


CABINET

MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,
MONKTON PARK, CHIPPENHAM, SN15 1ER on Tuesday, 23 July 2013.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Property, Waste
Cllr John Thomson	Deputy Leader and Cabinet Member for Highways and Streetscene and Broadband
Cllr Dick Tonge	Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform
Cllr Stuart Wheeler	Cabinet Member for Hubs, Heritage & Arts, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services)

Also in Attendance: Cllr Richard Britton, Cllr Allison Bucknell, Cllr Christine Crisp
Cllr Peter Edge, Cllr Peter Evans, Cllr Richard Gamble
Cllr Jon Hubbard, Cllr Peter Hutton, Cllr David Jenkins
Cllr Julian Johnson, Cllr Simon Killane, Cllr Gordon King
Cllr Jerry Kunkler, Cllr Magnus Macdonald, Cllr Alan MacRae
Cllr Jemima Milton, Cllr Bill Moss, Cllr Roy While
Cllr Philip Whitehead

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

54 Apologies

Apologies were received from Cllr Laura Mayes, Cabinet member for Children's Services and Cllr Jonathon Seed, Cabinet member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding.

55 Minutes of the Previous Meeting

The minutes of the meeting held on 18 June 2013 were presented.

Resolved:

To approve as a correct record and sign the minutes of the last meeting held on 18 June 2013.

56 Leader's announcement

Royal Birth

The Leader congratulated HRH the Duke of Cambridge and HRH the Duchess of Cambridge on the birth of their son on 22 July 2013. A joint letter from the Leader and Chairman of Council on behalf of Council would be sent to the royal couple to congratulate them and to say how pleased the Council was to hear of his safe arrival.

57 Declarations of interest

There were no declarations of interest.

58 Public participation

The Leader confirmed that as usual she would be happy to allow participation on any of the items listed on the agenda by members of the public present.

Cllr Hubbard expressed concern that some of his members had not as requested been given copies of the confidential part II report for this meeting and that one of his members had not as requested received a copy of the agenda. He appreciated that he had been given a copy of the Part II report on 19 June (along with other group leaders) but was only given a further 3 copies for his members shortly before the meeting. Whilst acknowledging he was an opposition group member, he considered that sharing information with the opposition was essential to enable them to robustly challenge proposals and therefore ensure good governance in decision making.

The Leader explained that she was aware that reference to the part II report had been posted to a liberal democrat website with an alarmist headline. She considered this to be unnecessarily unsettling to staff which was not only irresponsible but totally unacceptable. She considered that Councillors should despite political differences, above all act in the best interests of the Council.

The Monitoring Officer confirmed that confidential material could be provided to Councillors on request and on a need to know basis. He accepted that sharing information contributed to good governance but that confidentiality needed to be maintained in the best interests of the Council. He would be happy to review processes to ensure we were achieving the right balance between good governance and protecting the Council's position.

During the course of discussion later in the meeting, it was agreed to review processes through the Group Leaders.

59 **Wiltshire Council's Draft Business Plan for 2013-17**

Public Participation

Mr Brian Warwick, Chairman of the Melksham Seniors Forum addressed Cabinet on this item. He considered that the reference to tourism in the Plan should be strengthened, welcoming the comments of Scrutiny in this respect. The Leader confirmed that the point made by Scrutiny had been accepted. Cllr Fleur de Rhé Philipe, Cabinet member for Economy, Skills and Transport also referred Mr Warwick to the work of Visit Wiltshire.

The Leader presented the draft Business Plan for 2013-17 for Cabinet's consideration having regard to the views of Scrutiny before being recommended to Council for adoption at its extraordinary meeting called for that purpose on 3 September 2013.

The Plan gave an account of how the Council would manage the changes and challenges over this period. It focused on how the Council would continue to work with its communities and partners to protect those who were most vulnerable, to boost the local economy and to bring communities together to enable them to do more for themselves.

The Plan explained how the Council would deliver its shared vision, namely to create stronger and more resilient communities. The Leader referred to the various initiatives already implemented and those planned for the future which were innovative and ground breaking and would see the Council working more closely with its partners and sharing resources to meet the continued financial challenges.

