


CABINET

MINUTES of a MEETING held at COMMITTEE ROOM 3, COUNTY HALL,
BYTHESEA ROAD, TROWBRIDGE on Tuesday, 22 June 2010.

Cllr John Brady	Cabinet Member for Economic Development, Planning and Housing
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr Keith Humphries	Cabinet Member for Health and Wellbeing
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhe-Philipe	Cabinet Member for Finance, Performance and Risk
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property and Environment
Cllr John Thomson	Deputy Leader and Cabinet Member for Adult Care, Communities and Libraries
Cllr Dick Tonge	Cabinet Member for Highways and Transport
Cllr Stuart Wheeler	Cabinet Member for Leisure, Sport and Culture

Also in Attendance:

Cllr Philip Brown	
Cllr Allison Bucknell	- Portfolio Holder for Customer Care
Cllr Nigel Carter	
Cllr Richard Clewer	- Portfolio Holder for Youth and Skills
Cllr Linda Conley	- Portfolio Holder for Waste
Cllr Richard Gamble	- Portfolio Holder for Public Transport
Cllr David Jenkins	
Cllr Julian Johnson	
Cllr Jerry Kunkler	- Portfolio Holder for Leisure
Cllr Alan Macrae	- Portfolio Holder for Schools
Cllr Jemima Milton	- Portfolio Holder for Adult Care
Cllr Bill Moss	
Cllr Helen Osborn	
Cllr Jeff Osborn	- Chairman of the Organisation and Resources Select Committee

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

93. Apologies

An apology for absence was received from Councillor Laura Mayes, Portfolio Holder for Organisational Culture.

94. **Minutes of the previous meeting**

The minutes of the meeting held on 24 May 2010 were presented. Please also refer to minute no. 110 regarding the Part II minute concerning the Monkton Park PFI Agreement.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 24 May 2010.

95. **Leader's announcement**

Lafarge Site, Westbury

The Leader updated Cabinet on the future of the Lafarge site. On 18 June, Lafarge announced plans to cease the extraction of raw materials from the chalk and clay quarries and decommission elements of their cement works at Westbury.

The Leader undertook to circulate further details to all Councillors by way of a Briefing Note.

96. **Declarations of Interest**

No interests were declared.

97. **Public participation**

The Leader explained that as usual, she would be happy to allow members of the public to speak at the start of each item if they wished to do so.

The following people spoke in support of the proposal contained in the report on the 'Recommendation from Trowbridge Area Board: Community Asset Transfer – Margaret Stancomb School, Trowbridge' (minute no. 98 refers)

- Mr Glyn Bridges, Chairman of the Governing Council of the Wiltshire Rural Music School
- Mrs Mary Macey of the Wiltshire Rural Music School

98. **Recommendation from Trowbridge Area Board: Community Asset Transfer - Margaret Stancomb School, Trowbridge**

Public Participation

Mr Glyn Bridges, Chairman of the Governing Council of the Wiltshire Rural Music School and Mrs Macey also of the Music School spoke in support of the proposal highlighting the Wiltshire wide benefits from such a transfer.

Cllr Toby Sturgis, Cabinet member for Waste, Property and Environment presented a report concerning a proposal to transfer part of the Margaret Stancomb School site in Trowbridge to the Wiltshire Rural Music School. The proposal was backed by a recommendation dated 13 May 2010 from Trowbridge Area Board and was in accordance with the Council's Community Asset Transfer Policy.

Cllrs Helen and Jeff Osborn being Councillors representing Trowbridge Divisions spoke in support of the proposal.

Cllr Sturgis explained the terms of the transfer if approved. He proposed that it would be on the basis of a full repairing lease and in view of the wider social benefits to the community that such a lease would be at a nominal rent. Cllr Sturgis also proposed that as the site was close to residential properties, an appropriate restriction be included within the lease regulating the number of decibels that could be heard along the boundary of the property.

Resolved:

That Cabinet approve the transfer of part of Margaret Stancomb School located at British Row, Trowbridge (as shown on the site plan at Appendix 1 of the report presented) to the Wiltshire Rural Music School on the basis of a full repairing lease at a nominal rent.

