


CABINET

DRAFT MINUTES of a MEETING held in COMMITTEE ROOM III - COUNTY HALL, TROWBRIDGE on Tuesday, 15 February 2011.

Cllr John Brady	Cabinet Member for Economic Development, Planning and Housing
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhe-Philipe	Cabinet Member for Finance, Performance and Risk
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property and Environment
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 Trevor Carbin
	Cllr Richard Clewer
	Cllr Christopher Cochrane
	Cllr Peter Colmer
	Cllr Linda Conley
	Cllr Tony Deane
	Cllr Peggy Dow
	Cllr Peter Doyle
	Cllr Nick Fogg
	Cllr Richard Gamble
	Cllr Mollie Groom
	Cllr Mike Hewitt
	Cllr David Jenkins
	Cllr Julian Johnson
	Cllr Jerry Kunkler
	Cllr Jacqui Lay
	Cllr Alan Macrae
	Cllr Laura Mayes
	Cllr Jemima Milton
	Cllr Bill Moss
	Cllr Jeff Osborn
	Cllr Mark Packard
	Cllr Anthony Trotman
	Cllr Bridget Wayman
	Cllr Christopher Williams

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

19. **Apologies**

An apology for absence was received from Councillor Keith Humphries, Cabinet member for Health and Wellbeing.

20. **Minutes of the previous meeting**

The minutes of the last meeting held on 25 January 2011 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 25 January 2011.

21. **Leader's Announcements**

Wiltshire Involvement Network

With the Leader's permission, the Chief Executive made a statement on this issue. The Chief Executive advised that in light of press statements and articles on matters relating to the Wiltshire Involvement Network, he would be instigating an investigation into how the Council dealt with the complaint. A report on the findings of his investigation would be presented to a future meeting of Cabinet.

22. **Declarations of Interest**

Cllr Trotman declared a personal interest in the item on the Outline Campus Development Timetable and Campus Management proposal by virtue of being Chairman of the Board of Calne Leisure Centre Ltd and stated he would participate in the discussion. Minute No. 28 refers.

23. **Public participation**

The Leader reported receipt of a statement from Dr J T Walker, Chairman of the Cycling Opportunities Group, Salisbury (COGS) as previously circulated. The statement was in respect of cycling as referred to in the Wiltshire Local Transport Plan (minute no. 29 refers). Representatives of COGS were not in attendance. Cllr Tonge undertook to send COGS a copy of his response.

Mr Allan Bosley of Corsham Town Council and Mr Gary Walker addressed Cabinet on the report on the Outline Campus Development Timetable and Campus Management Proposal as referred to at minute no. 28.

24. **Revenue Budget Monitoring 2010/11**

Cllr Fleur de Rhe-Philipe, Cabinet Member for Finance, Performance and Risk presented a report which advised Cabinet of the revenue budget monitoring position as at 31 December 2010 for financial year 2010-11.

The figures projected an overspend of £1.117 million. This was a £1.162 million increase in the forecast position since the last monitoring report of (£0.045) million, mainly as a direct consequence of assumptions made by officers around the ICT service budget. Future revenue monitoring reports would highlight ongoing progress to achieve a balanced budget.

Cabinet noted the revised format of the report which they were generally in favour of.

Resolved:

To note the report showing a forecast overspend of £1.1 million relating to the exceptional activity on winter maintenance and the transitional costs associated with the IT service.

Reason for Decision

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

25. **Performance Update**

Cllr Fleur de Rhé Philipe, Cabinet member for Finance, Performance and Risk presented a report which provided an update on performance for the Council's Corporate Plan.

This report provided summaries of:

- progress against the Corporate Plan for the period April to December 2010.
- high level progress against our ambitions in the Local Agreement for Wiltshire.
- an update on government announcements regarding the National Indicator set and Local Area Agreements.
- an update on grants awarded under the Performance Reward Grant (PRG) scheme for area boards.

Cllr de Rhé Philipe explained that the reporting requirements and indicators were in the course of being changed, but where performance was still being measured, performance was progressing well.

Resolved:

That Cabinet notes progress for the third quarter of 2010/11.

Reasons for Decision

To keep Cabinet informed about progress and to provide an update on the Performance Reward Grant Scheme for Area Boards.

26. **Key Wiltshire Council Business and Financial Plans 2011-2015 - Budget 2011/12**

The Leader presented the draft Business Plan and Financial Plan for Cabinet's consideration and approval for onward recommendation to Council at its meeting on 22 February 2011.

