

Cabinet

MINUTES OF THE CABINET MEETING HELD ON 16 APRIL 2024 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Jane Davies, Cllr Nick Holder, Cllr Dominic Muns, Cllr Tamara Reay and Cllr Ashley O'Neill

Also Present:

Cllr Allison Bucknell, Cllr Gordon King, Cllr Robert MacNaughton, Cllr Dr Brian Mathew, Cllr Ian Thorn and Cllr Graham Wright

48 **Apologies**

Apologies were received from Cllr Nick Botterill and Cllr Laura Mayes.

49 **Minutes of the Previous Meeting**

The minutes of the meetings held on 12 March 2024 and 19 March 2024 were presented for consideration.

Resolved:

To approve and sign the minutes of the meetings as a true and correct record.

50 **Declarations of Interest**

There were no declarations of interest.

51 **Leader's Announcements**

There were no Leaders announcements.

52 **Public Participation**

Agenda [Supplement 1](#) included details of questions submitted for the meeting by Cllr Ian Thorn.

The Leader provided verbal responses to the questions from Cllr Thorn at the meeting, details of which are to be included in an updated Supplement 1. He then responded to a number of supplementary questions which are also to be included in an updated Supplement 1.

53 **SEND Sustainability Plan and the Safety Valve Agreement**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Health and Wellbeing, Economic Development Heritage, Arts, and Tourism presented a report which provided an update on the SEND Sustainability Plan for Wiltshire and the Safety Valve Agreement between Wiltshire Council and the Department for Education (DfE) which was signed on 12 March 2024.

The Leader and Cllr Jane Davies, Cabinet Member for Adult Social Care, SEND and Inclusion reminded Cabinet that the agreement is supported by the High Needs Block Sustainability Plan which details how Wiltshire Council will improve outcomes for children and young people with SEND and, through investment in early help and support, return the High Needs Block (HNB) to a financially balanced position, with a total cumulative deficit of £56.247m by the end of the last financial year (2023/24). The agreement confirms the DfE will provide an additional £67m of DSG funding split over the years 2023/24 – 2028/29.

Cabinet noted that the funding will be used to offset the cumulative deficit which, by the point that the Council reaches balance is forecast to be £137.2m. Leaving £70.2m which the Council will need to contribute from other funds to completely remove the residual forecast deficit that is a requirement of the agreement.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, acknowledged and welcomed the extensive consultation and recognised that this matter was not a consequence of actions undertaken by the Council. In response to a question about the level of confidence that the deficit will not return once it is written off, the Leader and Cllr Davies confirmed that they had a high level of confidence in the SEND Sustainability Plan, that was co-produced with partners with an understanding of the issues. With the right support from all involved and further reforms from Government, a balanced budget was expected although this was not guaranteed at this stage. It was noted that there is a need for continued engagement and co-design with stakeholders to enable the successful delivery of the Plan.

Resolved:

That Cabinet:

- 1) Welcomes the agreement that was signed and returned to the DfE in line with the Cabinet decision on 12 March 2024.**
- 2) Endorses the steps being taken to address the financial deficit in the High Needs Block.**
- 3) Approves publication of the High Needs Block Sustainability Plan for Wiltshire which underpins the Safety Valve agreement.**

Reason for Decision:

This five-year agreement will shape the provision of SEND services in Wiltshire and will form a key part of the financial context for the authority. Cabinet will

continue to be kept appraised of progress and public reporting is critical to ensure transparency of the programme and the Council's approach to it.

54 **Provision of Education for Learners who Require Alternative Provision**

Cllr Jane Davies, Cabinet Member for Adult Social care, SEND and Inclusion presented a report which outlined proposals to commission and external education provider, to provide high quality Ofsted registered Alternative Provision education for up to 50 Wiltshire young people with or without an Education Health Care Plan who are unable to attend mainstream or specialist schools for some or all of their education.

Cllr Davies explained that Wiltshire Council has a need for providing education for learners who require Alternative Provision and there is a significant shortage in Ofsted registered provision at a time where there is an increase in demand for places. A lack of Alternative Provision means that a higher number of pupils are suspended from school when Alternative Provision could be arranged for the learner at an earlier stage and prevent further escalation.

Cabinet were informed that for some children and young people with SEND the lack of Alternative Provision can lead to placements in high-cost independent special schools to meet their needs. To facilitate the provision of Alternative Provision it was noted that the Council's Asset Gateway and Capital Programme Board had approved the purchase of Calder House in October 2023 to be leased to a commissioned external provider to deliver Alternative Provision.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the proposals and commented on the potential need for future additional places. Cllr Davies confirmed that the Council is now able to predict future need more accurately and make suitable arrangements if necessary.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, commented on the tender process. The Leader highlighted that there had been interest from a wide pool of specialist education providers and project officers were confident for the successful delivery of Alternative Provision.

Resolved:

- 1. To authorise the award of a 5 plus 5-year contract to an external education provider, to provide high quality OFSTED registered AP education for up to 50 Wiltshire young people aged 11-16 with or without an EHCP who are unable to attend mainstream or specialist schools for some or all their education. This will include an annual review of the contract.**
- 2. To approve that officers continue to undertake to prepare and complete the tender programme, award, and implement a new contract for the provision of OFSTED registered education by 31**

July 2024, with a clear mobilisation period to support opening in Autumn 2024.

