

CABINET

MINUTES OF THE CABINET MEETING HELD ON 27 NOVEMBER 2018 AT COUNCIL CHAMBER - WILTSHIRE COUNCIL OFFICES, COUNTY HALL, TROWBRIDGE.

Present:

Cllr Baroness Scott of Bybrook OBE (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 Chuck Berry, Cllr Ian Blair-Pilling, Cllr Jane Davies, Cllr Peter Fuller, Cllr Richard Gamble, Cllr Gavin Grant, Cllr David Halik, Cllr Deborah Halik, Cllr Darren Henry, Cllr Alan Hill, Cllr Ruth Hopkinson, Cllr Atiqul Hoque, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Simon Jacobs, Cllr Edward Kirk, Cllr Jerry Kunkler, Cllr Brian Mathew, Cllr Ashley O'Neill, Cllr Steve Oldrieve, Cllr Stewart Palmen, Cllr Graham Payne, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Philip Whalley, Cllr Roy While, Cllr Christopher Williams, Cllr Graham Wright, Cllr Robert Yuill, Cllr Ernie Clark, Cllr Ian Thorn and Cllr Trevor Carbin

295 Apologies

Apologies were received from Cllr John Thomson.

296 Minutes of the previous meeting

The minutes of the meeting held on 9 October 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 9 October 2018.

297 Declarations of Interest

There were no declarations of interest.

298 **Leader's announcements**

The Leader explained the approach to public participation for the Special Schools item.

299 **Public participation and Questions from Councillors**

Colin Gale raised a question on the minutes of the previous meeting in relation to the decision on Everleigh Household Recycling Centre, it was commented the reason for the decision recorded in the minutes did not reflect the conclusion at the meeting. Cllr Wayman responded she was satisfied the reason in the minutes was an accurate record and this would be checked with the Legal team.

Anne Henshaw expressed concern that Wiltshire's Local Plan did not include a policy to protect the area of land around Junction 17 of the M4 from unsustainable development. Cllr Sturgis advised the review of the Local Plan was still in progress and a written response to questions was to follow.

Cllr Jon Hubbard asked a supplementary question on the expansion of Melksham Cemetery. The Councillor asked when the facility would be available and would this include being open to the Muslim community. Cllr Wyman responded the facility would be available in the New Year 2019 and available to the Muslim community.

300 **Consideration of Proposals for the Development of Special Schools for Children and Young People with complex SEND/Severe learning Difficulties**

Cllr Laura Mayes thanked members of the public that had taken the time to attend the meeting and responded to the consultation on the proposals for Special Schools. The Cabinet member gave a presentation which set out proposals for special schools and advised that surgeries would be available to families affected by the decision to meet with the Council and discuss how the plans would affect them. Cllr Mayes explained the proposal was to invest £20 million in a purpose built Centre of Excellence at Rowde, to accompany provision at Exeter House in Salisbury. The Special Schools Larkrise and St Nicholas would stay open until the new school is built in 2023, with staff and pupils transferring to the new Centre of Excellence. The changes were necessary due to increased demand for specialist SEND provision, increased pupil population as a result of Army Rebasing and additional statutory responsibilities on the local authority. In total an additional 120 school places were needed for specialist SEND provision, and this was to be met by the expanded centre in Rowde.

The Cabinet member explained there was overcrowding in the current schools and the best option was to expand the school site at Rowde. Cllr Mayes highlighted the investment was an opportunity to improve the quality of education for those in a Special School setting, as well as improving

opportunities for pupils with SEND in mainstream schools. The councillor outlined that Rowde was the ideal site for expansion due to its location and excellent community links. The councillor was confident an expanded site in Rowde would give the best opportunity for travel times to the majority of pupils and families. It was explained the expanded site would keep its small, safe setting by separate small learning areas on the site, landscaped to maintain a 'countryside' feel and additional therapy facilities would also be available at the school. The presentation was concluded by the reading of letter from a parent which expressed support for the proposal. Finally, the councillor informed the meeting, the next step for proposals was to engage in statutory consultation and to bring the matter for final decision by Cabinet in March 2019, families would also be offered a personal travel plan to support the transition to a new school.