Reason for Decision

To comply with Wiltshire Council's Community Asset Transfer Policy.

99. **Future Contractual Arrangements for the Provision of Care and Support to People at Home**

Cllr John Thomson, Cabinet member for Adult Care, Communities and Libraries presented a report which sought approval to proceed with the procurement of care and support services for people receiving social care support (in their own homes) from the Council.

This was in line with the Council's procurement efficiency savings plans whereby the Department for Community Services was committed to the significant reorganisation of service delivery with the main driver being to improve outcomes for individuals but would also release cash savings for the Council.

Currently, the Council purchased services which enabled people to continue living in their own homes from approximately 300 different service providers. These services were all commissioned and contracted separately. The intention was to bring these services into one service specification which would help to deliver efficiencies in service delivery and provide an improved customer experience from greater continuity of care.

Cllr Thomson explained that if approved, a project team would progress the arrangements. He also confirmed that the Council would be able to support organisations and the voluntary sector and encourage them to work together to provide services in their community areas.

Cllr Moss asked a number of questions on behalf of the Wiltshire Blind Association to which Cllr Thomson replied.

Resolved:

That Cabinet

- a) **agree to undertake an agreed procurement process for the securing of contracts with key strategic service providers who will work with the Council to deliver the objectives of the 'Help to Live at Home'(HTLAH) project. (Contracts would be phased in from April 2011.)**
- b) **delegates authority to the Corporate Director of Community Services (DCS) in consultation with the Cabinet member for Adult Care, Communities and Libraries to authorise the final, agreed procurement approach.**
- c) **agree that approval of Legal and the Corporate Procurement Unit be sought and granted before any procurement approach is undertaken.**
- d) **agree that the procurement process is reported to and monitored by both the Transformation Steering Group (TSG) in DCS and the Corporate Procurement and Commissioning Board.**

Reasons for Decision

A number of existing contracts including those for the provision of domiciliary care end in April 2011. In accordance with the Council's Contract Regulations these contracts are required to be let.

In addition there is evidence to support the view that:

- By extending the range of services provided; and moving to outcome based models of delivery, services to the customer will be improved and;
- Efficiencies will be achieved through the rationalisation of suppliers/ providers.

Please refer to the report for the full text of reasons for the decision.

100. **Business Rate Relief: Hardship Relief Policy**

Cllr John Brady, Cabinet Member for Economic Development, Planning and Housing presented a report which sought approval for the adoption of a policy and process relating to applications for business rate relief on the grounds of hardship. This was in essence harmonising procedures in place at the former Wiltshire district Councils.

Cabinet considered the Hardship Rate Relief Application and Assessment Protocol which set out the process on how such applications would be processed, determined and the mechanism for appeal.

The Leader commented that this was an Action for Wiltshire initiative which would no doubt help struggling businesses who were suffering short term financial difficulties. She also urged officers to deal with applications as quickly and effectively as possible.

Resolved:

That Cabinet adopt the process to manage applications for hardship rate relief to ensure that any award meets the Council's objectives and brings benefit to the community the business serves and specifically that:

- a) Cabinet approves and adopts the application and assessment process for hardship rate relief (attached as Appendix 1 to the report);**
- b) the decision on applications requesting hardship rate relief of up to £10,000 in total be delegated to the Chief Finance Officer of Wiltshire**

Council, in consultation with the Head of the Revenues and Benefits Service;

- c) That Cabinet establish a committee of the Cabinet to determine business hardship rate relief applications in excess of £10,000 rate relief. This committee to comprise 3 members appointed by the Head of Democratic Services, to be drawn from Cabinet;**
- d) the Appeals Panel determines cases where an application has been rejected and an appeal by the ratepayer is lodged;**
- e) that £100,000 is identified and allocated on an annual basis to specifically fund hardship rate relief applications and**
- f) that Cabinet members receive training on business hardship rate relief.**

Reason for Decision

The Council need to agree policy and process relating to hardship rate relief to provide a framework for managing applications and ensure that any award meets the Council's objectives and brings benefit to the community the business serves.