To provide focus, the Plan set out the following 12 key actions to be delivered over the next four years:

- *Invest additional money between 2014 – 2017 to reduce the historic backlog in highway maintenance;*
- *Stimulate economic growth and create additional jobs in partnership with the LEP;*
- *Further enhance the role of Area Boards, developing innovative community led approaches to designing and delivering services;*
- *Improve the attainment, skills and achievement of all children and young people;*

- *Support the most vulnerable in our local communities and improve our safeguarding services;*
- *Invest to refurbish council housing and encourage the development of new affordable homes, including supported living in rural areas;*
- *Build on the work of the Military Civilian Integration Programme and maximise benefits arising from the Army Basing Plan;*
- *Delegate cost neutral packages of land, services and assets to town and parish councils;*
- *Create a campus opportunity in each of the 18 community areas;*
- *Integrate public health at the heart of all public services;*
- *Do things differently to deliver at least £120 million of savings over the next four years and*
- *Develop the leadership, knowledge, skills and expected behaviours of our managers and staff.*

The most important thing was that the Plan reflected the most important aspect which was to continue to support the people of Wiltshire and provide the services they needed and wanted and to continue to make Wiltshire a great place in which to live, work and visit.

The Business Plan had been subject to scrutiny by the Overview and Scrutiny Management Committee with detailed scrutiny undertaken by the individual Select Committees, each focusing on their respective disciplines. A meeting of the Chairmen of the Select Committees had co-ordinated the comments into one report.

Cllr Simon Killane, Chairman of the Overview and Scrutiny Management Committee explained that there had been good scrutiny of the Plan. He thanked the members of Scrutiny for their work in scrutinising the Plan so diligently in the time available and officers for their support. He presented the Scrutiny report together with an appendix of comments and suggested amendments for Cabinet's consideration. A summary of the Cabinet and CLT's response to these comments and suggested amendments was tabled at the meeting.

Cllr Killane and other Councillors commented that they had expected to see a revised Plan incorporating the views of Scrutiny. Corporate Director, Maggie Rae explained that these would subject to what was agreed at this meeting, be incorporated and circulated to Councillors. This it was felt would preserve an audit trail of the scrutiny comments.

Cllr Jon Hubbard welcomed the Plan accepting that a lot of it was indeed very good. He considered that Scrutiny should have an opportunity to review the

Plan as revised before progressing to Council. It was agreed to circulate the revised Plan as soon as possible and hopefully by the following day.

The Leader thanked Scrutiny for its contribution to the development of the Plan and answered Councillors' points of detail. She explained that between now and the Council meeting, the Plan would benefit from editing and design to ensure an easy to read format. It would also include a credit sized summary that would be a useful handout for Councillors, staff and the public.

Resolved:

- (a) To note the draft Business Plan as presented.**
- (b) To note the report of Scrutiny detailing their comments and suggestions and to thank Scrutiny for its work.**
- (c) To accept the report circulated at the meeting as Cabinet and the Corporate Leadership Team's responses to the comments and suggestions put forward by Scrutiny.**
- (d) That the draft Business Plan be revised to incorporate the responses referred in (c) above and be circulated to all members of the Overview and Scrutiny Management and Scrutiny Select Committees to give them an opportunity to consider the final draft Plan before being presented to Council.**

Recommended to Council

That the Draft Business Plan as revised be presented to Council for adoption at its extraordinary meeting on 3 September 2013 together with any further comments from Scrutiny.

Reason for decisions

To enable Cabinet to fully consider the draft Business Plan, to review feedback from Scrutiny and to recommend a final draft to Council. The Business Plan would enable the Council to set its strategic direction, priorities and key actions for the next four years.

60 Annual Governance Statement

Cllr Dick Tonge, Cabinet Member for Finance, Performance, Risk, Procurement and Welfare Reform presented a report which asked Cabinet to consider a draft Annual Governance Statement (AGS) for 2012-13 before final approval was sought from the Audit Committee on 4 September 2013.

Cabinet noted that the Council was required as part of its annual review of the effectiveness of the governance arrangements, to produce an AGS for 2012-13.

