

## AGENDA

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**Meeting:** Cabinet  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 20 May 2014  
**Time:** 10.30 am

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### Membership:

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
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)

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Please direct any enquiries on this Agenda to Yamina Rhouati, of Democratic Services, County Hall, Trowbridge, direct line 01225 718024 or email [yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225)713114/713115.

All public reports referred to on this agenda are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

## Part I

### Items to be considered while the meeting is open to the public

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

**1 Apologies**

**2 Minutes of the previous meeting (Pages 1 - 8)**

To confirm and sign the minutes of the Cabinet meeting held on 22 April 2014, previously circulated.

**3 Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

**4 Leader's announcements**

**5 Public participation**

The Council welcomes contributions from members of the public. This meeting is open to the public, who may ask a question or make a statement. Written notice of questions or statements should be given to Yamina Rhouati of Democratic Services by 12.00 noon on Wednesday 14 May 2014. Anyone wishing to ask a question or make a statement should contact the officer named above.

**6 Urgent Items**

Any other items of business, which the Leader agrees to consider as a matter of urgency.

## Part II

### Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

**7 Exclusion of the Press and Public**

This is to give further notice in accordance with paragraph 5 (4) and 5 (5) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of the intention to take the following item in private.

To consider passing the following resolution:

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 items

numbered 8 and 9 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 for 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:

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

8  **Update on the Waste Management Procurement Process** (*Pages 9 - 30*)

Report by Tracy Carter, Associate Director – Waste and Environment

9  **Land at Bowerhill, Melksham** (*Pages 31 - 36*)

Report by Alistair Cunningham, Associate Director – Economy Development and Planning Services

The items on this agenda reflect the key goals of Wiltshire Council, namely 'Work together to support Wiltshire's Communities', 'Deliver high quality, low cost, customer focused services and 'Ensure local, open, honest decision making'.

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## CABINET


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MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 22 April 2014.

Cllr Keith Humphries	Cabinet Member for Public Health, Protection Services, Adult Care and Housing (exc strategic housing)
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economy, Skills and Transport
Cllr Jane Scott OBE	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding
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 Allison Bucknell, Cllr Trevor Carbin, Cllr Christine Crisp  
Cllr Richard Gamble, Cllr Mike Hewitt, Cllr Jon Hubbard  
Cllr David Jenkins, Cllr Gordon King, Cllr Jerry Kunkler  
Cllr Bill Moss, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Fred Westmoreland, Cllr Roy While and Cllr Philip Whitehead

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

### 39 **Apologies**

All members were present.

### 40 **Minutes of the Previous Meeting**

The minutes of the last meeting held on 18 March 2014 were presented.

### **Resolved**

**That the minutes of the meeting held on 18 March 2014 be approved as a correct record and signed by the Leader.**

**41 Leader's announcements**

The Leader invited Cllr Stuart Wheeler to provide an update on member IT.

Cllr Wheeler explained that members would soon receive a communication via Democratic Services to update them on the implementation of a motion agreed by Council on 25 February 2014 as part of budget. The motion related to the provision of tablet devices to members on request to enable paperless meetings. The communication to members would propose the following three options:

1. The provision of a 16gb wireless only Ipad Air, which would be returned to the Council at the end of a Councillor's term of office in the same way as a council laptop.
2. The option of a larger capacity Ipad Air eg 32/64gb wireless or cellular, the cost of which would be in the communication and which would be met by the councillor over a period of say 10 months. The tablet would belong to the Councillor. All Council related applications would be removed at the end of a the Councillor's term of office.
3. To use their own device, or decline the offer of an Ipad.

Option 3 would be the default position for any councillors who did not reply. The communication would go out as soon as possible. Training on the use of tablet devices was being considered by the Councillor Development Group.

**42 Declarations of interest**

No declarations of interest were made.

**43 Public and Member participation**

The Leader explained that as usual at meetings of Cabinet, she would be more than happy to hear from any member of the public present on any of the items on this agenda.

The Leader reported receipt of two sets of questions and statements, details of which are appended to the signed copy of these minutes and available on the Council's website.

A question and statement from Mr Michael Sprules, Chairperson RADAR (Residents Against Development Affecting Recreational Land). In relation to the question on the issue of reviewing planning decisions in certain circumstances, Cllr Sturgis explained that once planning permission had been

granted the Council had no power to review its decisions. Enforcement action could be considered in the event of breaches of covenants or conditions as part of the permission.

