

CABINET

MINUTES of a MEETING held at COUNCIL CHAMBER, COUNCIL OFFICES, BROWFORT, DEVIZES on Tuesday, 27 July 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-Philippe	Cabinet Member for Finance, Performance and Risk
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 Allison Bucknell
	Cllr Trevor Carbin
	Cllr Chris Caswill
	Cllr Christopher Cochrane
	Cllr Peter Colmer
	Cllr Tony Deane
	Cllr Peter Doyle
	Cllr Richard Gamble
	Cllr Jerry Kunkler
	Cllr Jacqui Lay
	Cllr Francis Morland
	Cllr Bill Moss
	Cllr Christopher Newbury
	Cllr Helen Osborn
	Cllr Jeff Osborn
	Cllr Sheila Parker
	Cllr Jonathon Seed
	Cllr Anthony Trotman
	Cllr Bridget Wayman

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

111. Apologies

Apologies for absence were received from:

Cllr Jane Scott OBE, Leader of the Council
Cllr Toby Sturgis, Cabinet member for Waste, Property and Environment.

Andrew Kerr, the Chief Executive

112. **Minutes of the previous meeting**

The Minutes of the meeting held on 22 June 2010 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 22 June 2010.

113. **Leader's Announcement**

The Deputy Leader explained the absence of the Leader and Chief Executive. Both were attending a Chairman's Summit on the Local Government Association Group offer to Government to provide a framework to allow local councils to do more with less. The meeting involved local authority leaders and chief executives meeting with Ministers and MP's to discuss the current financial climate.

With Cabinet's approval, the Deputy Leader brought forward item no. 8 – Wiltshire Anti-Social Behaviour Reduction Strategy to assist Cllr Keith Humphries, the Cabinet member for Health and Wellbeing.

114. **Declarations of Interest**

The following Councillors declared a personal interest in the item on Review of Leisure for the reason specified in each case (minute no. 117 refers)

Cllr Tony Trotman – Chairman of the Board at Calne Leisure Centre Ltd – would participate in the discussion.

Cllr John Noeken – Chairman of the Amesbury Sports & Activities Centre – would not be participating in the discussion or voting.

Cllr Bridget Wayman and Cllr Tony Deane - members of the Tisbury and District Sports Centre Management Body.

115. **Public participation**

The Deputy Leader explained that he would invite members of the public present to speak on each of the items to be discussed. Those who spoke are listed under the relevant minute.

116. **Wiltshire Anti-Social Behaviour Reduction Strategy**

Cllr Keith Humphries, Cabinet Member for Public Health and Wellbeing presented a report which sought endorsement of the Wiltshire Anti-Social Behaviour (ASB) Reduction Strategy and Implementation Plan. As this would in time form part of the overall Crime and Disorder Reduction Strategy, part of the Council's Policy Framework, this would require onward recommendation to Council for adoption.

The Council was obliged to work in partnership to tackle ASB through the obligations placed on it by the Crime and Disorder Act and the Anti-Social Behaviour Act 2003. The Strategy had been approved by the Community Safety Partnership on 17 June 2010 and this Council was now being asked to endorse it as a constituent partner. The Strategy would enable partners to consolidate efforts and approaches to tackling ASB, develop toolkits to be used within communities, manage and support individual cases reported and communicate how specific community based problems would be dealt with as a matter of utmost priority.

The reduction of anti-social behaviour (ASB) was a key goal within the Local Area Agreement (LAA) and the strategy would help ensure a coherent and effective response to this challenge.

In reference to partnership working, Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee reported that a Partnerships Task Group had been established to scrutinise partnership working and would be looking at Community Safety Partnerships. The Corporate Director of Public Health and Wellbeing welcomed this move and respectfully suggested that any analysis of partnerships should begin with establishing the desired outcomes of such an exercise.

Recommended to Council:

That Cabinet endorse the Wiltshire Anti-Social Behaviour Reduction Strategy and Implementation Plan and recommend it to the Council.

Reason for Decision

The Wiltshire Community Safety Partnership Anti-Social Behaviour Strategy was needed to provide a harmonised service across Wiltshire and would provide a framework to promote effective, co-ordinated partnership work to tackle anti-social behaviour at both local and countywide levels.