101. Performance Update - First Year Plan and Local Agreement for Wiltshire

Cllr Fleur de Rhe-Philipe, Cabinet Member for Finance, Performance and Risk presented a comprehensive report which advised Cabinet of progress against the First Year Plan and performance for the period April 2009 to March 2010 for the Local Agreement for Wiltshire. The report also drew Cabinet's attention to changes to a small number of the Council's Local Area Agreement targets that had been agreed with Government for 2010/11. A summary of grants awarded under the Performance Reward Grant scheme for Area Boards was also presented.

Cllr de Rhe Phillipe reported that overall, the Council had made very good progress over the past year highlighting a number of key achievements in line with the Council's goals.

The Leader commented that it was very positive to have achieved so much from the First Year Plan given the Council was in transition following the creation of Wiltshire Council as a unitary authority. She acknowledged that next year could prove more difficult given the anticipated squeeze on public sector finances as a consequence of the emergency budget which would be announced by the Coalition Government later that day.

Resolved:

That Cabinet note progress for the year 2009/10.

Reason for Decision

To keep Cabinet informed about progress against the First Year Plan and the Local Agreement for Wiltshire and to provide an update on the PRG Scheme for Area Boards.

102. **Street Naming and Numbering Policy**

Cllr John Noeken, Cabinet Member for Resources presented a report which sought adoption of the necessary statutory powers to undertake street naming and numbering and the signage of streets within the Council's administrative area. The report also sought adoption of an interim street naming and numbering policy; to approve a schedule of fees for the service and to approve a strategy for developing a permanent policy. It was noted that the new policy would be developed following consultation with town and parish councils.

Cllr Jeff Osborn sought a change to the policy to allow the naming of streets after individuals whether alive or deceased to recognise those who had served their communities well. This was in line with the policy previously operated by the former West Wiltshire District Council.

Cllr Noeken explained that whilst he shared the sentiment, time constraints on being able to secure the necessary consents from the individuals concerned or their families in accordance with Government guidance was an issue. However, following consultation with town and parish council in the context of developing a new policy, it was hoped that measures could be taken to overcome such difficulties.

The Leader considered that the policy was overly bureaucratic and should be simplified. Cllr Noeken accepted this but pointed out that the policy was based on legal requirements and Government guidance. It was also pointed that care must be taken over street naming and numbering to avoid confusion particularly to the emergency services. The Leader commented that this was a case where changes to the legislation should be pursued through the Power of General Competence once introduced.

Resolved:

That Cabinet:

- a) **adopt the provisions of Sections 17 and 18 of the Public Health Act 1925 (as opposed to section 21 of the Public Health Act 1907) and**

Sections 64 and 65 of the Town Improvement Clauses Act 1847 (as opposed to section 19 of the Public Health Act 1925);

- b) approve the interim Street Naming and Numbering Policy but that it be produced in a more simplified document.**
- c) approves Scenario C as set out in the report presented as the schedule of fees and**
- d) seeks a definitive Street Naming and Numbering Policy for approval by Cabinet as soon as possible, following consultation with Town and Parish Councils.**

Reason for Decision

To enable the Council to have a sound legal and policy framework on which to deliver the Street naming and Numbering service in an efficient and customer-focused fashion.

103. Council Responsibilities Relating to Climate Change

Cllr Toby Sturgis, Cabinet Member for Waste, Property and Environment presented a report which set out the Council's responsibilities relating to climate change and highlighted the implications and risks associated with discharging these responsibilities.

Cllr Sturgis referred to questions he had received from Cllr Carter as circulated to which he replied.

Cllr Clewer explained that he was pleased to see that progress was being made in this area. He urged the Council to promote energy targets being delivered through the planning process and renewable energy initiatives promoted in new housing.

