

# AGENDA

Meeting: **Cabinet**  
Place: **Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN**  
Date: **Tuesday 24 March 2020**  
Time: **10.00 am**

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Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Trowbridge, direct line 01225 718221 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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## Membership:

Cllr Philip Whitehead	Leader of the Council and Cabinet Member for Economic Development
Cllr Richard Clewer	Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration
Cllr Allison Bucknell	Cabinet Member for Communications, Communities, Leisure and Libraries
Cllr Ian Blair-Pilling	Cabinet Member for IT, Digitalisation and Operational Assets
Cllr Pauline Church	Cabinet Member for Children, Education and Skills
Cllr Simon Jacobs	Cabinet Member for Finance and Procurement
Cllr Laura Mayes	Cabinet Member for Adult Social Care, Public Health and Public Protection
Cllr Toby Sturgis	Cabinet Member for Spatial Planning, Development Management and Investment
Cllr Bridget Wayman	Cabinet Member for Highways, Transport and Waste

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Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

The full constitution can be found at [this link](#). Cabinet Procedure rules are found at Part 7.

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## 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 7 - 30)

To confirm and sign the minutes of the Cabinet meeting held on 4 February 2020, 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 and Questions from Councillors**

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. Questions may also be asked by members of the Council. Written notice of questions or statements should be given to Stuart Figini of Democratic Services [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk) 01225 718221 by 12.00 noon on 18 March 2020. Anyone wishing to ask a question or make a statement should contact the officer named above.









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6 **Update of Local Development Scheme** (Pages 31 - 56)

Report by Chief Executive Officer – Place - Alistair Cunningham

7 **SEND Inclusion Strategy 2020-2023** (Pages 57 - 106)

-  Report by Chief Executive Officer – People – Terence Herbert
- 8 **School Capital Programme 2020-2025** (*Pages 107 - 124*)
-  Report by Chief Executive Officer – People - Terence Herbert
- 9 **South Central Independent Fostering Agency Framework** (*Pages 125 - 148*)
-  Report by Chief Executive Officer – People – Terence Herbert
- 10 **Service Devolution & Asset Transfer Package - Bradford on Avon** (*Pages 149 - 168*)
-  Report by Chief Executive Officer – Place – Alistair Cunningham
- 11 **The Maltings – Phase 1 River Corridor Improvements** (*Pages 169 - 178*)
-  Report by Chief Executive Officer – Place – Alistair Cunningham
- 12 **Wiltshire Council's Housing Board Annual Report** (*Pages 179 - 192*)
- Report by Chief Executive Officer – Place – Alistair Cunningham
- 13 **Chippenham Housing Infrastructure Fund Bid** (*Pages 193 - 204*)
-  Report by Chief Executive Officer – Place – Alistair Cunningham
- 14 **Interim Management Arrangements for the Contracted Leisure Centres** (*Pages 205 - 224*)
-  Report by Chief Executive Officer – Place – Alistair Cunningham
- 15 **Trowbridge Sports Centre Provision** (*Pages 225 - 234*)
-  Report by Chief Executive Officer – Place – Alistair Cunningham
- 16 **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**

## 17 **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 Item Numbers 18 and 19 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

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).

## 18 **Interim Management Arrangements for the Contracted Leisure Centres** (Pages 235 - 252)

 Report by Chief Executive Officer – Place – Alistair Cunningham

This item is exempt due to the business and financial information provided in the Appendix.

## 19 **Virgin Healthcare Services** (Pages 253 - 268)

 Report by Chief Executive Officer – People – Terence Herbert

This item is exempt due to the business and financial information provided in the report

### Cabinet

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#### **MINUTES OF THE CABINET MEETING HELD ON 4 FEBRUARY 2020 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Richard Clewer (Vice-Chairman), Cllr Allison Bucknell, Cllr Ian Blair-Pilling, Cllr Pauline Church, Cllr Simon Jacobs, Cllr Laura Mayes, Cllr Toby Sturgis and Cllr Bridget Wayman

#### **Also Present:**

Cllr Chuck Berry, Cllr Clare Cape, Cllr Alan Hill, Cllr Jon Hubbard, Cllr Carole King, Cllr Gordon King, Cllr Horace Prickett, Cllr Ian Thorn, Cllr Richard Britton, Cllr Gavin Grant, Cllr Ruth Hopkinson, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Jo Trigg, Cllr Christopher Williams and Cllr Graham Wright

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#### 16 **Apologies**

There were no apologies received.

#### 17 **Minutes of the previous meeting**

The minutes of the meeting held on 7 January 2020 were presented.

#### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 7 January 2020.**

#### 18 **Declarations of Interest**

There were no declarations of interest.

#### 19 **Leader's announcements**

There were no announcements from the Leader.

#### 20 **Public participation and Questions from Councillors**

Adrian Temple Brown read out a statement and asked a question, copy

attached as an appendix to these minutes, about the Housing Infrastructure Fund bid for Chippenham, the house and road building programme in Wiltshire and its associated impact on carbon dioxide levels.

The Leader and Cllr Toby Sturgis responded to the question at the meeting and indicated that the house and road building programme was a national directive from Government that the Council had limited ability to pause, and indeed were obliged to deliver the programmes. The Housing Infrastructure Funding bid provided the Council with the opportunity to provide housing and roads infrastructure in line with the Council acknowledging the climate emergency at its meeting in February 2019.

21 **Wiltshire Council's Budget 2020/21 and Medium Term Financial Strategy 2020/21 - 2024/25**

Cllr Simon Jacobs, Cabinet Member for Finance and Procurement introduced the report which proposed the 2020/2021 Budget and Medium-Term Financial Strategy 2020/2021 to 2024/2025 and set out the budget setting proposals, giving details that fed into the budget setting reports.

Colin Gale asked for clarification in relation to figures detailed in the report associated with Council Tax and Social Care Levy. A copy of his question is attached as an appendix to these minutes. The Leader indicated that a written response would be provided after the meeting.

Cllr Jacobs reported that the process undertaken to consult on the Budget was open and transparent. He confirmed that the report had been discussed in detail with the public, the Financial Planning Task Group and the Overview and Scrutiny Management Committee, prior to its consideration by the Cabinet and ultimately Council at the end of February 2020.

In presenting the report, Cllr Jacobs indicated that the Council's strategic aims and priorities drove the medium-term financial planning process, with changes in resource allocation determined in accordance with policies and priorities of the Council's 2017-2027 business plan. A key focus being to ensure a strong sustainable financial base during the current challenging times. The key changes reflect the revised forecast for the increasing demand for care for the vulnerable, including adult and children with complex care needs and special educational needs and the delay in Government determining a new fairer funding settlement.