117. **Review of Leisure**

Public Participation:

Mr Mike Barrett, Bursar of Carne Leisure Centre presented a statement and question as circulated to which Cllr Wheeler as Cabinet member for Leisure, Sport and Culture replied.

Mr Mike Parker of Westbury explained that he had written to Cabinet members on concerns he outlined to the meeting and that he would respond to the consultation exercise.

Mr Gary Walker of Cricklade Leisure Centre spoke in support of the proposals.

Declarations of interest

Cllrs Tony Trotman, John Noeken, Bridget Wayman and Tony Deane declared their interest in this item as detailed at minute no. 114 above.

Cllr Stuart Wheeler, Cabinet Member for Leisure, Sport and Culture gave a comprehensive presentation on proposals to review leisure provision within the Council's area. Cabinet's views were sought on the proposals which were indicative at this stage with a view to commencing a full consultation exercise. The results of the consultation would then be reported back to Cabinet to take into account in its determination of the review.

It was noted that the Council financially contributed towards 23 leisure facilities which offered varying levels of service due to various factors such as age, condition, design and range of facilities. In November, 2009, the Council resolved to carry out a review of the facilities and develop a Leisure Facilities Strategy to include a replacement, refurbishment and devolvement programme.

The report presented reviewed the strategic need for leisure facilities in Wiltshire. It provided indicative proposals which would enable the Council to deliver a sustainable, cost effective, high quality leisure facility service for the foreseeable future. The report also included proposals for the potential devolvement of suitable facilities to local communities as part of the Council's aspirations around devolvement of services and transfer of assets. Cllr Wheeler explained that the purpose of the review was to achieve a sustainable, high quality desirable service which would be attractive to users and would remove barriers of accessibility and meet the Council's target of being the healthiest County by 2014.

The proposals were an intrinsic part of the Workplace Transformation programme and fundamental to the delivery of campuses in key strategic locations. The programme would include the provision of at least three leisure centres based at Trowbridge, Melksham and Warminster.

The likely financial implications of the indicative proposals were outlined and it was noted that the financial information would be firmed up on completion of the review following the consultation exercise. Any effects on the Council's approved Capital Programme would require approval of Council.

From the Communications Strategy presented, it was noted that the consultation period would run between August – October 2010 and would include Area Boards, displays at schools, libraries and leisure centres, briefing updates for Councillors and use of the Parish Newsletter and Wiltshire Magazine. Information presented to Area Boards would be tailored to the proposals affecting the area concerned and be linked to information from the Joint Strategic Needs Assessment. Cllr Wheeler agreed that Wiltshire Councillors would be briefed on proposals affecting their respective divisions and this would extend to town and parish councils in a similar way.

A number of Councillors spoke on this item making general comments and or referring to the proposals in so far as they affected their respective division areas.

Cllr Jeff Osborn, Chairman of the Organisation and Resources Select Committee gave a scrutiny perspective. He commented that the Environment Select Committee would be examining the financial information including borrowing element as they emerged. He also noted that this project was very much linked to the Workplace Transformation Project on which there was scrutiny involvement. He emphasised that the communications element needed to be treated carefully with an overarching message that this was very much about spending to invest.

Cllr Wheeler paid tribute to Robin Townsend and Lucy Murray-Brown for their exceptional efforts in this project.

Resolved:

1. That Cabinet:

- 1. approve an indicative replacement, refurbishment and devolvement programme (as set out in Appendix A of the report presented);**
- 2. approve the facility provision standards (as set out in Appendix B) and specification of multi-purpose indoor leisure facilities. This would be the subject of a three month consultation period between August 2010 and October 2010;**
- 3. approve the principle that tier 3 facilities are devolved (including freehold where appropriate) to local communities and authorises Officers to develop an approach to enable this to happen within the next 5 years;**
- 4. recognise and agree the principle of budgetary provision required for the replacement, refurbishment and devolvement programme for 25 years (as set out in Appendix C) from the financial year 2011/12 onwards which would need to be reflected in the Medium Term**

Financial Plan for future revenue budgets and also considered and approved by Full Council to amend the capital programme;