The Leader invited statements and questions as detailed below:

Mike Loveridge (Head of Rowdeford School), thanked stakeholders for showing support for the school and spoke in support of the school's education provision and outdoor learning approach. The Head spoke in support of the expansion of the school and stated he would work with Wiltshire Council to support the success of the school.

The Vice Chair of Governors (Rowdeford School), also spoke highly of the school.

June Flemming-Simms spoke on behalf of parents with pupils at Larkrise School who wanted the school retained in the town, and expressed concern over the impact of increased school travel time on SEND children.

Phil Cook (Head of Larkrise School) spoke about Larkrise's work to form links with the local community and nearby mainstream schools, Mr Cook felt the new proposals would not continue this approach. It was argued the Children's Select Committee had recommended a school be available in Devizes, Chippenham and Rowde and considered SEND pupils should be at school within their community.

Ros Way (Head of St Nicholas School) argued SEND Pupils should be educated in the area in which they live to allow them to integrate with the community. It was considered the proposals ignored the recommendations of the Children's Select Committee Task Group.

Linda Bell, a petition organiser, made a statement to support the retention of Larkrise School on the grounds of unacceptably increased travel time to Rowdeford school causing distress for SEND pupils.

John Hawkins (Rowde Parish Council), spoke in support of the proposal to expand Rowdeford School and advised the Parish Council would help support the integration of the pupils with the local community.

Duncan Carter spoke of his experience as a parent of a child with SEND and argued the proposal would endanger the health of his child due to the location of the school in Rowde.

Melissa Loveday, a petition organiser, spoke against the proposals, suggesting the increased travel time and distance from hospital would increase health risks for her child. It was also argued the proposal gave parents a lack of choice on where to educate their children, and the location in Rowde would isolate children from the community in which they live. Concern was also expressed that the new school would be too large a setting for SEND pupils to flourish in.

Teresa Lilley spoke of her experience as a parent of a child with Special Educational Needs at Larkrise School and of the integration with Paxcroft school, which she argued should continue to support SEND children to be part of mainstream community and learn life skills.

Lance Allan, Trowbridge Town Council, spoke against the proposals on the basis that travel time would be increased for most pupils transferring to an expanded Rowdeford School. Mr Allan requested a choice be provided to parents as to the location of their child's education. More flexibility in when the expanded school was to open, and others to close, was requested.

Jo Waltham asked whether the Council could assure parents that no child with SEND would travel longer than the Department for Education guidelines under the new proposal.

Jon Hamp, Spingfields Academy, advised the academy would work to support the proposal.

Matt Sambrook, Head at Exeter House, spoke in support of the proposal as a development opportunity for better facilities and access to professionals.

Stuart Hall, Wiltshire Parent Carer Council, expressed thanks for inviting the Council to contribute to the consultation. It was highlighted parents felt the current provision did not meet all the needs of their children. Parents also expressed concern about long travel distance times. WPCC asked that if the proposal was agreed, that families be supported to transition into the new school. WPCC concluded that current Special schools were at capacity and action needed to be taken.

Cllr Hubbard spoke in his capacity as Chair of the SEND School Provision Task Group and thanked the officers, headteachers, parents, young people and Governors for their involvement in the process. The councillor explained the Task Group initially wanted two sites for specialist school provisions. The Task Group had challenged the location and the travel time for pupils attending Rowdeford School, and the councillor gave examples of how the school had detailed that it could support travel arrangements in-house. Ultimately the Task Group requested an investment into resource hubs in mainstream schools across the county so that the first opportunity for young people was to be educated in these local environments. It was highlighted that resource hubs for

SEND pupils were not available for secondary schools in Wiltshire and this should be a requirement.