Resolved:

That Cabinet:

a) Recognises:

- i. the responsibilities the Council has with regard to climate change, as set out in Appendix 1 of the report presented;**
- ii. the implications for policy development and service delivery, in particular the significant implications for housing, planning and**

transport policy in delivering Wiltshire's low carbon and adaptive future;

- iii. **the risks relating to the discharge of these responsibilities; and**
 - iv. **the Council's current performance in this area.**
- b) **agrees that the Climate Change Board should oversee the delivery of these responsibilities and monitor future performance;**
 - c) **delegates authority to the Service Director for Economy & Enterprise to work with Finance to identify options for establishing a long term carbon reduction fund which would enable the authority to meet its carbon reduction targets, in consultation with the Cabinet Member for Waste, Property and Environment;**
 - d) **agrees that in order for the environmental implications of all Council decisions to be fully considered, all committee reports address key questions relating to environmental impact, and that the Climate Change team be consulted as set out in Appendix 2; of the report presented and**
 - e) **notes the work the Council is undertaking through the Military Civilian Integration Programme to reduce the environmental impact of Salisbury Plain Super-Garrison.**

Reason for Decision

To ensure that the Council is aware of their range of responsibilities relating to climate change as well as the implications and risks. Full details of the reasons given are outlined in the report presented.

104 **Development of the Transformation Programme - ICT**

Consideration of this item was deferred.

105. **TUPE Transfer of Grounds Maintenance Staff**

Councillor Dick Tonge, Cabinet member for Highways and Transport, presented a report which considered the TUPE transfer of 12 grounds maintenance staff from Sodexo, as part of the unification of the grounds maintenance service. It was noted that the proposal would be cost neutral to the Council.

Resolved:

That Cabinet agree to TUPE transfer the staff as part of the TUPE process for the grounds maintenance service and staff. The 12 staff identified

would transfer as follows: 9 to Wiltshire Council and 3 to English Landscapes.

Reason for Decision

To allow the Council to start the harmonisation of the grounds services across the County. The consequence of the harmonisation is the resultant staff movements which would be managed by the TUPE process.

106. **Outturn Reports - 2009-10**

(a) **Revenue Outturn Report - 2009-10**

Councillor Fleur de Rhe-Philipe, Cabinet member for Finance, Performance and Risk presented a report which advised of the Council's financial position in respect of the financial year ending March 2010.

It was noted that the revenue budget for 2009/10 incorporated efficiencies of over £10 million, which included the £8.5 million efficiencies derived from One Council for Wiltshire. In addition, significant in year cost pressures in excess of £9 million had to be absorbed as a result of factors such as demand led services, winter gritting programme and impact of the economic downturn.

The final year outturn for 2009/10 showed a total net revenue expenditure of £332.441 million against a net revenue budget of £332.218 million which represented a small overspend of £223,000 after allowing for the use of the £4.075 million of General Fund reserve together with the planned use of specific earmarked reserves. A departmental analysis of the outturn position was presented.

The Leader paid tribute to the hard work of staff and asked for a joint message of thanks from her and the Chief Executive be conveyed to staff via the Electric Wire.

Resolved:

That Cabinet:

- i) notes the 2009/10 outturn position; and
- ii) agrees that roll forwards into the 2010/11 financial year be not permitted.

Reason for Decision

To ensure that Councillors are aware of the outturn position and to help the

Council plan for the forthcoming public sector financial constraints.

(b) **Capital Outturn Report - 2009-10**

Councillor Fleur de Rhe-Philipe, Cabinet member for Finance, Performance and Risk presented a report which reflected the final budget position of the 2009/10 Capital Budget and detailed budget changes. It was noted that the 2009/10 capital programme showed a net underspend of £17.408 million against the approved budget which was mainly due to the reprofiling of schemes into 2010/11.

The Leader in referring to the underspend, commented that further work was required in planning the capital programme and requested that a Capital Board be established in the near future to monitor capital projects.

Resolved:

That Cabinet:

- i) **notes the final outturn position of the 2009/10 Capital Programme;**
- ii) **notes the budget changes in Sections 1 and 2 of Appendix B to the report presented and**
- iii) **approve the reprogramming of schemes as detailed in Appendix C to the report presented.**

Reason for Decision

To ensure that Councillors are aware of the final outturn financial position of the 2009/10 Capital Budget and to identify schemes within the programme where budgets are required to be re-profiled into 2010/11.