- 5. approve the approach to communications (as set out in Appendix D) and authorises the Director for Neighbourhood Services in consultation with the Cabinet Member for Leisure, Sport and Culture to make the necessary arrangements for the consultation process and**
- 6. note that the capital investment figures quoted in the report and the consultation material were indicative.**
- 2. That a briefing be given to each division member on the proposed changes to leisure provision in his/her area.**
- 3. That the link to the Joint Strategic Needs Assessment is included and explained in the consultation literature**

Reason for Decision

To set out the Council's commitment to providing high quality and efficient leisure services. Please refer to the report for the full reasons: <http://cms.wiltshire.gov.uk/mgConvert2PDF.aspx?ID=7098>

118. Review of Special Educational Needs (SEN) - Post Consultation Report

Public Participation:

Cllr Grundy responded to a written question from Mrs Ruth Greening (in her absence) concerning Springfields special school in Calne.

Mrs Deirdre Holland, volunteer parent supporter from Swindon, explained she was frequently contacted by Wiltshire authority residents for advice. She raised her concerns about the risks of placing high-functioning autistic spectrum children within mainstream schools.

Mrs Naomi Irving expressed her concerns over schools which had a mix of children with Behaviour, Emotional and Social Difficulties (BESD) and Autistic Spectrum Disorders.

At the Deputy Leader's invitation, Mr Trystan Williams, Headteacher of Springfields School, Calne addressed Cabinet on the above mentioned concerns. He explained that it was important to recognise the role that Springfield played and whilst he acknowledged the concerns expressed, the school's results had been extremely positive. The aim of the school was to provide children with the best opportunities, for the best value.

Cllr Lionel Grundy, Cabinet Member for Children's Services responded to the points made.

Cllr Grundy presented a comprehensive report which gave details of the outcome of the consultation on the Review of Special Educational Needs (SEN) Provision that was held from 22 February to 24 May 2010. He highlighted the high-profile nature and extended length of the consultation and the genuine attempt to respond to the needs of the community, which was necessary in a difficult and sensitive area of service provision.

The consultation was extensive and included the distribution of 3,000 consultation papers and questionnaires to parents, carers, head teachers, governors, SEN co-ordinators, neighbouring councils, the health service, trade unions, Diocesan bodies, MP's and via the Council's Area Boards and website. An analysis of the responses was presented with the full details of responses made available to Councillors.

It was noted that the Council had a statutory duty to keep SEN provision under review. The review undertaken was primarily concerned with three mutually dependent areas of activity; namely:

- Provision in Specialist Learning Centres (SLC's)
- Wiltshire Council SEN support services to schools and
- Provision for pupils with SEN in mainstream schools.

The review also included some aspects of special school provision and Enhanced Learning Provision (ELP) in secondary schools. The review also sought to address the findings from the Joint Area Review carried out in 2008.

Cabinet was asked to consider the outcome of the review and responses to the consultation with a view to determining future provision based on the matters considered in the review.

Cllr Grundy added that following consultation it became clear that certain areas needed further consideration and would be subject to further specific consultation.

Cllr Jacqui Lay, Vice-Chair of the Children's Select Committee spoke on behalf of Carole Soden, Chair of the Select Committee explained that the proposals had been the subject of a Rapid Scrutiny exercise, details of which were presented. The recommendations made to Cabinet had been endorsed by the Children's Services Select Committee on 22 July 2010.

Cllr Grundy responded to the questions and queries from Councillors.

Resolved:

That Cabinet agree that:-

- 1. A SEN Inclusion Service be made available to provide a wider range of SEN advice to schools.**
- 2. An SEN Support Network be set up to co-ordinate SEN support services and outreach advice from schools.**
- 3. The formulae for funding SEN in Resource Bases and mainstream schools be reviewed to help improve SEN provision.**
- 4. A statutory notice be published regarding the closure of the Specialist Learning Centre for Autism at Holy Trinity Primary School, Calne.**
- 5. A statutory notice be issued regarding the closure of the Specialist Learning Centre for Complex Needs at the Manor Primary School, Melksham, which should cease to admit pupils and the provision used to increase capacity at the school's Autism Centre to 21 places.**
- 6. The capacities of the Centres for Hearing Impairment (HI), Physical Impairment, (PI), Speech, Language and Communication, and ASD be adjusted as set out in the tables at paragraphs 25 and 27 in the report.**
- 7. The capacity of the Specialist Learning Centres for Complex Needs at the following primary schools be adjusted to 20: The Avenue School, St Dunstan Church of England Primary, Frogwell Primary, King's Park Primary, Salisbury Manor Fields Primary, Studley Green Primary, Wansdyke Community School, and be funded according to the number of full time places commissioned by the Council on an annual basis, under the new service level agreement and formula funding arrangements. For 2011/12 the number of places, commissioned would be the same as the capacity.**
- 8. The Specialist Learning Centres for complex needs at St Peter's Junior School and St Mary's Infant School Marlborough to develop arrangements to work together as a joint provision with a nominal capacity of 10 for each school. The centres to be funded according to the number of full time places commissioned by the Council on an annual basis, under the new service level agreement and formula funding arrangements. For 2011/12 the number of places commissioned would be the same as the capacity.**
- 9. A statutory notice be issued for the closure of the Early Years Provision at St Mary's Marlborough so that it can become part of the**