The Financial Plan also included separate reports on the:

- Capital Programme for 2011/12 to 2014/15;
- Housing Revenue Account Budget and Rent Setting for 2011/12 and
- Fees and Charges for 2011/12.

A report on the Schools Budget proposals following recommendations from the Schools Forum was also presented.

The Leader explained that the Business Plan with its linked Financial Plan would be key documents in shaping the Council over the next four years. She also explained that these documents concentrated on making the necessary savings from areas which would not affect the delivery of front line services, protecting services and investing in priorities for the people of Wiltshire, particularly the vulnerable groups of our community. The Leader confirmed that a zero percentage tax increase on council tax for 2011/12 would be recommended to Council.

The Leader referred to a tabled list of minor amendments in particular correcting the figure quoted in the Financial Plan for emergency planning from £32k to £234k which had been picked up at the meeting of the Joint Scrutiny Select Committees on 10 February. Revised copies of the Business Plan and Financial Plan would be circulated to all Councillors prior to the Council meeting on 22 February to incorporate these amendments and other minor typographical corrections.

Cllr Jeff Osborn presented the report of the Joint Scrutiny Select Committees held on 10 February as Chairman of that meeting. He made a number of points in relation to the delivery of the campus proposals (minute no. 28 refers), the adult social care programme and the need to monitor the implementation of the Business Plan.

The Leader explained that she was already working with officers to develop a transparent method of monitoring the finances and activity in delivering the Business Plan over the next four years. She suggested that Scrutiny might like to use the same process for monitoring it from a scrutiny perspective.

The Leader and members of Cabinet responded to questions which included questions on investing in economic development opportunities, ensuring that risks identified were at an acceptable level and managing the Government's plans on the 'Big Society'.

Further debate on the Business Plan, Financial Plan and financial reports would of course take place at Council on 22 February 2011.

Recommended to Council on 22 February 2011:

Business Plan and Financial Plan

- (a) That subject to the minor amendments circulated at the meeting and correction of typographical errors, to endorse the Business Plan and linked Financial Plan for 2011-2015.
- (b) To approve the investments and savings as set out in sections 5 and 6 respectively of the Financial Plan that provides for a net revenue budget in 2011/12 of £329.847 million.
- (c) To set a Wiltshire Council Band D council tax for 2011/12 of £1,222.43 as per section 9 of the Financial Plan.

Capital Programme

- (d) To approve the Wiltshire Council Capital Programme for 2011/12 to 2014/15 as shown in Appendix A of the report presented (which will also be presented to Council).

Housing Revenue Account Budget

- (e) To approve the Housing Revenue Account Budget for 2010/11 (revised) and 2011/12 (original) as presented (which will also be presented to Council).
- (f) To approve the increase for dwelling rents in accordance with the rent restructuring.
- (g) To approve an increase of 4.6% for service charges.
- (h) To approve that there be no increase to garage rents to avoid an adverse effect on void rates.

Schools Budget

- (i) To approve the overall Schools Budget of £274.653 million.

Fees and Charges

- (j) To approve the fees and charges as included in the revenue budget proposals for 2011/12.

Reason for Recommendation

Cabinet need to make proposals to Council in order to:

- (a) enable the Council to set its revenue budget and council tax for 2011/12 and
- (b) provide the Council with a strong business plan that sets out its direction for the next four years.

For the reasons in relation to recommendations (d) – (j) above, please refer the to the individual reports presented on these proposals which can be accessed on the following link of the Council's website:

<http://cms.wiltshire.gov.uk/ieListDocuments.aspx?CId=141&MId=512&Ver=4>

27. **Helping People to Live at Home**

Cllr John Thomson, Cabinet Member for Adult Care, Communities and Libraries presented a comprehensive report which sought Cabinet approval on a proposal to transform the provision of services for older people living in their own homes and in sheltered housing. This had stemmed from officers working in partnership with partners, providers and customers since January 2010 to review and redesign the service to improve the lives of the elderly and vulnerable and ensuring they could remain as independent as possible and for as long as possible in their own homes.

Following consultation with customers, sheltered housing tenants and care providers, the Council had now developed a service specification that brought together a range of different services including reablement, domiciliary care (personal care), low level support (such as housework and gardening) and housing support.

Cllr Thomson explained that the proposals were innovative in a number of ways and would offer everyone in Wiltshire access to a range of services that did not exist currently either in Wiltshire or regionally. It was also noted that the work undertaken had attracted a great deal of interest nationally because it had been based on taking an approach that looked at all services and is focused on the customer's wishes and aspirations.

