford on Avon
Steve Perry – CAUSE
Steve Perry
Sue Deedigan
Susan McGill
Sylvia Wyatt
Viv Talbot
Karen Crawford
Mel Boyle

The Leader acknowledged that the questions, apart from late questions, had received written responses which had been published on the Council's website prior to the meeting in the agenda supplement 2, which can be accessed [here](#).

Supplementary questions were asked by Kim Power about neighbourhood planning, and Kim Stuckey and Steve Perry about a perception of greater weighting towards developer comments. Cllr Botterill confirmed that it was a priority of his that Towns and Parish Councils would be supported by the Council in the preparation of neighbourhood plans. He also explained that the report was a summary of the responses received and an attempt was made to capture these without giving weight to any one particular group.

In addition to the above questions, a number of further questions were received from Councillors as follows:

- Cllr Ernie Clark
- Cllr Nick Murry
- Cllr Clare Cape

Cllr Clewer 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 2, which can be accessed [here](#).

Cllr Ian Thorn, Leader of the Liberal Democrats asked questions about (i) connections between neighbourhood plans and how they could feed into the development of the Local Plan; (ii) the merits and weighting of arguments and submissions to the Local plan consultation; and (iii) the importance of the consultation process and responses being taken into account, particularly of residents. In response, the Leader and Cllr Botterill confirmed that (i) national planning policy framed how neighbourhood plans are progressed, and expressed concern about their review every 2 years, and the Council will provide appropriate support where it can; (ii) comments received would be considered fairly; and (iii) the Local Plan is an inclusive process and prepared taking into consideration the comments and views received during the process and this has to be balanced with requirements of Government policy and guidance. The Plan is prepared so that it would pass examination by the Government Inspector and needs to be based on evidence.

In response to a question from Cllr Tony Jackson and Cllr Gavin Grant about support from the Council for Town and Parish Councils in reviewing their neighbourhood plans, especially ones that had commenced prior to the pandemic and continued through it. Cllr Botterill and officers confirmed that this matter was currently being considered about how officers can support the process across Wiltshire.

In response to a question from Cllr Sarah Gibson about sustainable settlements. Cllr Botterill provided assurance that officers would take the public's views on board.

In response to questions from Cllr Helen Belcher about (i) the 5 year housing land supply and protecting neighbourhood plans; and (ii) the justification for the range of housing number of homes in Wiltshire, Cllr Botterill and officers confirmed that officers would be happy to provide guidance on 5 year land supply outside the meeting; and that the recommendation is to undertake further work to test the numbers in the light of comments received.

Resolved:

That Cabinet:

- (i) Notes this initial summary of main issues arising through the consultation and agrees the Cabinet Member for Development Management, Strategic Planning and Climate Change signs off the completed consultation report prior to publication on the Council's website;**
- (ii) Agrees that progress continues to be made to develop the Wiltshire Local Plan Review;**

- (iii) Agrees that further work is undertaken in response to the consultation on key parts of the evidence base, including:**
- **Testing the upper and lower levels and spatial distribution of the range of housing need for the plan period;**
 - **A review of the employment evidence underpinning need for new employment land; and**
 - **Wiltshire wide assessment of potential for renewable energy, zero carbon development and off grid energy networks at main settlements.**

Reason for Decision:

Cabinet at its meeting of 1 December 2020 resolved to receive a report after the consultation summarising the main issues raised.

16 Housing Related Support

Cllr Jane Davies, Cabinet Member for Adult Social Care, SEND, Transition and Inclusion presented the report which provided detail about the future of the housing relating support (HRS) service.

Cllr Davies explained that the HRS is a discretionary rather than statutory service, which is delivered by Somerset Care and Cera Care and was designed to promote independence and prevent the breakdown of tenancies. The service model is now considered outdated against more effective models of independent living.

The Cabinet noted the background to the HRS and how it had developed over the years to its current form. In recommending a preferred option for the HRS service, the council has identified duplication of tasks with other services, and also considered the social care needs profiles of residents living across the 130 sheltered sites. Each resident is able to opt-in to the service, and currently only 40% of eligible tenants opt-in at a cost of £957,987 per year.

The report detailed the outcome of a consultation that took place during November – December 2020 for residents to comment on how they use the service and the support they might need in the future.

In response to questions raised by Cabinet members, Cllr Davies and officers (i) provided reassurance that residents would be able to access the same type of provision from existing resources elsewhere via registered social landlords and other community services; (ii) highlighted concerns about social isolation and the need for residents to be connected to local community groups; (iii)

registered providers had a duty to help tenants to prevent tenancy breakdown and evictions for tenants in particular vulnerable tenants.

In response to a question from Cllr Ian Thorn about his concerns that effective scrutiny of the proposals by the Health Select Committee was not being undertaken until after Cabinet had made their decision. Cllr Davies explained that the proposals provided for a further consultation with residents on the preferred position and the final decision to be delegated to the Director of Joint Commissioning in consultation with the Cabinet Member for Adult Social Care, SEND, Transition and Inclusion and the Corporate Director of People, therefore allowing sufficient time for effective scrutiny of the transitional arrangements by the Health Select Committee on 6 July 2021. It was also noted that the Chair and Vice-Chair of the Health Select Committee had received a briefing on the proposals on 16 June 2021.