Early Years SEN Network, subject to a contractor being engaged to take over the running of the provision.

- 10. The Specialist Learning Centres for complex needs at Westbury Junior School and Westbury Infants School to develop arrangements to work together as a joint provision with a nominal capacity of 10 each for each school. The centres will be funded according to the number of full time places commissioned by the Council on an annual basis, under the new service level agreement and formula funding arrangements. For 2011/12 the number of places commissioned would be the same as the capacity.**
- 11. Studley Green Primary School to retain Specialist Learning Centres for Complex Needs and Speech Language and Communication Needs, and will be funded according to the number of full time places commissioned by the Council on an annual basis, under the new service level agreement and formula funding arrangements.**
- 12. Statutory notices be published regarding the closure of:**
 - a. The Specialist Learning Centre for Complex Needs at Durrington Junior School.**
 - b. The Specialist Learning Centre for Complex Needs at Harnham Junior School**
 - c. The Specialist Learning Centre for Complex Needs at Mere School.**
 - d. The Specialist Learning Centre for Complex Needs at Zouch School in Tidworth.**
- 13. The Specialist Learning Centre for Complex Needs at Longleaze Primary School should be retained under the new service level agreement and formula funding arrangements pending a review, starting in 2012, of all SEN provision in the North East of Wiltshire, including special school provision in the area adjacent to Swindon. The centre to have a nominal capacity of 10 places and be funded according to the number of full-time places commissioned by the Council on an annual basis. For 2011/12 the number of places commissioned would be the same as the capacity.**
- 14. The Specialist Learning Centre for Complex Needs at Malmesbury Primary School be retained under the new service level agreement and formula funding arrangements pending a review, starting in 2012, of all SEN provision in the North East of Wiltshire, including special school provision in the area adjacent to Swindon. The Centre to have a nominal capacity of 10 places and be funded according to the number of full-time places commissioned by the Council on an annual basis. For 2011/12 the number of places commissioned would be the same as the capacity.**

15. The descriptions, age ranges and capacities of special schools be amended as set out in the table at paragraph 41 in the report.

16. All pupils moderated at Level 2 of Enhanced Learning Provision (ELP) in Secondary Schools to have a Statutory Assessment initiated as a matter of course. The current arrangement where pupils without statements can be funded through ELP be retained pending discussions on the further developments of ELP provision.

Reasons for Decision

To initiate the system change needed to improve educational provision and raise the achievement of pupils with SEN by:

- Better commissioning of SEN provision to match need;
- Releasing resources to support improved provision for pupils with SEN in mainstream schools and Specialist Learning Centres in mainstream schools;
- Refocusing SEN support services to schools; and
- Ensuring more consistent and focussed outreach support from specialist provision to support mainstream schools.

119. Consultation on Initial Site Options for the Aggregate Minerals Site Allocations DPD

Cllr John Brady, Cabinet Member for Economic Development, Planning and Housing presented a report which sought Cabinet approval to proceed with consultation on initial site options for the Aggregate Minerals Site Allocations Development Plan Document.

The consultation document was concerned with identification of potential sites for future sand and gravel extraction only. The report also highlighted the implications of the proposed abolition of the Regional Spatial Strategies (RSS) from the perspective of aggregates provision. The responses to the consultation would be used to inform the development of the draft Wiltshire and Swindon Aggregate Minerals document to be published in Spring 2011.