Cllr Jacobs commented on (i) the Council's four key priorities; (ii) the growth and challenges to the Council spending; (iii) funding sources for the budget; (iv) the level of savings required for 2020/2021; and (v) budget assumptions for future years. He was confident that the Council was currently in a good position to set a strong Financial Plan for the years ahead and thanked officers for their assistance in putting the proposals together.



Councillor Graham Wright, Chair of the Overview and Scrutiny Management Committee, welcomed the positive and early engagement with Scrutiny and thanked officers for their input. He confirmed that the Overview and Scrutiny Management Committee undertook a robust and thorough consideration of the proposals, the details of which were circulated as a Supplement to the main agenda.

**Resolved: To recommend that Council**

- 1. Agrees the budget for 2020/21;**
- 2. Approves the growth and savings proposals summarised in the report to provide a net revenue budget for 2020/21 of £344.023 million;**
- 3. Agrees to:**
  - a. Set the Council's total net expenditure budget for 2020/21 at £344.023 million;**
  - b. Set a Council Tax increase of 1.99% and Social Care Levy increase of 2%;**
  - c. Delegate changes in fees and charges as set out in Section 9;**
  - d. Set a 2.7% increase for social dwelling rents (CPI plus 1%);**
  - e. Set the Housing Revenue Account (HRA) Budget for 2020/21 at £30.302 million expenditure; and**
  - f. All service charges related to the HRA being increased to recover costs, capped at increase of £5 per week for those not on housing benefits and garage rents increased by 1.7% (CPI).**
- 4. Endorse the Medium-Term Financial Strategy and receive regular updates on delivery against strategy to Cabinet; and**
- 5. Notes the budget gap of £69.527 million for MTFS period 2021/22 – 2024/25.**

*Reason for Decision:*

*To enable the Cabinet to recommend to Council to:*

- 1. Set its revenue and housing revenue accounts budgets and levels of reserves and Council Tax for the financial year 2020/21;*
- 2. Provide the Council with a strong financial plan for sustainable delivery of services in 2020/21;*

3. *Provide the Council with a Medium-Term Financial strategy to drive long term financial sustainability and delivery of the business plan; and*
4. *Meet its strategic financial objectives.*

## 22 **Capital Strategy**

Cllr Simon Jacobs, Cabinet Member for Finance and Procurement presented the report on the Capital Strategy for 2020/2021; the Capital Programme for 2020/2021 with future years projected to 2029/2030.

Cllr Jacobs in presenting the report explained that the purpose of the Capital Strategy is to set out the priorities and framework within which Wiltshire Council determines its resourcing priorities for capital investment, decides the level of borrowing, the affordability of the borrowing and sets the level of the risk appetite. He referred to the proposed Capital Programme which totalled £898.330m over the ten year period, and in particular those capital schemes already approved and pipeline scheme requiring approval.

**Resolved: To recommend that Council**

- 1. Adopts the Capital Strategy 2020/2021**
- 2. Approves the Capital Programme 2020/2021-2029/2030**
- 3. Adopts the non-financial investment indicators (paragraph 84 of the report )**

*Reason for Decision:*

*To enable the Council to agree a Capital Strategy for 2020/2021, approve the Capital Programme 2020/2021-2029/2030 and set non-financial investment indicators that comply with statutory guidance and reflect best practice.*

## 23 **Treasury Management Strategy**

Cllr Simon Jacobs, Cabinet Member for Finance and Procurement presented the report, which recommended that Council approve the Prudential and Treasury Indicators, together with the Treasury Management Strategy for 2020/21.

The report included information about:

- Prudential and Treasury Indicators for the next three years

- Debt management decisions required for 2020/2021 that do not feature within the Prudential or Treasury Indicators (paragraphs 72 to 76)
- Minimum Revenue Provision Policy 2020/2021
- Annual Investment Strategy for 2020/2021

In response to a comment from Cllr Ian Thorn about loans from the Public Loans Board, Cllr Jacobs confirmed that borrowing risks are analysed and monitored on a regular basis and that the interest rates charged were for the term of the loan.

In response to a question from Cllr Pauline Church about investments in environmentally responsible assets, Cllr Jacobs confirmed that the Council received specialist advice from treasury advisors for the day to day investments made with banks and other investment organisations.

**Resolved: To recommend that Council**

- 1. Adopts the Minimum Revenue Provision Policy (paragraph 32 – 34 of the report)**
- 2. Adopts the Prudential and Treasury Indicators (paragraphs 24 – 31, 40 – 48 and Appendix A of the report)**
- 3. Adopts the Annual Investment Strategy (paragraph 77 onwards of the report)**
- 4. Delegates to the Director of Finance and Procurement the authority to vary the amount of borrowing and other long-term liabilities within the Treasury Indicators for the Authorised Limit and the Operational Boundary**
- 5. Authorises the Director of Finance and Procurement to agree the restructuring of existing long-term loans where savings are achievable or to enhance the long-term portfolio**
- 6. Agrees that short term cash surpluses and deficits continue to be managed through temporary loans, deposits and money market funds**
- 7. Agrees that any surplus cash balances not required to cover borrowing are placed in the most appropriate specified or non-specified investments, particularly where this is more cost effective than short term deposits and delegate to the Director of Finance and Procurement the authority to select such funds**
- 8. Adopts the Third Party Loans Policy (paragraph 93 and Appendix F of the report)**

*Reason for Decision:*

*To enable the Council to agree a Treasury Management Strategy for 2020/2021 and set Prudential Indicators that comply with statutory guidance and reflect best practice.*

## 24 **Wiltshire Housing Site Allocations Plan**

Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Investment introduced the report which (i) informed Cabinet of the Inspector's Report on the examination of the Plan and his conclusions about legal compliance and soundness; (ii) sought approval for the Plan, as amended, to be recommended to Council for adoption; and (iii) sought approval for officers to undertake the final stages associated with the formal adoption of the Plan by the Council.

Cllr Sturgis explained that the Wiltshire Housing Site Allocations Plan has been prepared in accordance with the Wiltshire Core Strategy. Its purpose is to bring forward additional housing sites to ensure the delivery of the Core Strategy housing requirement (42,000 homes over the period 2006-2026) and improve supply, as well as reviewing the settlement boundaries as defined on the Council's policies map. He commented on the submission of the Plan to the Secretary of State for examination by an independent Inspector, public hearing sessions and receipt of the Inspectors report on 23 January 2020.