- 3. To delegate authority to approve and award a new contract and future extensions and all associated documents to the Corporate Director People, in consultation with the Cabinet Member for Adult Social Care, SEND and Inclusion.**

Reason for Decision:

To ensure children and young people who are unable to attend mainstream or specialist schools are provided with full-time equivalent education in an OFSTED registered Alternative Provision, tailored to their individual needs.

To ensure cost effective placements for children and young people within buildings owned by Wiltshire Council by leasing them to a provider at a peppercorn rent through a new contract.

55 **Household Support Fund 5 2024/25**

Cllr Ian Blair-Pilling, Cabinet Member for Public Health, Communities, Leisure and Libraries presented a report which provided an overview of the Household Support Fund 2024 (1 April 2024 - 30 September 2024), which Wiltshire Council has been allocated £2,728,656.41 from the Department for Work and Pensions (DWP).

Cllr Blair-Pilling reported that the Fund is being provided to support households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs to help them with significantly rising living costs between 1 April 2024-30 September 2024. He explained that this was a whole Council approach and commented on how previous Housing Support funding had been distributed to support 25,000 households in Wiltshire, through 87 schemes administered by the Council and third sector partners. It was confirmed that support would now be provided for Traveller and Boater communities who were previously unable to apply for support.

Cllr Blair-Pilling offered to provide detailed information about how the support fund had been allocated for consideration by Overview and Scrutiny. Cllr Graham Wright, Chair of the Overview and Scrutiny Management Committee welcomed the opportunity for Overview and Scrutiny input.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the support being provided by the Fund. In response to a question about how to apply for funding, officers indicated that residents could apply for funding through an application process. They confirmed that a briefing about the Fund and application process had been held along with a press release. Details of how to apply for funding were available on a dedicated website page on the [Wiltshire Council website](#), and through support from local libraries for residents unable to access the website.

Cllr Gordon King, Deputy Leader of the Liberal Democrat Group, suggested that a 'heat-map' of activity and support areas would be helpful for Overview and Scrutiny consideration in the future.

Resolved:

- 1. Notes the content of the report;**
- 2. Delegates the payment criteria of the grant to the Director, Finance and Procurement (S151 Officer), Corporate Director, People, and the Director, Public Health in consultation with the Cabinet Member for Public Health, Communities, Leisure, and Libraries.**

Reason for Decision:

To inform Members of the Household Support Fund allocation Wiltshire Council has been awarded by the Department for Work and Pensions.

56 **B4069 Lyneham Banks**

Cllr Nick Holder, Cabinet Member for Highways, Street Scene, and Flooding presented a report seeking the award of a contract for repairs to the B4069 at Lyneham Banks.

Cllr Holder commented in detail about the major land slip at Lyneham Banks in February 2022 resulting in the road being closed to traffic. He highlighted the potential reasons for the land slip and the options being considered to make repairs and re-open the road. Cabinet noted that tenders had been invited for the repair scheme and that detailed scoring and financial information on the bids received would be considered in the private part of the meeting.

Cllr Graham Wright, Chair of the Overview and Scrutiny Management Committee, provided an update on behalf of Cllr Jerry Kunkler, Chair of the Environment Select Committee, who received a briefing on 9 April 2024 along with Cllr Alison Bucknell and Cllr Elizabeth Threlfall whose divisions are affected by the closure of the B4069. The briefing provided an update on the current situation followed by a discussion of the options for addressing the landslip and repairing the road, the final preferred option and detail about the tender process. They thanked officers for the briefing and endorsed the approach being taken.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, expressed his support for the works being proposed.

Cllr Alison Bucknell, Division Member for Lyneham thanked officers for their comprehensive report and transparency during the process and voiced her support for the proposals.

Resolved:

To note the content of the report and consider the appointment of the contractor detailed in the Part II report.

Reason for Decision:

- 1. There is a need to repair the B4069 at Lyneham Banks which has been closed because of a major landslip,*
- 2. The temporary road closure has caused significant disruption to road users, residents, and businesses, and the road should be reopened to traffic,*
- 3. Various options have been considered and a retaining wall offers the best and most cost-effective means of stabilising the ground and reinstating the road,*
- 4. The future stability of the road needs to be ensured by carrying out substantial works on land adjoining the road to ensure suitable drainage and to stabilise the ground and support the road.*
- 5. A suitably experienced contractor is required to carry out the works and tenders have been returned and assessed and a preferred contractor has been identified.*

57 **Urgent Items**

There were no urgent items.

58 **Exclusion of the Press and Public**

It was,

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 Item Number 12 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.

Paragraph 3 - information relating to the financial or business affairs of any particular person (including the authority holding that information).

59 **B4069 Lyneham Banks**

Cllr Nick Holder, Cabinet Member for Highways, Street Scene, and Flooding presented a report seeking the award of a contract for repairs to the B4069 at Lyneham Banks.

Cllr Holder, supported by a Highways officer commented in detail about the repair scheme, the detailed scoring and financial information on the bids received.

Resolved:

That the proposals detailed in the report be agreed.

Reason for decision:

- i) There is a need for a specialist contract to be awarded to deliver the reinstatement of this important route.*
- ii) Following a procurement exercise in accordance with the 'Open Procedure', tenders were obtained and have been assessed in terms of price and quality.*
- iii) The most advantageous tenders for the Council, taking into account quality and price, should be accepted in accordance with the procurement procedures.*
- iv) There are robust processes in place to monitor the performance of the successful tenderer and supervise the construction of the scheme.*

(Duration of meeting: 10.00 - 11.45 am)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail committee@wiltshire.gov.uk

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