The report presented provided details of the key principles which underpinned the proposals, how services would be commissioned, the implications for sheltered accommodation and wardens and the consultation carried out on this, provision of crisis response and telecare and equipment and outlined measures for prevention and early intervention.

Cllr Mike Hewitt presented the report of the Rapid Scrutiny meeting held on 9 February which considered the Cabinet report and included a number of recommendations. Whilst welcoming the proposals, he commented that given it was such a complex issue, the scrutiny exercise would have benefitted from an earlier sight of the report even in draft form. Cllr Thomson was happy to accept the recommendations from the Rapid Scrutiny exercise. He confirmed that the finalised report was made available to scrutiny at the earliest opportunity and that it had not been possible to provide details any earlier whilst negotiations were taking place with a number of organisations. Cllr Thomson referred to the specific briefing for all Councillors on this proposal prior to Cabinet and that he hoped to provide similar briefings on major issues coming before Cabinet whenever possible.

Cllr Jeff Osborn appreciated the time pressures involved and suggested it would be helpful to engage scrutiny in policy development alongside Cabinet to maximise scrutiny involvement and therefore backbench Councillors at an early stage. He also referred to previous consideration being given to introducing a protocol on Executive/Scrutiny Relationship Protocol that would have formalised such an approach.

Following debate during which Cllr Thomson responded to questions, it was

Resolved:

- (a) That Cabinet approves the letting of contracts for Help to Live at Home Services and an Equipment service with a value in excess of £1m.**
- (b) That Cabinet authorises officers to proceed with undertaking formal staff consultations with those staff currently employed in the Council's Reablement service regarding the TUPE (Transfer of Undertakings, Protection of Employment) transfer of these staff to providers of a new Help to Live at Home Service, contracts to be awarded in 2011.**
- (c) That Cabinet notes the recommendations on the inclusion of Housing Support within the new service, following consultation with tenants of sheltered housing, and the need to approve consultation on the TUPE transfer of Housing Support staff to Providers of the Help to Live at Home Service.**

- (d) **Cabinet authorises officers to proceed with undertaking formal staff consultations with those staff currently employed in the Care Connect service regarding the transfer of these staff to the new equipment service.**
- (e) **That Cabinet notes the recommendations following consultation with tenants of Wiltshire Council and of the various Registered Social Landlords to change support provision with Sheltered Accommodation tenants in line with the Help to Live at Home service specification.**
- (f) **That agreement is reached with Corporate Procurement and Finance around the tender documentation prior to starting formal tender activity, to mitigate risks around scope and pricing and that the Corporate Director is authorised to proceed with awarding contracts**
- (g) **That Cabinet approves the proposal to extend the existing contractual arrangements for a six month period to ensure continuity of service to the customer, whilst the Help to Live at Home and Equipment Services tender exercise is undertaken and completed.**
- (h) **To approve the detailed proposals as set out in Appendices 1 and 2 of the report presented.**
- (i) **To accept the recommendations of the Rapid Scrutiny meeting held on 9 February 2011 as presented.**

Reason for Decision

Consultation with customers has emphasised the need to improve access and quality of care and support services. In developing the service specification and commissioning this new service, opportunities have arisen to include services currently provided by the Council that will result in service improvements, if included in a single specification

28. **🔑 Outline Campus Development Timetable and Campus Management Proposal**

Declaration of Interest

Cllr Trotman declared a personal interest in this item by virtue of being Chairman of the Board of Calne Leisure Centre Ltd and stated he would participate in the discussion.

Public Participation

Mr Alan Bosley of Corsham Town Council and Mr Gary Walker addressed Cabinet on this item.

The Leader presented a report on the Outline Campus Development Timetable and Campus Management proposal which would be taken forward by Cllr John Noeken as Cabinet member for Resources and Cllr Stuart Wheeler as Cabinet member for Leisure, Sport and Culture.

The report outlined the proposed future approach to how the Council would facilitate the delivery of services from campuses to neighbourhoods and communities in Wiltshire. It also provided an overview of the campus development element of the Workplace Transformation Programme and the timetable for developing and implementing a proposed alternative approach to estate management and ownership that was flexible, innovative, expandable and not based on the continuation of existing service division or structures.