The Cabinet noted that the report contained the Inspector's assessment of the Plan and took into consideration the Council's evidence and all representations received on the Plan during the Summer 2017 consultation and subsequent consultations on proposed modifications to it. The Inspector's Report concluded that, with the recommended main modifications in the report being made, the Plan satisfied legislative requirements and met the criteria for soundness in the National Planning Policy Framework.

The Leader thanked officers for their work with parish and town councils in relation to Neighbourhood Plans.

In response to a question from Cllr Richard Britton about a shortfall in the 5 year land supply in the south of Wiltshire, Cllr Sturgis provided assurances that action was being taken on the shortfall and that additional sites would be included for the southern area.

### **Resolved:**

- 1. Notes the content of the Inspector's 'Report on the Examination of the Wiltshire Site Allocations Plan' (Appendix 1) and his conclusions regarding legal compliance and soundness.**

2. **Accepts the Main Modifications set out in the Appendix to the Inspector's Report, which the Inspector considers are necessary to make the plan sound in accordance with legislation.**
3. **Agrees that additional minor modifications are made that arose during the examination or made in the interest of accuracy and consistency, as set out in Appendix 2 to the report.**
4. **Recommends to Full Council that the 'Wiltshire Housing Site Allocations Plan Submission draft Plan (July 2018)', as amended by the Main Modifications as set out at (2) above and attached in Appendix 1 to the report and additional minor modifications as set out in (3) above and attached in Appendix 2 to the report, be adopted as part of the development plan for Wiltshire.**
5. **Delegates authority to the Director of Economic Development and Planning in consultation with the Director of Legal, Electoral and Registration Services and the Cabinet Member for Spatial Planning, Development Management and Investment for: the Policies Map to be amended in line with the Main Modifications as identified in Appendix 1 to the report and the settlement boundaries, as set out in Appendix A of the 'Wiltshire Housing Site Allocations Plan Submission draft Plan (July 2018) and amended by the proposed changes made during the examination; and further minor textual changes to be made to the Wiltshire Housing Site Allocations Plan prior to publication in the interests of accuracy and consistency.**
6. **Following approval of Council, agrees that the Director of Economic, Development and Planning in consultation with the Director for Legal, Electoral and Registration Services the Cabinet Member for Strategic Planning, Development Management and Investment undertakes the final stages associated with the formal adoption and publication of the Wiltshire Site Allocations Plan.**

*Reason for Proposal(s):*

1. *To progress the adoption and finalisation of the Wiltshire Housing Site Allocations Plan and changes to the settlement boundaries on the Policies Map, in accordance with the commitment made in the Council's Local Development Scheme to prepare the Plan. As the Plan has been found sound by the Inspector with the recommended main modifications, its adoption by the Council would significantly help support the delivery of housing across Wiltshire in line with the Wiltshire Core Strategy and national planning policy.*
2. *Once adopted, the Wiltshire Site Allocations Plan will form part of the Council's Policy Framework. In accordance with the Local Government Acts 1972 and 2000, and the Council's constitution it must first be approved by Cabinet before it is adopted by Council.*

## 25 **Trowbridge Bat Mitigation Strategy Supplementary Planning Document**

Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Investment introduced the report which provided the response to the consultation on the draft Trowbridge Bat Mitigation Strategy Supplementary Planning Document.

Cllr Sturgis explained that the landscape surrounding Trowbridge is known to be of high importance for bats, supporting at least 14 of the 18 UK bat species. This includes all four of the rarer UK species listed in Annex II of the Habitats Directive (European Council, 1992): greater horseshoe, lesser horseshoe, Bechstein's and barbastelle bats. In particular, the woodlands to the east and south-east of Trowbridge are known to support a large and internationally significant breeding population of Bechstein's bat, linked to the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC).

The Cabinet noted that the overall aim of the Trowbridge Bat Mitigation Strategy (TBMS) is to provide a clear and detailed approach to considering impacts of development around Trowbridge on the Bath and Bradford-on-Avon Bats SAC. This will help inform strategic and local planning for the area's housing needs.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the proposals. In response to a question from Cllr Thorn about the protection of bats and housing developments, Cllr Sturgis provided assurances that the Mitigation Strategy would provide certainty for developers and local communities in terms of how developments and mitigation measures would be guided to ensure the integrity of the Special Area of Conservation and that the core bat habitats are protected and enhanced.

### **Resolved:**

- 1. Notes the response to the consultation on the draft Trowbridge Bat Mitigation Strategy Supplementary Planning Document (the TBMS) set out in the Consultation Statement at Appendix 1 to the report.**
- 2. Endorses the amended TBMS as set out in Appendix 2 to the report.**
- 3. Recommends Full Council that the amended TBMS be adopted as a Supplementary Planning Document.**
- 4. Subject to approval of Council, agrees that the Director for Economic Development and Planning in consultation with the Director for Legal, Electoral and Registration Services and the Cabinet Member for Spatial Planning, Development Management and Investment, undertakes the final stages associated with the formal adoption and publication of the TBMS, including any minor textual changes in the interests of clarity and accuracy.**

*Reason for Proposal(s):*

- 1. To ensure that the TBMS is formally adopted as a Supplementary Planning Document (SPD) to assist the implementation of the Wiltshire Housing Site Allocations Plan for development on the housing allocations at Trowbridge, as well as windfall and neighbourhood plan sites in line with the Wiltshire Core Strategy; and*
- 2. To provide guidance to developers on where proposals for housing development would be acceptable and what would constitute acceptable mitigation measures to ensure the integrity of the Bath and Bradford-on-Avon Bats Special Area of Conservation (SAC) is protected and enhanced.*

## 26 **Introduction of District Level Licencing for Great Crested Newts, Wiltshire**

Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Investment introduced the report seeking approval for the introduction of District Level Licensing for Great Crested Newts in Wiltshire as part of a national roll-out by Natural England, initially for a 24-month period.

Cllr Sturgis explained that as a European protected species, great crested newts (GCN) and their habitats are protected by law. GCN habitat exist across most of Wiltshire and the current process for protecting GCN from the impacts of new development is often expensive to apply and may not ensure the long-term protection of the newts. Mitigation measures that are delivered on site can sometimes be detrimentally affected by unexpected pressures arising from the new development, poor on-going management and maintenance and, in some cases, newts and their habitats can be lost altogether over time.