Cllr Oldrieve spoke against the proposal, arguing the Cabinet had previously discussed that expanding Rowdeford School was not an option. It was requested that any consultation responses received since the initial Cabinet report in May 2018 be released.

The Leader advised that in May 2018 the Cabinet had agreed to consider 3 possible options for specialist school provision. It was confirmed that consultation responses would be available for public inspection.

Cllr Thorn spoke of his experience meeting with parents at St Nicholas' School. The councillor was pleased to hear parents would be involved in designing the new proposals and in accessing surgeries. The Councillor requested receipt from the sale of the two sites Larkrise and St Nicholas be ringfenced for SEND pupils.

Cllr Payne spoke against the proposals and requested assurance that the number of students receiving education privately out of county would reduce.

Cllr Simon Jacobs advised the Devizes community would welcome the new pupils at Rowdeford School into the community.

Cllr Ernie Clark spoke against the proposal and argued it ignored the views that stakeholders had expressed in the consultation period.

Cllr Sheppard spoke about how seriously the Task Group had considered the proposals and evidence to support them.

Cllr Peter Fuller encouraged the Cabinet to consider all representations received. The councillor spoke in support of an expanded site at Rowdeford, however felt the other two schools should also be retained.

Cllr Alan Hill defended the impartiality of officers and their dedication to constructing evidence-led proposals.

Baroness Scott spoke of her experience as the parent of a disabled child and her desire for excellent education provision, therapy opportunities, and medical support in Special Schools. The Leader explained she was confident this proposal was the best opportunity for the pupils in the county.

Cllr Clewer recognised the concern of the parents, however highlighted the current sites were too small to accommodate the services parents required for their children.

Cllr Mayes thanked all parents and stakeholders who had contributed to the discussion in writing and at the meeting, and understood the uncertainty expressed. However, the Cabinet Member went on to highlight specialist school provision needed to change due to the overcrowding in schools. It was noted that 80% of SEND children were already education in a different town due to

Wiltshire being a large rural county. The Cabinet member supported resource bases in every community and confirmed the plan was to have full time medical staff at the new school. In response to public statements, the Cabinet member responded that parents of children already at Rowdeford School felt their children were integrated in the community. The Cabinet member agreed with comments raised that post-16 provision was important. Finally it was confirmed that the new school could have a dedicated officer responsible for organising pupil transport, and existing staff from Larkrise and St Nicholas would be offered positions at Rowdeford School.

Resolved:

- a) To approve consultation on the establishment of a new special school with buildings using the existing Rowdeford site and a new build adjacent;**
- b) To approve the issue of a subsequent statutory notice of a proposal to discontinue St Nicholas, Larkrise and Rowdeford Special Schools with effect from 31st August 2023 at the latest. The notice also to refer to the opening of a new special school from 1st September 2023;**
- c) To note that on the approval of a statutory notice there will be a four week statutory period for representations on the closure proposals and that a final decision by Cabinet will be required. It is anticipated that this decision will come to Cabinet in March 2019;**
- d) To approve a parallel non-statutory consultation on a proposed specification for the new provision, so that the Council can undertake the process of identifying a preferred provider to be recommended to the Secretary of State;**
- e) To note and support the proposal for a parallel programmes to create a cross county approach to Post 16 special education, including provision in Chippenham and Trowbridge;**
- f) To note and support the proposal for a parallel programme to develop the outreach provision from Exeter House, Salisbury.**

Reason for decision:

Wiltshire Council has a statutory duty to secure sufficient school places and quality provision for all pupils with special education needs (SEND) and to ensure that these places and provision provide both high quality support, education and value for money. The resolutions outlined above will enable the Council to meet this duty.