This would be signed by the Leader of the Council and the Corporate Directors after final approval by the Audit Committee on 4 September 2013. The AGS would form part of the Annual Statement of Accounts for the same period.

The AGS had been considered initially by the Audit Committee at its meeting on 18 June with the resulting minute presented to Cabinet which indicated one minor amendment to the AGS being made. The AGS had also been considered by the Standards Committee at its meeting on 10 July where it had been accepted without any suggested amendment.

Resolved:

- a) **That having considered the draft Annual Governance Statement, that Cabinet notes and accepts it as presented with no recommended amendments.**
- b) **Note that the draft Annual Governance Statement would be revised in the light of the comment by the Audit Committee and acceptance of it as presented by Cabinet and the Standards Committee and ongoing work by the Governance Assurance Group before final consideration by the Audit Committee on 4 September 2013 and publication by 30 September 2013.**

Reason for decision

To prepare the Annual Governance Statement 2012-13 for publication in accordance with the requirements of the Audit and Accounts Regulations 2011.

61 Strategic Partnership with Wiltshire Police

The Leader presented a report which updated Cabinet on progress with the creation of a strategic partnership with Wiltshire Police and the Office of the Police and Crime Commissioner, outlined the next steps and sought delegated authority where this was necessary to progress further.

The Leader explained that as referred to in the draft Business Plan, this was very much about public services working together to reduce their respective costs especially in these financially challenging times for the public sector. A number of support services common to both organisations would be capable of being shared.

Deputy Chief Constable Mike Veale attended the meeting for this item. He considered that the only way to manage the financial challenges being faced similarly by the Police was to be innovative in the approach to service delivery. He and the Chief Constable felt strongly that proposals would not affect the integrity of operational policing or police branding. Collaboration in the ways being proposed he said would ensure protection of front line services and the quality of those services whilst maintaining individual responsibility. It would

also allow for seamless joint working where necessary to work more efficiently and effectively.

The Leader considered the proposals to be very innovative and would be followed nationally with interest. She thanked Deputy Chief Constable Mike Veale, Service Director for Transformation, Mark Stone and Head of Transformational Change, Julie Anderson-Hill and their teams for all their continued hard work on this ground breaking project. The Leader and officers responded to points of specific detail.

The Leader explained that having reviewed the governance arrangements of the Transformation Board and in the interests of transparency and open and honest decision making, she proposed to establish a Cabinet Committee on Transformation. It was envisaged that subject to any legal and constitutional constraints, the Committee would involve representatives from partner organisations.

Councillors welcomed the proposals. Cllr Jon Hubbard considered the report to be very positive, had no doubt that integrated working arrangements would lead to improvements and was pleased to hear that consideration was being given to also working with other partners.

Resolved:

That Cabinet:

- a) **note the significant progress that has been made between Wiltshire Council, Wiltshire Police and the Office of the Police and Crime Commissioner towards creating a Strategic Partnership;**
- b) **confirm its commitment to working within this Strategic Partnership to reduce the total support costs incurred by Wiltshire Council and Wiltshire Police;**
- c) **confirm that work should commence on the integration of shared services and that this should include the use of a mini-systems and transformational review in each area to drive the design of the future service;**
- d) **delegate the final approval of the design, timing and any required staff transfer arrangements for each individual area to Dr Carlton Brand following consultation with the Leader of Council, after taking advice from the Solicitor to the Council and**
- e) **to note the Leader's intention to establish a Cabinet Committee on Transformation.**

Reason for decision

To allow the ongoing development of the strategic partnership in a rapid, but appropriate manner, in support of the Police and Crime Plan and the Council's Business Plan. Full details of reasons as detailed in the report presented.

62 **Progress Report on Help to Live at Home Service**

Public Participation

Mr Brian Warwick, Chairman of the Melksham Seniors Forum addressed Cabinet on this item. He welcomed proposals before Cabinet and agreed with the approach to discuss making care a safe and professional career path with local colleges and universities.