The Cabinet noted that District Level Licensing for Great Crested Newt habitats provided an alternative mechanism for protecting newts, which is intended to reduce the uncertainty and the costs on developers and which will enable newt populations to flourish in more suitable locations.

In response to a question from Cllr Ian Thorn, Leader of the Liberal Democrat Group, about the future protection of the Great Crested Newts, Cllr Sturgis provided assurances that the proposals would enable newt populations to flourish in identified and suitable locations.

### **Resolved:**

- 1. Approve the introduction of District Level Licensing for Great Crested Newts into Wiltshire as part of the national roll-out by Natural England.**

2. **Delegate authority for the Director of Economic Development and Planning, in consultation with the Director of Legal, Electoral and Registration Services, the Director for Housing and Commercial Development and associated Cabinet Members to:**
  - a. **identify, bring forward and implement as necessary, suitable Council owned land for Great Crested Newts habitat restoration/creation;**
  - b. **should such land be identified, sign up to a Memorandum of Agreement with Natural England to establish the Council as a Habitat Delivery Body, authorised by Natural England, to create and maintain great crested newt habitat within Wiltshire and enter into all other legal agreements deemed necessary to approve the use of Council owned land and protect the Council's interest.**

*Reason for Proposal(s):*

*The proposal introduces an alternative mechanism for protecting newts, which is intended to:*

- (i) Reduce the costs and uncertainty on developers and improve delivery of development (e.g. by the implementation of an agreed mitigation approach that enables the provision of habitat off-site)*
- (ii) Enable newt populations to flourish in identified suitable locations.*

## **27 Budget Monitoring, Performance & Risk Management 2019/20 Q3**

Cllr Simon Jacobs, Cabinet Member for Finance and Procurement, introduced a report which (i) advised on the Budget Monitoring, Performance & Risk Management position 2019/20 Quarter 3 (31 December 2019) for the financial year 2019/20 with suggested actions as appropriate; (ii) Provided information about the position of the 2019/20 revenue and capital budgets as at quarter 3 (31 December 2019), including highlighting any budget changes; and (iii) provided an update on the progress against the stated aims in the Council's Business Plan including measures from the corporate performance framework as well as the latest version of the Council's strategic risk register as at the end of December 2019.

Cllr Jacobs explained that (i) the report brings together, regular reports on Budget Monitoring and Performance & Risk Management, combining key information to give a complete picture of financial and non-financial performance; (ii) forecasts indicated a general fund variance of £2.758m, being 0.8% of the Council's net budget, and Directors and Heads of Service were identifying compensating actions to bring this back into a balanced year end position; (iii) the Dedicated Schools Grant coming under increased pressure in



Wiltshire as it is across the country, with a current forecast for a £7.314m overspend, although mitigation plans are in place to address the overspend.

In response to comments and questions from Cllr Ian Thorn, Leader of the Liberal Democrat Group, about (i) recovery plans for those areas where large budget variances had been identified and (ii) the impact on services where compensating actions were necessary to bring the budget back in line, Cllr Jacobs confirmed that transformation of services continued and that services would not be impacted by the savings. Cllr Jacobs explained that the savings required equated to a very small percentage of the Council's overall budget and he provided assurance that the savings were being managed and were achievable within existing and future structures.

**Resolved:**

**1. To note:**

- a. that the budget is forecast to breakeven by the end of the financial year with the General Fund Quarter 3 projected year end outturn being an overspend risk of £2.758 million, before management actions are made.**
- b. the HRA Quarter 3 projected year end outturn is online.**
- c. the 2019/20 capital programme as at quarter 3 (31 December 2019) has been revised to a budget of £149.214 million (including requested additions).**
- d. outturns against the selected performance measures in relation to the Council's Business Plan.**
- e. the scoring and commentary on the Strategic Risk Register.**

**2. Cabinet are asked to approve:**

- a. the budget virements in the revenue budget and capital programme, per Appendices C, D & E of the report.**
- b. a recommendation to Full Council to approve additions to the capital programme of £2.459 million.**

***Reason for Decision:***

- 1. To inform effective decision making and ensure a sound control environment.*
- 2. To inform Cabinet of the position of the 2019/20 budget as at Quarter 3 (31 December 2019), including highlighting any budget changes.*

3. *To inform Cabinet on Performance and Risk in the context of the financial position in relation to the Council's stated aims in its Business Plan.*

## 28 **Streetworks Permitting System**

Cllr Bridget Wayman, Cabinet Member for Highways, Transport and Waste introduced a report seeking approval for the implementation of a Permit Scheme to manage streetworks in Wiltshire.

Cllr Wayman explained that making best use of the County's road network is vital for the movement of people and goods, and the network supports the local economy and businesses. The road network also contains the essential infrastructure and services, including water, electricity, gas and telecommunications.

The Cabinet were reminded that the Council as the Local Highway Authority has a duty to co-ordinate works on the road network. The Traffic Management Act 2004 (TMA) allows the Council to introduce a permit scheme, which would enable the Council to take a more active role in planning and coordinating streetworks. Statutory consultations have been undertaken with public utilities and others as required by the legislation, with 145 responses received from 8 organisations, which have been considered and following review it is proposed that the Council should introduce the permit scheme.

The Leader confirmed his support for the proposals and highlighted that additional staff resources would be needed for the system to operate effectively. However, a large proportion of the additional costs would be recovered through charges that can be made.

In response to a question from Cllr Jon Hubbard about potential additional costs impacting Parish and Town Council budgets, Cllr Wayman explained that the permits system referred to charges associated with road works undertaken by utilities and would not impact Parish or Town Councils budgets.

Cllr Ian Thorn, Leader of the Liberal Democrat Group, welcomed the proposals and questioned the need for the report to include wording on protecting the vulnerable as part of the section on relevance to the business plan.

In response to a question from Cllr Carole King about the accuracy of utility services underground maps, Cllr Wayman concluded that additional works were required to reflect a more accurate picture of where cables and pipes had been placed underground by utility companies.

Cllr Gordon King referred to a specific issue that a resident of Westbury had experienced about utility companies taking ownership of drain covers,

especially when they become loose and rattle when passed over by vehicles. Cllr Wayman agreed to investigate the matter further.