301 **Service Devolution and Asset Transfer Report - Parish Councils**

Cllr Clewer presented a report to dispose of the free hold of service based assets to small Town and Parish Councils, complementing the Service Devolution and Asset Transfer Policy. The Cabinet member also advised the Council was recruiting additional staff to speed up the asset transfer process. Examples of the assets to be transferred were small car parks and public conveniences.

Councillors welcomed the decision however requested further details for the timescales for transfers in their areas, the Cabinet member advised he would give timescales when new solicitors were in post. Typographical errors in the report were confirmed, in particular that throughout the process of asset transfer officers would keep elected members informed by advising that discussions were being held with their respective parish council and informing the Cabinet member that transactions had completed

Resolved:

To approve the freehold and long leasehold disposal of the service based assets identified to smaller Town and Parish Councils, subject to the criteria being met in each instance.

To authorise the Head of Strategic Assets and Facilities Management to dispose of freehold or long leasehold interest of the assets.

Reason for decision:

Following the approval of the Service Devolution and Asset Transfer Policy a programme for packages of transfers is being established. The Council is receiving a number of small scale requests from, predominantly, Parish Councils and the approach set out in this report will allow the Council to deal with those small scale requests in conjunction with the programme established under the Service Devolution and Asset Transfer Policy in a timely and effective manner.

302 **Freehold of assets to be sold**

Cllr Toby Sturgis presented a report proposing assets surplus to the Council's operational requirements and to be added to the list for disposals. Details of each site were provided, in particular the requirements at St Stephens Car Park. Lance Allan, Trowbridge Town Council, required further detail to clarify whether an option for free parking would be available to a new owner of St Stephens Car Park. Cllr Sturgis responded the parking charges were to be determined by the new owner, but must not exceed an upper limit.

Cllr Payne requested detail how much money the council had spent since April 2009 to maintain the St Stephens car park. Cllr Kirk suggested the car park had been left as a public resource and requested further detail on the arrangements.

Cllr Sturgis responded that nothing had been agreed as yet for a future buyer. Baroness Scott suggested a briefing be arranged for Trowbridge councillors to receive answers to detailed questions.

Cllr Thorn questioned why the car park could only be available for freehold purchase by the shopping centre, the open market value, and the impact of a special-purchaser arrangement. Cllr Sturgis advised open market value was limited. It was confirmed a special-purchaser would be in control of the covenant.

Lance Allan expressed concern at the proposal for Manvers House and recommended that public open space also be considered as part of the decision. Cllr Sturgis confirmed open space could be considered, this proposal was just the initial decision.

Resolved:

To confirm that freehold interested of the 4 assets can be sold by the Council;

To note the continuing approach set out in paragraph 8 of the report;

To authorise the Director for Housing and Commercial Development to dispose of the freehold interest in the assets, or in his or her absence, the Corporate Director for Growth, Investment and Place.

To request a briefing is provided for all Trowbridge Area Board members to discuss further the arrangements for St Stephen's Car Park.

Reason for decision:

To confirm the freehold interest in the assets can be sold in order to generate capital receipts in support of the Council's capital programme.

303 Intermediate Care Bed Service

Cllr Jerry Wickham introduced a report on the extension of Intermediate Care Bed Service contracts for a further 12 months beyond March 2019 to enable a full Wiltshire bed review to be completed in order to ensure that the appropriate number and type of beds were commissioned across the system.

Cllr Thorn highlighted this was the second extension and considered that issues should have been addressed during the first extension period. The councillor was disappointed to find patients referred to as customers in the report. The Cabinet confirmed that patients were very much considered as real people and were taken seriously. Legal advice was that the Council could proceed with a contract extension.

Resolved:

To approve an additional extension of the Intermediate Care Bed Service contracts as an exception for a further 12 months;

To delegate authority to the Corporate Director with responsibility for Adult Care to approve the contract variations needed to achieve the above;

To note a full review of bed based services will commence in September for completion in February. This will inform discussions with all providers, including the residential, nursing and intermediate care block providers, and then clearly identify how many and what type of beds will need to be commissioned. Time will be needed to fully engage with the market.