Cllr Keith Humphries, Cabinet Member for Public Health, Adult Social Care and Housing presented a report which updated members on the Help to Live at Home service in the light of Aster Living's decision to terminate contracts in three of the eight contract areas. These contracts involved 600 customers, 33 sheltered housing schemes and approximately 200 Aster staff.

Cabinet was advised of arrangements to retender the contracts and to divide the 3 contract areas into smaller manageable lots to overcome difficulties encountered on the current contracts.

The report also highlighted the link between well paid staff and good quality care. The Help to Live at Home aspiration was to develop a professional care workforce with salaried staff and clear career pathways; to remove zero hour contracts whereby the employee was only paid for the time spent with clients rather than when they actually started and finished work.

Cllr Milton, Portfolio Holder for Adult Care and Public Health explained the need to work with Colleges and young people to make the caring industry attractive as a career path by making the staff well paid and valued.

Cllr Humphries responded to questions. The Leader agreed that a key factor in driving up standards of care was to adopt measures to make the caring sector a professional, well paid, well trained, respected and attractive career proposition.

Resolved that Cabinet:

- a) **notes the steps being taken to award three contracts for the provision of care and support services in Wiltshire and**
- b) **supports the position that the Council is looking to promote by valuing the domiciliary care workforce and ensuring domiciliary**

care providers reward staff appropriately, recognising the link between well valued staff and quality care.

Reason for decision

A tendering process is required due to the termination of three contracts with the Council for the provision of Help to Live at Home services in South and East Wiltshire. This termination comes into effect on 28 September 2013. Work is well underway to re-let these contracts to ensure customers receive continuity of care.

63 Future Service Delivery Model for Waste Management 

Cllr Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing and Waste presented a report which sought a decision from Cabinet on whether to deliver the waste and recycling collection service in-house or to invite tenders for the service.

Cabinet noted that the current main contract was due to terminate in 2016 and the current contract covering the West Wiltshire area was due to terminate in 2014 with an option to extend to 2016.

Details of the various elements of the waste and recycling service were presented together with the options available for the future delivery of the service within the context of the Council's Waste Management Strategy, details of which were also presented. Cllr Sturgis recommended options (i) (b) and (iii) of the report which essentially would mean inviting tenders for the service.

The report had been the subject of consideration by a specially convened meeting of the Environment Select Committee on 18 June. Cllr Peter Edge, Vice-Chairman of the Select Committee who had chaired the meeting expressed disappointment that the report had only been made available to his Committee at the time of being made available to Cabinet. He was concerned that receiving reports late could compromise Scrutiny's ability to thoroughly scrutinise proposals.

Cllr Simon Killane, Chairman of the Overview and Scrutiny Management Committee echoed these comments suggesting that arrangements should be made to provide proper and timely engagement with Scrutiny. The Leader suggested that this was something which could be looked into by Cllr Killane, Corporate Director Dr Carlton Brand and the Designated Scrutiny Officer, Paul Kelly.

Cllr Sturgis explained that the report which was quite complex in nature had been made available to Cabinet as well as the Committee and all other members as soon as it had been completed and could not therefore have been provided any earlier.

Cllr Edge presented a report which documented the views and recommendations of the Select Committee as follows:

'The Committee wishes to offer endorsement of the general contents of the report and recommends that:

The wording in the proposals of the Cabinet report on pages 3 and 5 be amended to recommend that Cabinet invite tenders for the delivery of the waste and recycling collection service (including the chargeable waste collection service) for two options:

- 1) to include provision of a co-mingled collection of dry recyclable material with separate collection of glass;*
- 2) to include provision of a kerbside sort collection of dry recyclable material.*

And upon receiving more details make a determination on whether to deliver services in-house or to pursue the tender further at a future date'.

Cllr Sturgis explained that due to time constraints, it would not be possible to delay making a decision. Furthermore, the tender documentation would make it clear that the Council would not be obliged to accept a tender. Costs would be considered as part of the evaluation of tenders received.

Cllr Sturgis answered questions and responded to points of detail. He also thanked Tracy Carter, Service Director for Waste Management Services for her hard work in putting together such a comprehensive report.

