

CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
BRADLEY ROAD, TROWBRIDGE, BA14 0RD on Monday, 30 January 2012.

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

Also in Attendance:	Cllr Tony Deane
	Cllr Richard Gamble
	Cllr Jon Hubbard
	Cllr Francis Morland
	Cllr Jeff Osborn

20. **Apologies**

An apology for absence was received from Cllr John Noeken, Cabinet member for Resources.

21. **Declarations of Interest**

There were no declarations of interest.

22. **Leader's announcements**

There were no announcements.

23. **Public participation**

The Leader acknowledged that two members of the public had registered to speak at this meeting on the following item. She also explained that she would

be happy for other members of the public present to also participate in the discussion at this meeting.

24. Call in of Cabinet Decision - Proposed closure of Urchfont Manor

Public Participation

The following members of the public addressed Cabinet on this item:

Mr Cairns Langland
Mr David Motram

Cabinet at its meeting on 17 January 2012 agreed the creation of a central Devizes Customer Access Point, the closure of the Council offices at Browfort in Devizes and Bradley Road in Trowbridge and Urchfont Manor.

Since publication of the decisions in relation to this item in the form of the minutes of the meeting on 23 January, the Chairman of the Organisation and Resources Select Committee, Cllr Jeff Osborn gave notice within the prescribed period, that he wished to call-in the decision in so far as it related to the closure and disposal of Urchfont Manor.

Accordingly, a meeting of the Organisation and Resources Select Committee was held earlier today (30 January) to consider the request to call-in the decision. The Committee after hearing representations from Cllr Jeff Osborn, relevant Cabinet members, other Councillors and members of the public resolved as follows:

‘That the Organisation and Resources Select Committee requests that Cabinet reconsider the decision to close Urchfont Manor House in light of inadequate consultation, as defined within paragraphs 25 and 26 of the Cabinet procedure rules in Part 7 of the Constitution.’

The full report to the Scrutiny Select Committee and subsequent minutes can be accessed on the following link to the Council’s website:

[Organisations and Resources Select Committee - 30 January 2012](#)

This meeting of Cabinet had therefore been convened to reconsider its original decisions dated 17 January in light of the Scrutiny Select Committee’s comments.

After hearing from members of the public, and at the invitation of the Leader, Cllr Jeff Osborn was invited to report on his Committee’s decision to refer the matter back to Cabinet for reconsideration.

A report on the outcome of the Scrutiny Select Committee's deliberations was presented. It was noted that the referral back to Cabinet stemmed from the Select Committee's concerns over the following main issues:

- The report to Cabinet did not confirm compliance with the Council's Consultation Strategy or explain any divergence from it;
- perceived lack of consultation with all members of the Urchfont Manor College Board of Management which in the opinion of the Select Committee, should have been regarded as an advisory panel for purposes of consultation and
- no consultation having been undertaken with the relevant Scrutiny Select Committee.

Cllr Jeff Osborn requested that now information concerning the closure of Urchfont Manor was in the public domain, Cabinet should hold the decision to dispose of it in abeyance to allow time to consider the matter in more detail and to engage in meaningful consultation.

The Leader responded to the views from the Scrutiny Select Committee. In relation to the issue of consultation, the Leader drew a distinction between the service and the buildings from which the service is currently provided, in this instance between the decision to review the provision of adult education services and the decision to close and dispose of Urchfont Manor.

In relation to adult education provision, the Leader emphasised that this would be reviewed in line with the Department for Business Innovation and Skills strategic proposals for Further Education and Skills and only determined following consultation with service users, area boards and local communities and partners and to try and ensure locally based provision.

Urchfont Manor was a strategic property site in the same category as Browfort and Bradley Road buildings and as such, decisions to dispose of them were not a matter for consultation. The Council through its Business Plan had previously agreed that it would be rationalising its property portfolio. Furthermore, the future of Urchfont Manor had been the subject of consideration for several years with the involvement of the Urchfont Management Board. Cabinet had, in September 2008, considered various options for this building which at that time, included investment in the property, creation of dedicated conferencing and training facilities, partnership arrangements with Wiltshire College, outsourcing the delivery of courses and conferences to a private provider and disposing of it. Unfortunately, no financially feasible proposal to secure its retention had since emerged.

The Leader explained that at a time of significant budget pressures, the Council had to give priority to its statutory functions, particularly those in relation to protecting vulnerable members of our communities. The Council did not have the necessary funds to be able to invest in Urchfont Manor to secure its

retention and long term protection. In terms of providing an opportunity to explore the setting up of a Trust to take on responsibility for Urchfont Manor, the Leader explained that this could be explored by those interested in pursuing such an option. However, she also explained that the Council was duty bound to secure best value for the site and any deviation from this would have to be referred to the Secretary of State.

Cllr Stuart Wheeler, Cabinet member for Campus Development and Culture (including Leisure, Sport and Libraries) emphasised that there was an important distinction between a decision yet to be made on the future delivery of the adult education service, for which consultation had begun, and the decision made on the building from where the service was currently being provided.

Cllr Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control Services explained that consultation on the disposal of the property would be impracticable. The Council would not be in a position to provide all details concerning the disposal to preserve the confidentiality of commercially sensitive information and to protect the Council's interests in securing the best price for it. He confirmed that the Council would be selling the property freehold with no subsidy and that Cabinet had resolved to try to ensure continued community access to Oakfrith Wood, the playing fields to the north of Urchfont Manor and existing cricket pitch by the Cricket Club.

Cllr Lionel Grundy, Cabinet member for Children's Services reported that the Council would be seeking views on what the public would like provided in terms of adult education. Given that such provision was not a statutory function and the Council did not receive any funding for it, any service would need to be self financing.

In response to a query on the lawfulness of the Cabinet's decision, the Service Director for Law and Governance in his capacity as the Council's Monitoring Officer advised that the report to Cabinet did draw the distinction between the proposal to review the adult education service and the proposal to dispose of the property from which the service was being provided. He agreed that the Council could be open to challenge if it did not consult on the review of the provision of the adult education service and noted that arrangements were in hand to consult fully with interested parties including current users of the service.

He agreed that Cabinet in making its decision needed to have regard to the principles of decision making in the Constitution, including consultation with interested parties where appropriate and practicable, and the need to secure best value and to operate efficiently, effectively and economically. The Service Director confirmed he was satisfied that the Cabinet had acted reasonably in weighing these considerations and that its decision was lawful.

The Leader explained that the decision to dispose of Urchfont Manor had not been taken lightly and followed several years of considering how it could possibly be retained and maintained. Following debate, it was

Resolved:

- a) **That Cabinet notes the recommendation of the Organisation and Resources Select Committee dated 30 January 2012 and thanks it for its work.**
- b) **That the decisions of Cabinet dated 17 January 2012 in relation to Urchfont Manor, the subject of referral by the Select Committee, be confirmed.**

For ease of reference, the full resolutions of Cabinet dated 17 January 2012 can be accessed on the following link of the Council's website:

[Cabinet - 17 January 2012](#)

(Duration of meeting: 3.45 - 4.35 pm)

These decisions were published on 3 February 2012 and effective immediately

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