**Resolved:**

- 1. The importance of managing streetworks on the highway network is acknowledged, and the potential benefits of a permit scheme are appreciated.**
- 2. The results of the consultations have been reviewed and have been taken into account in considering the permit scheme.**
- 3. To approve the implementation of a permit scheme for streetworks on the local highway network in Wiltshire as provided for in the Traffic Management Act 2004 from 1 April 2020.**
- 4. Delegate authority to the Director, Highways and Environment to make the necessary arrangements, including instructing legal to execute all necessary documentation, in consultation with the Director of Finance and Procurement and the Cabinet Member, Highways, Transport and Waste as it is a countywide scheme which is the first of its kind for Wiltshire.**

*Reason for Proposal(s):*

- 1. The introduction of a permit scheme for streetworks would have benefits in terms of improved management of works on the highway network, reduced traffic delays, reduced carbon footprint and improved safety. The fees generated by the scheme would be used to increase supervision and management of the public utilities and other work on the network.*
- 2. The Department of Transport is encouraging authorities to adopt permit schemes for streetworks, and most authorities will have a scheme in place shortly.*

**29 Insurance Cover Tender**

Cllr Simon Jacobs, Cabinet Member for Finance and Procurement introduced a report setting out (i) the process that is being followed to obtain tenders for insurance cover for the Council; (ii) the timetable being followed; and (iii) to delegate authority for the decision on the award of contract(s) to the winning bidders, based on the agreed evaluation criteria, to the Director of Finance and Procurement.

Cllr Jacobs explained that the Council's current 5 year contract with Zurich Municipal for Insurance Services ends on 31 March 2020. The contract covers the Council's potential financial liabilities for a variety of insurance claims,

including Council properties, motor fleet and drivers and public liabilities. The procurement process commenced in December 2019 to secure insurance cover with effect from 1 April 2020 to ensure that the Council has the right cover in place for its risks.

**Resolved: To delegate to the Director of Finance in conjunction with the Cabinet Member for Finance and Procurement the decision to award the insurance cover to the successful bidders.**

*Reason for Proposal(s):*

*Not having insurance cover in place would expose the Council to significant financial risk.*

### 30 **School Admission Policies 2021-2022**

Cllr Pauline Church, Cabinet Member for Children, Education and Skills presented a report which detailed the School Admission Policy 2021/2022, as part of the statutory process for the determination of admission arrangements to maintained schools.

Cllr Church reported that ten schools were opting out of in year coordination for the 2021/22 academic year due to there being no legal requirement to co-ordinate in year applications. It was noted that should the school not be able to offer a place to a child and the child is a Wiltshire resident, the Local Authority would make an alternative offer to ensure that the child is not without a school place. A copy of the schools that have opted out are attached as an appendix to these minutes.

**Resolved: To approve**

- 1. The proposed scheme for the co-ordination of admission to secondary schools for 2021/2022**
- 2. The proposed scheme for the co-ordination of admissions to primary schools for 2021/2022**
- 3. The proposed admission arrangements for Voluntary Controlled & Community Secondary Schools for 2021/22**
- 4. The proposed admission arrangements for Voluntary Controlled & Community Primary Schools for 2021/2022**

*Reason for Decision:*

*The Local Authority has a statutory duty to have a determined admission policy for 2021/2022 in place on or before 28 February 2020.*

31 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 am - 12.00 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

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**Wiltshire Council**

**Cabinet**

**4 February 2020**

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## **Statement and Question from Adrian Temple Brown**

### **Agenda Item 5 – Public Participation**

**To Councillor Richard Clewer – Deputy Leader of the Council and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration**

#### **Statement**

I attended a public meeting in Calne last Monday which outlined the sound business objectives behind the successful HiF bid led by this cabinet. I learnt from Alan Rochelle that there is now a detailed model of a likely build-out which has been used to professionally estimate traffic flow, resident and worker demographics, house types, business areas and community support services.

The Cabinet as a whole accepts the science that man-made carbon dioxide emissions have driven global average temperatures upwards to the point that there is now a worsening Climate Crisis. Cabinet members are intelligent professionals and have hopefully all now taken time to learn in detail about carbon sources and carbon sinks.

Each of you will already know that using a tonne of cement costs roughly a tonne of carbon dioxide. You have a model, so you can estimate the carbon dioxide costs associated with construction of the houses *and* the road network associated with the HiF bid.

Each of you will already know that a cubic meter of organic soil can contain over 30% carbon molecules by volume and that one carbon molecule combines with two oxygen molecules to form carbon dioxide when soil. For each cubic meter of Wiltshire countryside soil that is moved for clearance or foundations may release around a tonne of carbon dioxide. You have a model, so you can estimate the carbon dioxide costs associated with construction of the houses and roads associated with the HiF bid.

Each of you will already know that a litre of fuel releases around 2Kg of carbon dioxide when burned. You have a model, so you can estimate the total amount of fuel used during construction of the roads and the estates and also the fuel used per annum by the residents driving along the spine road network for working and living on the development associated with the HiF bid.

This Cabinet has declared a Climate Crisis but is actively promoting business as usual. This cabinet has committed to making Wiltshire carbon neutral by 2030 but has not estimated the Capital carbon cost of creating the Chippenham Eastern expansion, nor the annual ongoing Carbon cost of new residents living and driving on estates and roads where there are currently woods and fields.

The road and house building strategy being actively pursued by this cabinet is incompatible with your own declaration of a climate and ecological crisis and your strategy of growth is the opposite of your stated objective of achieving a carbon neutral Wiltshire by 2030.

### **Question 1**

Could the Cabinet please commit to pausing the entire housing and road building programme in Wiltshire until the Carbon and Environmental costs of executing the Governments GDP growth policies have been estimated and published, using your model of the Chippenham Eastern expansion?

### **Response**

### **Question 2**

I understand that the Cabinet does not want to challenge the Government's legal policy of UK GDP growth at this time on environmental grounds and I understand the possible dire consequences of doing so. However, it is clear that you are proceeding with significant Road and House building on fields and woods in Wiltshire, without having any idea at all of the absolute Carbon Cost of construction, nor the absolute Carbon Cost of new residents & businesses 'living life' in the proposed development.

Will the Cabinet therefore move Urgently to force a line item to added to the programme's Project Plan (I understand this is overseen by Christine Lamb) that



requires the Carbon Costs associated with building out the full Chippenham Eastern Expansion (as a mature example of a Wiltshire countryside development) using your detailed development model to be reasonably estimated ?