Resolved:

That Cabinet agrees to:

- (a) invite tenders for the delivery of the waste and recycling collection service (including the chargeable waste collection service) for two options:**
 - to include provision of a co-mingled collection of dry recyclable material with separate collection of glass**
 - to include provision of a kerbside sort collection of dry recyclable material;**
- (b) invite tenders for the following waste management services as three lots at the same time as inviting tenders as in (a) above:**
 - (i) landfill capacity or landfill diversion capacity for residual waste (excluding the treatment of residual waste under the contracts with Hills Waste Solutions for diversion of waste**

from landfill to the Lakeside Energy from Waste plant and the Northacre mechanical biological treatment plant)

- (ii) garden waste composting capacity
- (iii) transfer stations, wood waste treatment, servicing household recycling centres and materials (including plastic) recovery facility capacity for two options:
 - the sorting of co-mingled dry recyclable material
 - the sorting of co-mingled plastic and the bulking of other dry recyclable materials

(to include a percentage share of income from the sale of recyclable materials).

Reason for decision

To enable the council to maintain service delivery for residents and chargeable waste customers, to comply with its statutory duties to collect and dispose of waste and to continue to progress towards achieving statutory targets once existing contracts expire.

64 **Proposed Alignment of Senior Management Structure to the new Business Plan**

The Leader presented an executive summary which explained proposals to align the senior management structure of the Council to reflect the emerging Business Plan for 2013-17 as considered earlier in the meeting (minute no.59 refers).

The proposed structure if approved would be implemented following adoption of the Business Plan by the Council. Details of the structure would be considered under Part II of the meeting as it referred to individuals or post holders.

Resolved:

That Cabinet considers the proposed review of the senior management structure in line with the draft business plan 2013-17.

Reason for decision

The new draft business plan reflects the challenges and changes that the council faces in the next four years. It has evolved from being service specific and focusing on protecting the most vulnerable in our communities, investing in services and making savings; to a themed based focus that will continue to protect the most vulnerable, boost the local economy, do things differently

through being more innovative and deliver further savings. The proposed senior restructure will align posts to reflect the business plan 2013 - 2017.

65 Urgent Items

There were no urgent items.

66 Exclusion of the press and Public

Having complied with paragraphs 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in respect of the intention to take the following item in private,

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 following item of business 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 1 and 2 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.

Reason for taking item in private:

Exempt paragraph 1 - information relating to any individual

Exempt paragraph 2 – information which is likely to reveal the identify of an individual

No representations had been received as to why the item should not be held in private.

67 Proposed Alignment of Senior Management Structure to the new Business Plan

The Leader explained that alongside consideration of the draft Business Plan, it was also necessary to review the senior management structure of the Council. The resulting structure would provide the necessary resources to the Corporate Leadership Team comprising the 3 Corporate Directors to deliver the Business Plan.

It was explained that the non-executive aspects of the restructuring exercise would be considered by the Staffing Policy Committee. Cllr Allison Bucknell, Chairman of the Staffing Policy Committee requested that the Committee's consideration of the item be preceded with a presentation by the Corporate Directors on the underlying principles of the restructuring to assist the Committee in its deliberations.

Resolved:

- a) **That Cabinet approve the proposed senior management restructuring as presented for the purposes of consultation and referral back to Cabinet at its meeting on 24 September 2013.**
- b) **To note that the Staffing Policy Committee would be considering the non-executive aspects of the restructuring at its meeting on 4 September 2013.**
- c) **That Corporate Directors be requested to prepare a timetable for Group Leaders in respect of the restructuring (linked with consideration and approval of the Business Plan) which would also include a timeframe for scrutiny to be able to comment on the restructuring proposals.**

Reason for decision

The new draft business plan reflects the challenges and changes that the council faces in the next four years. It has evolved from being service specific and focusing on protecting the most vulnerable in our communities, investing in services and making savings; to a themed based focus that will continue to protect the most vulnerable, boost the local economy, do things differently through being more innovative and deliver further savings. The proposed senior restructure will align posts to reflect the business plan 2013 - 2017.

(Duration of meeting: 10.30am – 1.10pm)

These decisions were published on the 29 July 2013 and will come into force on 6 August 2013
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