Cllr Wheeler explained that the main purpose of the report presented was to deal with the rationalisation of estates and to agree the principles of communities running leisure facilities ensuring their direct involvement. The report proposed the implementation of a preliminary management project in Corsham, Melksham, Pewsey, Tisbury and Wootton Bassett which would commence in April 2011 as part of providing the evidence base for a future Cabinet decision on a long term model that would apply across the council. Cllr Wheeler stressed that these proposals would build on previous decisions taken by Cabinet on the leisure review.

Cllr Noeken confirmed that this was all subject to a strong business case being agreed by Council as part of approving the Council's budget.

During debate, the Leader reported that the Workplace Transformation Programme would be renamed the Campus and Operational Delivery Programme with Cllr Wheeler as its lead member and would operate as a member advisory board. It was noted that it would need to become clearer that this would be a corporate project to ensure cross-departmental input rather than being led from one departmental area, and as such would continue to be led and delivered by the existing programme team

Resolved:

That Cabinet:

- a) approve the outline timetable and, subject to budget setting by Council, authorise the Campus and Operational Delivery Programme (formerly the Workplace Transformation Programme – see (d) below) to take forward the physical delivery of Campus buildings in conjunction with local communities;**

- b) approve the work stream principles within the Campus and Operational Delivery Programme covering the development and assessment of proposals for future management arrangements of campuses and local service delivery;**
- c) approve the implementation of the preliminary management project outlined in the report presented, with the aim of making a further recommendation based on the outcome of this to Cabinet by April 2013. This subsequent recommendation would include a formal assessment of the suitability, long term viability, and costs of a range of options to deliver a single council wide approach to the creation of a strategic not for profit community led organisation encompassing both property ownership and local service delivery;**
- d) rename the Workplace Transformation Programme, the Campus and Operational Delivery Programme;**
- e) approve the creation of member advisory board, specifically to support the programme with the following membership:**
 - Cllr Stuart Wheeler - Cabinet member for Leisure, Sport and Culture - Lead member**
 - Cllr John Noeken - Cabinet member for Resources**
 - Cllr Toby Sturgis - Cabinet member for Waste, Property and Environment**
 - Cllr Alan Macrae - Portfolio Holder for Schools**
 - Cllr Richard Clewer - Portfolio Holder for Youth and Skills**
 - An opposition Councillor from one of the relevant Scrutiny Committees and**
- f) authorise Mark Stone, Programme Director, to take forward appropriate liaison with the DCLG and other national bodies regarding the programme**

Reasons for Decision:

There is a growing national impetus for local authorities to consider how public services can be decentralised and how local people can be given the opportunity to directly influence the service offer in their community. In addition there is a need to establish appropriate management arrangements for the emerging community campuses and other operational estate.

The proposals recognise this by authorising the implementation of a preliminary management scheme, which will assist the development of a fully costed options appraisal for a new Wiltshire wide community focused management arrangement to be formally considered by Cabinet prior to April 2013.

29. **🔑 Wiltshire Local Transport Plan 2011 - 2026**

Public Participation

As mentioned at minute no. 23 of these minutes, a statement from Dr J T Walker, Chairman of the Cycling Opportunities Group, Salisbury (COGS) was previously circulated to Cabinet. Cllr Tonge undertook to provide a response to COGS.

Cllr Dick Tonge, Cabinet Member for Highways and Transport presented a report which sought Cabinet approval of the Wiltshire Local Transport Plan for 2011 – 2026 (LTP3) for onward recommendation to Council at its meeting on 22 February 2011.

Copies of the LTP3 which included the Strategy, Implementation Plan, Public Transport Strategy, Road Safety Strategy and Freight Strategy had been previously circulated to Cabinet. Cabinet had at its meeting on 14 December 2010 approved the Car Parking Strategy which would be included in the LTP for Council's adoption.

Cabinet noted that the LTP was a statutory document with a new Wiltshire LTP requiring to be published by 31 March 2011.

Cllr Tonge referred to the consultation undertaken on the LTP3 and the work of the LTP Project Board. He also referred to the input by Scrutiny as referred to in the report of the Environment Select Committee for the meeting on 11 January 2011 as presented. The report also referred to the Rapid Scrutiny Exercise and the fact that the recommendations arising from the this Exercise had been incorporated into Appendix 1 which detailed the main changes which had been made to the LTP3. Cllr Doyle, lead member on the Rapid Scrutiny Exercise also reported on the findings of the scrutiny exercise. Cabinet requested the report of the Rapid Scrutiny Exercise be made available to Council to assist with its consideration of LTP3.