As Shakespeare said and in relation to treating Wildlife and Countryside as a business resource “you know what you do”

## **Response**

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**Wiltshire Council**

**Cabinet**

**4 February 2020**

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## **Question from Colin Gale**

### **Agenda Item 6 – Wiltshire Council's Budget 2020/21 and Medium Term Financial Strategy 2020/21 – 2024/25**

**To Councillor Simon Jacobs – Cabinet Member for Finance and Procurement**

#### **Question 1**

I attended the WC finance brief at Devizes on 16th January and the budget presentation identified that the total budget funding needed for 2020/21 was £332.4m. The Cabinet report identifies that this was the opening amount and the amount now needed is £344.023m? Similarly, with a council tax increase of 1.99% the Council Tax Requirement identified on 16th Jan was £252.580m. The cabinet report, Section 5, now identifies the 'Amount funded through Council Tax to be £260.830m' and yet the percentage increase has not changed. On page 46 of the report the £8.250m increase is identified as funding movement but there is no clear explanation in the report on how the funding movement is achieved. At the Devizes meeting £2.8m was identified as additional council tax from new homes but this will not in isolation explain the funding movement. Again, at the Devizes meeting it was stated that there would be a 2% increase to the social care levy which would generate an additional £18.4m. The cabinet report, Section 5, identifies the amount now as £23.893m again without any percentage increase. The report, page 46, identifies a funding movement of £5.476m from the original amount but there is no clear explanation on how this is achieved. Please can you explain how these funding movements are achieved if the percentage increases stay the same?

#### **Response**

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Cabinet – 4 February 2020

Agenda Item 15 – School Admission Policies 2021-2022

Schools Opting Out of In Year Co-Ordination for the 2021-2022 Academic Year

- Christ the King Catholic Primary, Amesbury
- St Edmund's Catholic Primary, Calne
- St George's Primary, Warminster
- St John's Catholic Primary, Trowbridge
- St Joseph's Catholic Primary, Devizes
- St Joseph's Catholic Primary, Malmesbury
- St Mary's Primary, Chippenham
- St Osmund's Primary, Salisbury
- Wardour Catholic Primary, Tisbury
- Holy Trinity – Great Cheverall

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**Wiltshire Council**

**Cabinet**

**24 March 2020**

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**Subject: Update of Local Development Scheme**

**Cabinet Member: Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Investment**

**Key Decision: Non Key**

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## **Executive Summary**

Cabinet at its meeting on 26<sup>th</sup> March 2019 approved the Wiltshire Local Development Scheme 2019 (LDS). In response to revisions to national planning policy, the 2019 version updated the timescale for the review of the Core Strategy to cover the period 2016-2036, titled the Wiltshire Local Plan Review. The 2019 LDS also provided an update on timescales for the Wiltshire Housing Site Allocation Plan and set out the position on neighbourhood plans.

Cabinet, at that meeting, delegated authority for subsequent reviews of the LDS to take place and for any significant modifications to be referred to Cabinet. This proposed revision to the LDS is of significance requiring Cabinet consideration and approval.

Work has been progressing on the evidence base and consultation undertaken with town and parish councils for the Local Plan Review. However, to provide additional consultation with the wider community on proposals for growth a further consultation is planned for Summer 2020, which affects the overall timescale of the LDS and the end date by which the Local Plan Review would be adopted. The proposed adoption date for the new Local Plan would be at the start of 2023. The revised timetable also allows for greater emphasis to be placed on climate change in the light of the Council's declaration.

In addition, the LDS makes provision to amend the scope of the Local Plan Review and progress a separate single issue plan that meets the needs of Gypsies and Travellers, and updates the position with regard to minerals and waste plans.

The revised LDS also sets out the current position in respect of the adoption of the Wiltshire Housing Site Allocations Plan and brings the list of made Neighbourhood Plans up to date.

## **Proposal(s)**

### **That Cabinet:**

- (i) Agree the revised Wiltshire Local Development Scheme be brought into effect from 30th March 2020 and published on the Council's website (**Appendix 1**).
- (ii) Authorises the Director for Economic Development and Planning, in consultation with the Cabinet Member for Spatial Planning, Development Management and Investment to make minor amendments to the Local Development Scheme in the interests of clarity and accuracy before publishing it on the Council's website.
- (iii) Delegates authority to the Director for Economic Development and Planning, in consultation with the Director for Legal, Electoral and Registration Services and Cabinet Member for Spatial Planning, Development Management and Investment to undertake subsequent reviews and updates to the Local Development Scheme and bring them into effect; save for those that introduce new development plan documents, which will be referred to Cabinet.
- (iv) In the event of the planned consultation in the Summer 2020 needing to be delayed due to COVID-19, delegates authority in line with (iii) to amend the Local Plan Review timetable to take account of this.

## **Reason for Proposal(s)**

Section 15(1) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) (PCPA) requires the Local Planning Authority to prepare and maintain a Local Development Scheme (LDS). The up to date text and copy of any amendments to the scheme need to be made available to the public (section 15 (9A) PCPA). This is done through publication on the Council's website. Delegated authority for subsequent revisions to the LDS will allow for efficiency in maintaining an up to date document. Section 15(8) of PCPA requires the Local Planning Authority to revise the LDS at such time as they consider appropriate.

The timescale proposed for the Wiltshire Local Plan Review will allow for additional community engagement, allowing residents a greater opportunity to shape the communities in which they live and work. The introduction of the Gypsies and Travellers development plan document will enable the housing needs of this community to be met ahead of the Local Plan.

**Alistair Cunningham**  
**Chief Executive Officer – Place**



## Wiltshire Council

### Cabinet

24 March 2020

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<b>Subject:</b>	<b>Update of Local Development Scheme</b>
<b>Cabinet Member:</b>	<b>Cllr Toby Sturgis Cabinet Member for Spatial Planning, Development Management and Investment</b>
<b>Key Decision:</b>	<b>Non Key</b>

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### Purpose of Report

1. The purpose of the report is to seek approval for a revised Wiltshire Local Development Scheme.

### Relevance to the Council's Business Plan

2. The Wiltshire Business Plan 2017-2027 seeks to create strong communities in Wiltshire both through the delivery of growth to provide resilient and sustainable places and, also to enable those who live, work and do business in Wiltshire to shape our communities. Developing the Local Plan, with the involvement of local communities and interested parties, is consistent with these objectives.