In response to a question from Cllr Chuck Berry about the need to consider TUPE regulations. Cllr Davies confirmed that the TUPE Regulations would be considered as part of the proposal.

Cllr Gordon King, Vice-Chair of Health Select Committee confirmed that he and Cllr Jonny Kidney had received a briefing where there was a full debate about the proposals. Cllr King commented on the savings being generated by the proposals. Cllr Davies confirmed that the proposals were not about making savings and funding will be used to ensure the right services are in place for people who need them.

Resolved:

Cabinet is asked:

- 1. To note the Council's preferred position of ending the contracted HRS service provided by Cera Care and Somerset Care on 31 March 2022 in line with the indicative timeline in paragraph 74 and liaise with landlords and providers to support residents through a transition phase to:**
 - i. access alternate means of housing related support from other existing tenant support services**
 - ii. ensure that residents receive appropriate information, advice and signposting as needed for any other identified support need to voluntary and community resources**
 - iii. ensure that those with, or who may have, statutory eligible care needs, will have a care act assessment and appropriate support put in place.**
- 2. That officers undertake a further consultation with residents on the Council's preferred position in line with the indicative timeline.**

- 3. That the final decision on the future means of supporting HRS residents and any associated decisions is delegated to the Director Joint Commissioning in consultation with the Cabinet Member for Adult Social Care, SEND, Transition and Inclusion and the Corporate Director of People.**

Reason for decision:

- 1. The current service requires review as outlined in paragraph 13.*
- 2. HRS is a non-statutory service. The local authority does not have a duty to provide it. Residents can also access the same type of support from elsewhere within the community. There is duplication of elements of the HRS service with the tenant support service. The Registered Social Landlords (RSLs) are obligated to provide these elements.*
- 3. Every resident will be supported to transition to alternate means of support, and those with, or who may have, eligible care needs will be identified and assessed by adult social care.*
- 4. HRS services are not in line with a strength-based approach to care and support, and in its current format does not promote independence.*

17 **Disposals Programme Update**

Cllr Phil Alford, Cabinet Member for Housing, Strategic Assets and Asset transfer presented the report which provided detail about (i) capital receipts targets for the last three years and the new targets for the next two financial years; and (ii) to confirm the freehold interest in the assets can be sold to either generate capital receipts in support of the Council's capital programme or reused to generate income for the Council.

In response to a question raised by Cllr Ian Thorn about the disposal of the former Ambulance and Fire Station and whether this could be offered to Calne Town Council. Cllr Alford confirmed that all assets surplus to the core requirements of the Council are available for alternate uses. One option being disposal where the capital realised can then be used to support further investment. However, all assets would have to follow the agreed processes for disposal.

In response to a question from Cllr Gavin Grant about the role of the Stone Circle Companies in the reallocation of surplus assets; Cllr Alford and officers confirmed that Appendix 1 contained detail about the process for surplus assets and the review process for commercial opportunity.

Resolved:

- **To note the position in respect of disposals for financial years 2021/22 and the projected receipts for 2022-4.**
- **To confirm that the freehold interest of the 3 assets can be sold by the Council.**
- **To authorise the Director for Housing and Commercial Development to dispose of the freehold interest in the assets or in his absence the Corporate Director – Resources, following consultation with the Cabinet Member for Leisure, Libraries, Governance, Facilities Management and Operational Assets; and Cabinet Member for Strategic Assets and Asset Transfer.**

Reason for decision:

To note the current position in respect of capital receipts and the new targets for the next two financial years and confirm the freehold interest in the assets can be sold to either generate capital receipts in support of the Council's capital programme or reuse to generate income for the Council.

18 Re procurement of electricity and gas contract

Cllr Pauline Church, Cabinet Member for Finance & Procurement, Commissioning, IT, Digital and Commercialisation presented the report which highlighted the need to replace the current energy purchasing arrangement, which expires on 31 March 2022 to enable the council to continue to deliver cost-effective electricity and gas supplies to the corporate, housing, streetlighting and school portfolios.

Questions were received from the following:

- Karen Crawford
- Andrew Nicolson – Wiltshire Climate Alliance

The Leader acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting.

Supplementary questions were asked by Andrew Nicolson about de-gassing and green gas and the shape of the emissions reduction over time. A written response would be provided after the meeting.

The Cabinet consider the exempt information contained in the appendix to the report and in Part II of the meeting before making a decision on the matter.

Resolved:

See minute 21 below

Reason for Decision:

The current energy purchasing arrangement expires on 31 March 2022 and needs to be replaced to enable the council to continue to deliver cost-effective electricity and gas supplies to the corporate, housing, streetlighting and school portfolios.

19 **Urgent Items**

There were no urgent items.

20 **Exclusion of the Press and Public**

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 Numbers 12 and 13 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.