107. **Urgent Items**

There were no urgent items considered at this meeting.

108. **Exclusion of the Press and Public**

Resolved:

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 numbers 110 and 111 below as 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 and 3 and 5 respectively 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.

109. **Minutes - Part II**

The confidential minute in respect of Monkton Park PFI Agreement considered at the meeting on 24 May 2010 was presented.

Resolved:

To approve as a correct record and sign the confidential minute of the meeting held on 24 May 2010.

110. **Housing PFI - Agreement to Enter into Contract**

Cllr John Brady, Cabinet member for Economic Development, Planning and Housing presented a confidential report which sought approval to conclude negotiations and enter into a contract with Silbury Housing Ltd to provide 350 homes. The homes would be delivered on a phased basis with 242 homes being delivered in Phase 1 and the balance in Phase 2. If approved, it was proposed to sign the contract by the end of July 2010 and start building later in the year. It was noted that delivery of this project was a major contribution to meeting Local Area Agreement targets.

Cllr Brady explained that there had been close contact with scrutiny through the Environment Select Committee which had been supportive of the project. Cllr Brady offered to attend a future meeting of the Environment Select Committee should it require any further explanation of the project.

Cabinet considered various confidential appendices relating to value for money, affordability and the views of Internal Audit.

The Solicitor to the Council presented and explained preliminary advice from Counsel which had been sought on certain aspects of the project. The Council's PFI Project Manager also reported on the project and answered Councillors' questions.

The Leader requested that she and Cllr Fleur de Rhe Phillipe as the Cabinet member for Finance, Performance and Risk be consulted in addition to the Cabinet member for Economic Development, Planning and Housing in progressing the project.

After careful consideration it was unanimously

Resolved:

That Cabinet:

- a) notes the contents of this report as to the current position reached in negotiations in respect of the proposed private finance initiative (PFI) transaction in respect of 350 homes in total on a phased basis where 242 homes are to be provided in Phase 1 and the balance in Phase 2;**
- b) notes the cost of the project as laid out in the Financial Implications section of the report and the project is both affordable and provides Value for Money;**
- c) notes the maximum anticipated PFI credit is £83m;**
- d) accepts that as a result of the transaction the Council will make an annual index linked revenue contribution to the scheme of approximately £220,000 at current prices for 30 years for Phase 1 and an additional £150,000 annual contribution may be required for Phase 2;**
- e) authorises the Director of Resources and Director of Neighbourhood and Planning after consultation with the Cabinet Member for Economic Development, Planning and Housing, the Leader of the Council and the Cabinet member for Finance, Performance and Risk, the Chief Finance Officer and the Solicitor to the Council, to conclude negotiations on and agree all project documentation relating to the PFI transaction and to enter into the PFI Contract and associated agreements on behalf of the Council;**
- f) require the Director of Resources and Director of Neighbourhood and planning in consultation with the Cabinet Member for Economic Development, Planning and Housing, the Leader of the Council and the Cabinet member for Finance, Performance and Risk and the Solicitor to the Council to review external Counsel's final legal opinion on the procurement issues and risks and report back to Cabinet in the event that the final opinion highlights any significant change in the level of risk;**
- g) authorises Andrew Kerr as Head of Paid Service of Wiltshire Council to issue certificates under the Local Government (Contracts) Act 1997 in relation to the Housing PFI transaction, including a certificate in relation to the Project Agreement and the certificate in relation to the Funder's Direct Agreement following conclusion of all negotiations and**
- h) authorise the Solicitor to the Council to execute under Council Seal all contract documentation in relation to the Housing PFI Project.**

Reason for decision

To ensure that the negotiations and project documentation are concluded to meet the HCA deadline of 30 July 2010.

(Duration of meeting: 10.30am – 12.20pm)

These decisions were published on the 25 June 2010 and will come into force on 5 July 2010
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The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024 or e-mail yaminarhouati@wiltshire.gov.uk
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