### Background

3. Cabinet at its meeting on 26 March 2019, as part of a report on progress with the review of the Wiltshire Local Plan approved a revised Local Development Scheme (LDS). This updated the timetables for the adoption of the Wiltshire Housing Site Allocation Plan and Wiltshire Local Plan Review in the light of revisions to the National Planning Policy Framework; and reaffirmed the commitment to a review of adopted minerals and waste plans (see [Agenda Item 32](#)). The 2019 Wiltshire LDS was brought into effect in April 2019, when it was published on the Council's website.
4. The Local Planning Authority has a duty under Section 15 of the Planning and Compulsory Purchase Act (PCPA) to prepare and maintain their LDS; and make it publicly available. This must specify the development plan documents (i.e. local plan), which are prioritised for production by Wiltshire Council, their timetable for preparation and revision, the geographical area to which they relate, and which are to be prepared jointly with one of more other local planning authority. When prepared these documents will comprise part of the development plan for Wiltshire. The LDS is also encouraged to include details of 'made' neighbourhood plans, which also form part of the development plan for the area.

## Main Considerations for the Council

5. The LDS is required to be kept up to date and was last reviewed early 2019. In March 2019, Cabinet resolved to delegate authority for the review and update of the LDS, with any significant modifications being referred to Cabinet. This was to allow future updates to be undertaken in an efficient manner.
6. The revised version of the LDS is set out in **Appendix 1**. Some of the proposed modifications are considered significant and therefore outside the scope of the delegated authority. In summary these are:
  - (i) Wiltshire Local Plan Review: A revised timescale to allow for an additional stage of public consultation during Summer 2020; and change of scope to allow for the introduction of a new development plan document for Gypsies and Travellers. Adoption is now programmed for Q1 2023, with publication of the draft Plan in Q3, 2021; and
  - (ii) Introduction of a Gypsy and Traveller development plan document to allow for the needs of this community to be addressed ahead of the wider Local Plan. Adoption is programmed for Q3, 2022, with publication of the draft Plan in Q2 2021;
7. In addition, the less significant modifications proposed to the LDS comprise:
  - (i) Additional detail on the review process for minerals and waste policies that will be carried out in collaboration with Swindon Borough Council; reaffirming the Council's commitment to review these policies and identify the need for any additional policy development;
  - (ii) Updates to the summary of neighbourhood plans that have been made and now form part of the development plan and those that have progressed to at least the submission stage at the time of writing the revised LDS; and
  - (iii) the updated position on the Wiltshire Housing Site Allocations Plan and joint working with Swindon Borough Council.
8. It is acknowledged that this LDS will need a further revision at some stage which will include a timescale for a review of Minerals and Waste policies.
9. The revised LDS has been considered by the Local Plan Programme Board, which comprises senior managers from across the Council and provides governance for the Local Plan work programme.
10. The Board has endorsed the additional stage of consultation, recognising that it will enable the Council to build on the emerging evidence base and targeted engagement that has been undertaken to date, particularly with

Town and Parish Councils. They considered that the revised timescale will enable greater emphasis to be placed on climate change in the light of the Council's declaration, as well as health and wellbeing issues as golden threads in plan making. A later submission date will also enable the anticipated revision to Government's national policy on Local Housing Need to be fully considered before the draft Plan is completed for its final stage of consultation.

11. In the light of an up to date Gypsy and Traveller Accommodation Assessment that is being prepared and Council monitoring of provision, there is the need to separate out the Gypsies and Travellers policy from the wider Wiltshire Local Plan Review. This will enable the needs of this community to be addressed ahead of the review.

### **Overview and Scrutiny Engagement**

12. There has been no overview and scrutiny engagement in revising the LDS. However, the Environment Select Committee are involved in informing development of policies in the Local Plan. For example, members of the Global Warming & Climate Change Emergency Task Group are involved in a focus group considering the development of policies to help address climate change in the Wiltshire Local Plan.

### **Safeguarding Implications**

13. There are no direct safeguarding implications arising from the proposal.

### **Public Health Implications**

14. There are no direct public health implications arising from the proposal. Planning has, at its heart, sustainable development to meet the employment, housing and infrastructure needs of the community to help foster their wellbeing.

### **Procurement Implications**

15. There are no direct procurement implications for the revisions to the LDS itself. However, there are for the overall Local Plan Review, which have previously been considered including commissioning appropriate evidence to support the plan making process. Where such procurement implications arise, these requirements will be undertaken in accordance with procurement and contracting Regulations, and in consultation with Strategic Procurement.

### **Equalities Impact of the Proposal**

16. The purpose of maintaining up to date planning policies in Wiltshire is to make sure growth and development in Wiltshire is positively managed. The proposed additional consultation stage reflected in the revised timescale will allow for everyone to have the opportunity to help to shape and inform the Wiltshire Local Plan Review. Separating out the Gypsies

and Travellers policy from the wider review will enable the needs of this community to be met ahead of the wider Local Plan.

### **Environmental and Climate Change Considerations**

17. There are no direct environmental or climate change considerations that result from the proposals. However, the change to the timescale for the Wiltshire Local Plan will allow for greater emphasis on climate change in plan making and engagement with the local community on such issues.
18. The process of plan making incorporates Sustainability Appraisal and will take into consideration both the current position and predicted future considerations in relation to the local environment, for example, in relation to flood risk, climate change and air quality and traffic growth. Habitat Regulations Assessment is also an integral part of plan-making in Wiltshire and will ensure that protected species and habitats are respected.

### **Risks that may arise if the proposed decision and related work is not taken**

19. There are no specific risks associated with adopting a revised timescale for the LDS provided this is adhered to. The greater risk arises if there is insufficient time to develop a robust evidence base and undertake meaningful engagement with the community and stakeholders. This can save time at the later stages of the process. Progressing a Gypsy and Traveller development plan document ahead of the wider Wiltshire Local Plan will enable the needs of this community to be met sooner. This will also preserve the currency of the evidence base in the soon to be completed Gypsy and Traveller Accommodation Assessment.
20. The 2019 LDS indicated that the Wiltshire Local Plan Review would be published for consultation during Q1, 2020. For the reasons explained above, this now needs to be revised and a fresh timescale made publicly available in line with legislation. For the Local Plan to be found sound at examination it must be in line with an up to date LDS.
21. There is a risk that by not ensuring an up to date LDS is published and available to the public the Council could be found in breach of its statutory duty.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

22. As set out above.
23. A project management approach to the delivery of the Local Plan and other documents has recently been established, with governance arrangements through the Local Plan Programme Board. A risk register specific to the projects will allow for early identification of the need for any further review of the LDS.

## **Financial Implications**

24. The existing 2019/20 and planned 2020/21 budgets for Spatial Planning Service will meet financial implications of continuing with the review of the Local Plan and the introduction of the new plan. Budgets for 2021/22 and 2022/23 will need to allow for any new evidence required to support the evolving plans as well as costs relating to consultation and examination.
25. Adoption of both plans will bring forward new sites for housing, thereby enabling the Council to benefit from revenue associated with the delivery of new homes including contributing to the Council's 'Council Tax base' and New Homes Bonus. The Local Plan will also bring forward new sites for employment, which will enable the Council to benefit from Business Rates revenue.