Reason for decision:

The current Intermediate Care bed service contracts will expire on 31st March 2019; this decision approves an additional extension of these contracts as an exception for a further 12 months to enable a full Wiltshire bed review to be completed in order to ensure that the appropriate number and type of beds are commissioned across the system.

304 **Exemption Request – Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing**

Cllr Jerry Wickham presented proposals to extend the current contracts for supporting living, floating support and supporting housing for customers with a learning disability or mental health need. The Cabinet member highlighted the proposal had been subject to a Rapid Scrutiny exercise.

Cllr Hubbard expressed concern that the proposal was an extension of an already extended contract. In response, it was explained this extension was part of adult social care transformation process, and it was legal and sensible to build extensions into a contract.

Resolved:

To extend the contractual agreements detailed at Appendix 1 of the report until 31 August 2019;

To delegate authority to the Corporate Director with responsibility for Adult Care to approve:

a) the contract variations needed to achieve the above within the approved budget;

b) the award of contracts within the approved budget following required tender processes

Reason for decision:

This extension is being requested for the following reasons to allow sufficient time to:

- consult with customers and providers around current services and to coproduce new service specifications for future services*
- Undertake an accommodation review and develop a strategy*
- carry out thorough research across other local authorities, and develop how we wish to commission and tender for these services from 1 July 2019*
- allow sufficient time to allow any required tender processes to take place in keeping with procurement regulations.*
- take into account that we have fragile market places that may take some time to shape and for relationships to be sufficiently developed to maximise opportunities*
- ensure we are aligned on the future pathway with services and approaches as required by LD and MH transformation work to ensure services commissioned are fit for future purpose*

305 **Urgent Items**

There were no urgent items, however members expressed thanks to colleagues and officers for their support in agreeing a sustainable solution for Assize Court in Devizes.

306 **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 307-308 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 3 and 5 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.

307 **Intermediate Care Bed Service**

Resolved:

To approve an additional extension of the Intermediate Care Bed Service contracts as an exception for a further 12 months;

To delegate authority to the Corporate Director with responsibility for Adult Care to approve the contract variations needed to achieve the above;

To note a full review of bed based services will commence in September for completion in February. This will inform discussions with all providers, including the residential, nursing and intermediate care block providers, and then clearly identify how many and what type of beds will need to be commissioned. Time will be needed to fully engage with the market.

Reason for decision:

The current Intermediate Care bed service contracts will expire on 31st March 2019; this decision approves an additional extension of these contracts as an exception for a further 12 months to enable a full Wiltshire bed review to be completed in order to ensure that the appropriate number and type of beds are commissioned across the system.

308 **Exemption Request - Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing**

Resolved:

To extend the contractual agreements detailed at Appendix 1 of the report until 31 August 2019;

To delegate authority to the Corporate Director with responsibility for Adult Care to approve:

- a) the contract variations needed to achieve the above within the approved budget;**
- b) the award of contracts within the approved budget following required tender processes**

Reason for decision:

This extension is being requested for the following reasons to allow sufficient time to:

- consult with customers and providers around current services and to coproduce new service specifications for future services*
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- carry out thorough research across other local authorities, and develop how we wish to commission and tender for these services from 1 July 2019*
- allow sufficient time to allow any required tender processes to take place in keeping with procurement regulations.*
- take into account that we have fragile market places that may take some time to shape and for relationships to be sufficiently developed to maximise opportunities*

- ensure we are aligned on the future pathway with services and approaches as required by LD and MH transformation work to ensure services commissioned are fit for future purpose

(Duration of meeting: 9.30 am - 1.05 pm)

These decisions were published on 29 November 2018 and will come into force on 7 December 2018.

The Officer who has produced these minutes is Libby Johnstone of Democratic Services, direct line 01225 718214, e-mail libby.johnstone@wiltshire.gov.uk

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