Resolved:

- 1. That Cabinet:**

- a) **note the need to identify sites for sand and gravel extraction in order to address long-term supply issues and the short-term shortfall in permitted reserves (the landbank);**
 - b) **approve that public consultation is undertaken on initial site options (as shown in Appendix 1 to the report presented) to inform the development of the draft Aggregate Minerals Site Allocations Development Plan Document and**
 - c) **authorise the service Director for Economy and Enterprise, in consultation with the Cabinet Member for Economic Development, Planning and Housing, to make detailed arrangements for the consultation and finalise the document in Appendix 1 to the report.**
2. **That Wiltshire Councillors be advised of any potential sites identified within their respective division and that town and parish councils be similarly kept informed**

Reason for Decision

To raise awareness of the proposed consultation on the initial site options for the Aggregate Minerals Site Allocations DPD and ensure that progress continues to be made on the preparation of an up to date mineral planning policy framework for Wiltshire in line with the Council's statutory requirements.

120. **Budget Monitoring**

(a) **Revenue Budget**

Councillor Fleur de Rhe-Philippe, Cabinet Member for Finance, Performance and Risk presented a report which advised of the latest position regarding the revenue budget monitoring for 2010-11. The report covered the period April to May 2010 and included a departmental analysis of the outturn position.

It was explained that current figures, which were only projected, forecast an overspend at this stage. However she was confident that the year would end with a balanced budget, as previously, and officers were working to ensure this.

The report also dealt with the impact of the emergency budget announced by the Coalition Government in June. This included a range of measures including direct reductions in grant funding for local government which were implemented and would impact directly on the Council in the current 2010/11 financial year as detailed in the report. All services in the Council were currently looking at measures to address the shortfall in the area based grant.

Cllr Jeff Osborn, spoke on behalf of the Budget and Performance Scrutiny Task Group. He explained that the Task Group took the view that the shortfalls were as a result of two main areas namely, normal pressures on the budget, and a decline in the Area-based grants.

Questions were raised on various aspects of the budget to which Cllr de Rhe Philipe and other Cabinet members responded.

Resolved:

That Cabinet note the report pending the next monitoring report highlighting all actions being taken.

Reason for Decision

To enable Cabinet to approve a corporate approach to managing the financial pressures and Government reductions.

(b) Capital Budget

Cllr Fleur de Rhe-Philipe, Cabinet Member for Finance, Performance and Risk presented a report which updated Cabinet on the capital programme after two months of the 2010/11 financial year.

Cabinet was also asked to consider how to manage the cuts in grant funding from central Government and in this connection was given three options to consider namely to:

- reduce the budgets in the capital programme by the corresponding cut in funding from central Government;
- to retain the highway budgets at the current level in the 2010/11 capital programme which would result in increasing unsupported borrowing levels in 2010/11 to off-set the loss in grant or
- to reprioritise schemes within the capital programme by reducing budgets of other schemes to again off-set the loss in grant.

Members of the Cabinet were asked to consider the three options for future management of the capital programme.

Resolved:

That Cabinet:

- 1. note the current position of the 2010/11 capital programme;**

2. note the budget changes in section 1 of Appendix B of the report presented.
3. give further consideration to how the cuts in grant funding from Central Government could be dealt with in the 2010/11 capital programme for recommendation, if required, to Council through the 3 options identified in the report and outlined above.

Reason for Decision

To inform Cabinet of the current position of the 2010/11 capital programme and identify issues which need to be resolved as a result of cuts in funding from Central Government.

121. **Urgent Items**

There were no urgent items considered at this meeting.

122. **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 number 125 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 4 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.

123. **Pay Harmonisation - The Way Forward**

Councillor John Noeken, Cabinet Member for Resources presented a confidential report which updated Cabinet on the Pay Harmonisation Scheme.

The Staffing Policy Committee would also be considering the issue at its meeting on 28 July 2010.

Resolved:

That Cabinet approve the recommendations as detailed in the report presented.

Reasons for Decision

As detailed in the confidential report presented.

(Duration of meeting: 10.30 am - 1.00 pm)

These decisions were published on the 2 August 2010 and will come into force on 10 August 2010.

The Officer who has produced these minutes is Yamina Rhouati, of Democratic & Members' Services, direct line 01225 718024 or e-mail

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