Mr Sprules highlighted the need to look at it as a sports provision issue. The Leader requested that officers work with Mr Sprules to consider ways of securing provision in Chippenham for the playing of cricket.

Mr Newman, a Bradford on Avon Town Council submitted a statement which contained a number of questions on the historic core zone proposals in Bradford on Avon.

Cllr Thomson explained that this was the subject of a delegated decision he was proposing to make. The consultation had only just closed, to which there had been a number of responses. He noted that the project had originated from the community and highlighted the need for consideration.

All issues, questions (including those raised by Mr Newman) and petitions would be addressed as part of the report on the delegated decision and any views expressed would be taken into account. A copy of the report would be made available to interested parties prior to any decision being made. Cllr Thomson confirmed that he would delay making any decision to allow for this to take place.

Mr Newman referred to another question regarding the historic core zones proposals from Mr Martin Valartin although to date, had not been received by the Council. The Leader confirmed that once received it would be circulated to all Cabinet members and be addressed in the same way as the question from Mr Newman, within Cllr Thomson's delegated decision report.

#### 44 **Cabinet Committees**

##### (a) **Cabinet Capital Assets Committee - 18 March 2014**

The minutes of the Cabinet Capital Assets Committee dated 18 March 2014 were presented.

##### **Resolved:**

**That the minutes of the Cabinet Capital Assets Committee dated 18 March 2014 be received and noted.**

##### (b) **Cabinet Transformation Committee - 18 March 2014**

The minutes of the Cabinet Transformation Committee dated 18 March 2014 were presented.

**Resolved:**

**That the minutes of the Cabinet Transformation Committee dated 18 March 2014 be received and noted.**

**45 Care Bill**

Councillor Keith Humphries presented a report which outlined the implications of the Care Bill for the Council. When enacted, the Care Bill would have a wide ranging impact on the way adult social care is delivered in Wiltshire. The report presented set out the key changes from existing legislation.

Cllr Humphries gave a power point presentation which illustrated the main provisions of the Bill which would also be presented to the Health and Wellbeing Board. A copy of the presentation is appended to these minutes.

**Resolved that Cabinet:**

**1. Notes:-**

- **The requirements for market shaping and prevention and the benefits of recognising the needs of the whole population in commissioning strategies;**
- **The major changes to assessment, eligibility and support planning and the need for thorough preparations for funding reform;**
- **The obligations for a statutory Safeguarding Adults Board (SAB) and the desirability of working with partners to review financial contributions to the SAB.**

**2. Asks officers to develop services to make sure they reflect new measures in the Bill, such as:**

- **the new duty for local authorities to promote the wellbeing of everyone who is sick or disabled (not just those that receive services arranged or paid for by the council) and a list of matters the council must consider when making decisions**
- **outcome focused assessments for everyone that needs care and support (including self-funders) – we currently carry out outcome focused assessments for older people and younger adults, and have reviewed assessment processes for carers and people with mental health needs.**
- **requirements to work closely with the NHS to provide integrated services across health and social care – we are already working with acute hospitals and NHS nurses as part of the Help to Live at Home programme but will need to extend this work to other areas.**




- deferred payment agreements, charging, personal budgets and direct payments – the council will need to review, develop and update its procedures on these areas in time for the regulations coming in force in 2015/16.
3. **Note that The Department of Health, Adass and the LGA have set up a single office to help councils deliver on the Care Bill. Staff from the joint office will be getting in touch with individual councils to identify their support needs. Officers will be delivering a programme of work to prepare for the changes, including:**
- **Preparing for change to ICT systems and workforce development.**
  - **Developing plans to identify self-funders in the run up to 2016.**
  - **Drawing up an engagement plan with the voluntary and community sector**
  - **Undertaking further modelling on the likely cost**
  - **Establishing systems to track progress towards their personal care cap.**
4. **To endorse the proposals outlined at the end of each section of the report presented.**

Reason for decision:

When enacted, the Care Bill will have a wide ranging impact on the way adult social care is delivered in Wiltshire. Acceptance of these proposals are preparation for its implementation in Wiltshire.

#### 46 **Personalisation Policy**

 Councillor Keith Humphries presented a report which sought Cabinet approval of a draft personalisation policy for the purpose of consultation.