21 **Re Procurement of Electricity and Gas Contract**

Cllr Pauline Church, Cabinet Member for Finance & Procurement, Commissioning, IT, Digital and Commercialisation presented the appendix to the report considered at item 9 of the agenda containing the names of the proposed framework provider.

Resolved:

- 1. To approve the winning framework provider as the method by which we purchase electricity and gas supply from 1 April 2022 for 5 years.**
- 2. To delegate authority to the Director of Housing & Commercial Development, in consultation with the Cabinet Member for Finance, Procurement, Commissioning, IT, Digital and Commercialisation to proceed with award through the framework from 1st April 2022 for 3-year term.**
- 3. To delegate authority to the Director of Housing & Commercial Development, in consultation with the with the Cabinet Member for Finance, Procurement, Commissioning, IT, Digital and Commercialisation, to utilise a 2-year extension option subject to adequate supplier performance and mutual agreement by both parties.**

Reason for Decision:

The current energy purchasing arrangement expires on 31 March 2022 and needs to be replaced to enable the council to continue to deliver cost-effective electricity and gas supplies to the corporate, housing, streetlighting and school portfolios.

22 **Porton Science Park - Further fit out**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing confirmed that his item was being considered outside of the 28 days notice of the Cabinet Forward Plan, so that an urgent decision could be taken by the Cabinet in relation to the proposals contained in the report and that additional funding is released to complete the project. The Leader explained that this had been undertaken with the approval of both Cllr Stuart Wheeler, Chair of the Council and Cllr Graham Wright, Chair of the Overview and Scrutiny Management Committee in accordance with the procedures set out in the Council's Constitution.

a) Porton Science Park – Further Fit Out

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented the report which (i) provided detail about discussions with an existing tenant requested use of a portion of the first floor Grow-On Space at the Council's new Phase 2 Collaborative Innovation Centre at Porton Science Park, and (ii) sought approval for the Council to carry out fitting out works to the Grow On Space to facilitate early uptake of this space.

Questions were received from Karen Crawford. The Leader acknowledged that the questions had received written responses which had been published on the Council's website prior to the meeting.

In response to a question raised by Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Services, Education and Skills, Officers confirmed that works of this nature had been undertaken previously for another existing tenant

Cllr Jerry Kunkler requested that details of the project should also be considered by the Environment Select Committee as the project progressed. Cllr Pip Ridout confirmed that the Financial Planning Task Group had considered this issue at a previous Task Group meeting.

Resolved:

- 1. To agree that the Council undertakes the fit out of the Grow On Space at the Porton Collaborative Innovation Centre subject to**

the Council first entering into an Agreement for Lease with the existing tenant, or such other document or documents as are required to ensure repayment of the fit out works;

- 2. To delegate authority to the Director of Housing and Commercial Development (in consultation with the Legal Services, Procurement and the section 151 Officer as appropriate and the Leader of the Council and Cabinet Member for Economic Development, MCI and Communications and Cabinet Member for Finance, Procurement and Commercial Investment) to enter into an agreement for lease, lease and such other legal document(s) (including any contracts for carrying out of the said fitting out works) as are required to give effect to the proposal set out in (1) above; and**
- 3. allocate £0.53 million from other capital schemes, to be confirmed, to cover the estimated costs of the fit out works in the 2021/22 capital programme.**

Reason for Decision:

To support an existing tenant looking to expand into the Grow-on space and thereby secure a tenant from the outset of opening the new Phase 2 building; generating income and helping to promote the remainder of the building and the wider science park.

b) Porton Science Park – Phase Two Affordability Gap

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented the report (i) seeking authority to enter into a formal construction contract; update on the confirmed cost of delivery and affordability gap arising from cost trends in the current construction market; and (ii) to secure additional funding for the capital costs of building the centre; and provide an update revenue projection for the centre's initial years of operation.

In response to a question raised by Cllr Simon Jacobs about costs and costs inflation, the Leader confirmed that costs with the construction company would be fixed.

In response to a question from Cllr Clare Cape about the possibility of funds being diverted from existing capital schemes, officers confirmed that this would not be the case, as capital funding was being reallocated but not from any specific projects.

Resolved:

- 1. To delegate authority to the Director of Housing and Commercial Development (in consultation with the Legal Services and the section 151 Officer) to enter into a construction Contract – specifically NEC3 Engineering & Construction Contract 2013 (Option A); and**
- 2. To allocate £0.75 million from other capital schemes, to be confirmed, to cover the current affordability gap in the 2021/22 capital programme**

Reason for Decision:

- *To provide additional funding to cover the building costs, fees and meet environmental requirements*
- *To ensure we can make use of the contractors fixed price*
- *Following payment of stage one, proceed to the second stage of the Construction Contract and build the Collaborative Research and Innovation Centre*
- *To progress delivery of Porton Science Park, in partnership with SWLEP, MHCLG and campus partners Dstl and PHE.*

(Duration of meeting: 10.00 am - 2.05 pm)

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