Recommended to Council on 22 February 2011:

- a) **To adopt the Wiltshire Local Transport Plan (LTP3) 2011 – 2026 following approval given by Cabinet at this meeting.**
- b) **To note that further LTP3 theme strategies and area strategies, and an implementation plan for 2012/13 – 2014/15, are planned to be developed in 2011/12.**
- c) **To delegate authority to the Corporate Director for Neighbourhood and Planning in consultation with the Cabinet Member for Highways and Transport to finalise the document for publication by 31 March 2011.**

Reason for Decision

To ensure the timely publication of a statutory document.

30. **Census 2011 - Update**

The Leader presented a report which updated Cabinet on the progress being made in Wiltshire to prepare for the 2011 Census which would be taking place on Sunday 27 March.

The Leader stressed the importance of people completing the Census given that the main grant funding mechanism was heavily dependent on population figures which would have a direct bearing on the Council's funding in the future. Efforts being made to maximise participation in the Census were outlined in the report.

Resolved:

That the report be noted.

Reason for Decision

To keep Cabinet informed of arrangements and to ensure that Wiltshire gets a good count in March 2011.

31. **🗝 Municipal Waste Disposal (Landfill Diversion Contract) - Part I**

Cllr Toby Sturgis, Cabinet member for Waste, Property and Environment presented a report which sought to update Cabinet on progress with negotiations with the preferred tenderer. The report also sought confirmation of Cabinet's previous decision dated 23 March 2010 in light of possible changes in waste management policy and legislation. A revised business case was presented which addressed these potential changes.

Cllr David Jenkins sought an assurance that a Household Recycling Centre would be provided at the same time as the Mechanical Biological Treatment Plant (MBT). Cllr Jeff Osborn also sought a categorical response on this. Cabinet noted that although this was subject to future budget approval, it was the intention that the HRC would be provided at the same time as the MBT. The Leader assured Councillors that she would following consultation with the Service Director for Waste Management, provide information to Westbury Town Council on the scheduling of the HRC.

Resolved:

That the Cabinet confirms its decision made at the meeting held on 23 March 2010 to:

- (a) **authorise the Service Director Waste Management to conclude negotiation of the proposed contract with Hills Waste Solutions Limited on terms to be approved by the Leader of the Cabinet in consultation with the Cabinet Member for Waste, Property and Environment and the Cabinet Member for Finance, Performance and Risk after receiving advice from the Solicitor to the Council, the Chief Finance Officer and the Director of Neighbourhood and Planning; and**
- (b) **authorise the Chief Executive to complete the certification requirements of the Local Government (Contracts) Act 1997 in respect of the proposed contract (including the direct agreement with the funders) subject to its award in accordance with its proposal set out in paragraph (a) above.**

Reason for Decision

The Council could incur substantial additional costs if the targets for diversion of waste from landfill are not achieved. Proposing the signing of the contract with Hills for the delivery of 60,000 tonnes each year of MSW to the proposed MBT plant at Westbury and the subsequent delivery of at least 20,000 tonnes each year of SRF to an energy recovery plant reduces this risk.

32. **Urgent Items**

There were none.

33. **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 numbers 34 and 35 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.

34. **🔑 Municipal Waste Disposal (Landfill Diversion Contract)**

The Cabinet considered a confidential report from the Corporate Director, Neighbourhood and Planning which provided confidential details in relation to the report considered at minute no. 31 above.

Resolved:

- (a) **As detailed at minute no. 31 above.**

(b) That the confidential report be noted.

Reason for Decision

The Council could incur substantial additional costs if the targets for diversion of waste from landfill are not achieved. Proposing the signing of the contract with Hills for the delivery of 60,000 tonnes each year of MSW to the proposed MBT plant at Westbury and the subsequent delivery of at least 20,000 tonnes each year of SRF to an energy recovery plant reduces this risk.

35. **Award of Salisbury Park & Ride Bus Service Tender**

The Cabinet considered a confidential report from the Corporate Director, Neighbourhood and Planning which sought Cabinet approval to award the Park and Ride contract.

Resolved:

That approval be given to award the contract for the Park & Ride bus service to Hatts Coaches and that Cabinet delegates the authority to execute the contract for the Council to Ian White, Passenger Transport Unit Manager.

Reason for Decision

To ensure that the contract is awarded in time so that the agreed enactment date of the 3 June 2011 can be met.

(Duration of meeting: 2.00 - 4.55 pm)

These decisions were published on the 18 February 2011 and will come into force on 28 February 2011

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