The policy related to the provision of personalised budgets as referred to in the Care Bill (minute no. 45 above refers). The policy would cover all adults over the age of 18, and would need to ensure that everyone in Wiltshire was treated in the same way, with the principles being fairness, transparency and maximising customers' control of their care and support.

The policy would be brought back to Cabinet following public consultation to enable Cabinet to give further consideration to the policy in light of comments received..

**Resolved:**

**That Cabinet agree the draft personalisation policy setting out how the value of a personal budget would be calculated and to carry out consultation.**

Reason for decision:

The Council does not currently have a personalisation policy and is required to consult on new policies and changes to related policies.

**47 Review of Area Boards**

Councillor Jonathan Seed presented a report which updated Cabinet on the review of area boards together with an action plan for evolving these to build on community working and engagement initiatives in the Council's business and services; these included:

- Assisting area boards in their role to help create more resilient communities
- Building on the community working and the engagement of local communities in the work of the council (and other public sector partners)
- Devolving more services and decisions at local level
- Increasing the level of influence in decision making in local areas
- Raise awareness of what's happening in local communities
- Provide opportunities for communities to come together and do more together

The central purpose of the report had been to provide more opportunities and help build more resilient communities.

Councillor Hubbard raised concern over the lack of safeguarding and public health implications within the report and noted that awareness needed to be raised across the board. Cllr Seed agreed that the safeguarding and public health roles although taken into account, should be made more explicit and suggested that this be incorporated into the recommendations and this was agreed by Cabinet.

It was noted that the review of area boards had been considered by a Scrutiny Task Group and that its recommendations as agreed by the Overview and Scrutiny Management Committee had been incorporated in the action plan presented. It was noted that the report of the Scrutiny Task Group although taken into account in the action plan was not presented to this meeting and Cabinet requested that such reports should in future be made available to Cabinet.

**Resolved that Cabinet:**

- 1. Note the actions (as set out in the attached action plan – appendix 1 to the report presented) to evolve the area boards and to improve**

**community working - incorporating the feedback and views of all those involved in the review.**

- 2. Note that the role of the community area manager has also been considered as part of the review to reflect what's required to deliver the actions and to meet future needs and the differing ways that local communities work.**
- 3. Note the opening of the campus in Corsham in June 2014 and agree to a pilot aligning the campus to community area working.**
- 4. Note the importance of safeguarding and public health in the future role of area boards.**

Reason for decision:

To take appropriate action – based on feedback - to build on the good work of the area boards to improve community working and engagement in the council's business and services. The action plan reflects the feedback received and focused on;

- Increasing the level of influence in local decision making
- Raising awareness of what's happening in local communities
- Improving community engagement to create and strengthen community resilience.

#### **48 Urgent Items**

There were no urgent items.

#### **49 Exclusion of the Press and Public**

**Resolved:**

**That Cabinet agrees 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 no. 50 below 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 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.**


Reasons for taking the item in private:

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

Paragraph 4 – Information relating to consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour

relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. No representations had been received in relation to the item being considered in private.

## 50 **DC Leisure Contract**

 Councillor Jonathan Seed presented a confidential report which sought Cabinet approval to extend the leisure contract with DC Leisure to run 11 of the 23 council leisure centres across Wiltshire until 2018.

Following consideration of the report and responding to Councillors' questions, it was

### **Resolved:**

- 1. To endorse the award of contract extensions to DC Leisure until March 2018.**
- 2. To confirm delegated authority to the Corporate Director (Maggie Rae) following consultation with the Cabinet member for Communities, Campuses, Area Boards, Leisure, Libraries and Flooding to decide on the details.**

Reason for decision:

The proposals allow the full integration of the Public Health and Leisure agendas

### **Appendix**

Presentation on the Care Bill (minute no. 45 refers)

Attached to signed copy of minutes only (minute no. 43 refers):

Question from Mr Michael Sprules

Statement from Mr Michael Sprules

Statement/Questions from Mr Martin Newman

(Duration of meeting: 10.30 am - 12.05 pm)

<p>These decisions were published on the 25 April 2014 and will come into force on 6 May 2014.</p>
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The Officer who has produced these minutes is Yamina Rhouati, of Democratic Services, direct line 01225 718024 or e-mail [yamina.rhouati@wiltshire.gov.uk](mailto:yamina.rhouati@wiltshire.gov.uk)  
Press enquiries to Communications, direct line (01225) 713114/713115

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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