## **Legal Implications**

26. The Council, as Local Planning Authority, has a statutory duty pursuant to Section 19 (1) PCPA to prepare local development documents, which include development plan documents, in accordance with the LDS. Section 15 of the PCPA, provides that the Local Planning Authority must prepare, maintain and make available to the public their LDS. Section 15 of the PCPA also allows for the Secretary of State to intervene and direct Local Planning Authorities to update their LDS.
27. Once adopted the plans identified in the LDS will form the statutory development plan for Wiltshire alongside the existing adopted development plan documents, and made neighbourhood plans, comprising the development plan for Wiltshire.

## **Workforce Implications**

28. Delivery of the development plan documents to the timescales set out in the LDS will have workforce implications for services across the Council. Staff will need to be prioritised to work on the plans as the needs arise. This will be managed through the Local Plan Programme Board.

## **Options Considered**

29. The options for the Council are limited. While there is no absolute requirement to undertake any further consultation prior to the publication of the draft Plan, providing the opportunity for further community engagement and evidence gathering, particularly in relation to climate change, should enable the Local Plan to better reflect local views, resulting in reduced objections and a more effective plan when formally submitted.
30. The option to retain the Gypsies and Travellers policy within the wider Local Plan Review has been considered but dismissed due to the reasons set out above.

## **Conclusions**

31. The LDS should be periodically reviewed in line with legislation, responding to changes in circumstances, to keep it up to date and ensure that there is a clear and transparent programme of work to maintain the Local Plan for Wiltshire. Not to do so would significantly compromise the ability to provide for the needs of local communities through the Local Plan process. In setting timelines and introducing new plans, the Council needs to be realistic about their delivery in order to provide certainty about when new policies should be in place.

## **Sam Fox (Director - Economic Development and Planning)**

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Report Author:

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Date of report:

February 2020

## **Appendices**

Appendix 1: Wiltshire Local Development Scheme, March 2020

## **Background Papers**

None

## **APPENDIX 1: Wiltshire Local Development Scheme, March 2020**

### **1. Introduction**

- 1.1 The Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 requires the Council to prepare and maintain a Local Development Scheme (LDS). The Wiltshire LDS identifies the Development Plan Documents (DPDs) prioritised for production by Wiltshire Council and the timetable for their preparation that will, when complete, together with other adopted documents, comprise the Local Plan for Wiltshire. It also sets out neighbourhood plans that form part of the development plan for Wiltshire as well as those at an advanced stage of preparation.
- 1.2 The LDS is required to be kept up to date and was last reviewed in April 2019. This version reflects the changing timescale for the production of the Wiltshire Local Plan<sup>1</sup> Review to accommodate a further round of public consultation in 2020 and the intention to undertake a separate DPD for Gypsies and Travellers in advance of the Local Plan Review. It also updates the position on the Wiltshire Housing Site Allocations Plan and reaffirms the Council's commitment to review minerals and waste policies, setting out details of the review process.
- 1.3 This review of the LDS continues to address ongoing joint working with Swindon Borough Council. The Council has prepared its first iteration of a Statement of Common Ground (SOCG) with Swindon Borough Council. This acknowledges that, as set out in the previous LDS in the light of revisions to the National Planning Policy Framework, there is no longer the need to prepare a Joint Spatial Framework. The SOCG will continue to evolve during the preparation of both authorities' respective Local Plans.
- 1.4 The LDS does not include a timetable for the preparation of individual neighbourhood plans as the timing and delivery of these are the responsibility of the 'qualifying bodies' which, in Wiltshire, is generally the parish councils. However, the LDS does provide a summary of those plans that have been made and which now form part of the development plan and identifies those that have progressed significantly to at least submission stage at the time of writing (January 2020).

### **2. The Wiltshire Development Plan**

#### **Existing Development Plan**

- 2.1 Section 38 (6) of the Planning and Compulsory Purchase Act and Section 70 (2) of the

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<sup>1</sup> While the Wiltshire Core Strategy was being prepared changes in Government advice resulted in a change of terminology and content of council wide plans. Specifically, the term 'Core Strategy' was replaced by 'Local Plan' in the National Planning Policy Framework. To avoid confusion the title 'Wiltshire Core Strategy' was retained until it was adopted. However, it is appropriate to now adopt the new terminology as, in line with the National Planning Policy Framework, the review will bring into it the development management policies currently referred to as 'saved policies of the former District Councils'

Town and Country Planning Act 1990 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises DPDs prepared by Wiltshire Council as local planning authority and made (adopted) Neighbourhood Plans prepared by parish and town councils within Wiltshire. Policies within the documents listed in Table 1 and 2 below currently form the development plan for Wiltshire (and Swindon<sup>2</sup>).

- 2.2 The Wiltshire Core Strategy replaced many of the ‘saved’ policies within the former North Wiltshire Local Plan 2011, the Kennet Local Plan 2011, the West Wiltshire District Plan First Alteration 2011 and the Salisbury Local Plan 2011, as well as some policies within the West Wiltshire Leisure and Recreation DPD. The remaining extant policies from these documents are listed at Appendix D of the Wiltshire Core Strategy and these will be replaced as part of the Local Plan Review.

**Table 1: Wiltshire Development Plan - Development Plan Documents, February 2020**

<b>Document</b>	<b>Area covered</b>	<b>Status</b>
Wiltshire Housing Site Allocations Plan (adopted February 2020)	Wiltshire council area (excluding Principal Settlement of Chippenham)	Current policy. Sets out additional site allocations for housing across Wiltshire to improve supply in the plan period to 2026. In addition, the document addresses settlement boundaries.
Chippenham Site Allocations Plan (adopted May 2017)	Chippenham (principal settlement)	Current policy. Sets out the sites and details of development to accommodate strategic growth options for Chippenham in accordance with Core Policy 10 of the Wiltshire Core Strategy.
Wiltshire Core Strategy (adopted January 2015)	Wiltshire Council	Current policy. Sets out the spatial vision, objectives and strategy for the spatial development of Wiltshire and strategic policies and proposals to deliver the vision setting out principles of development for the county to 2026, including strategic site allocations.
Wiltshire and Swindon Waste Site Allocations Local Plan (adopted February 2013)	Wiltshire Council and Swindon Borough	Current policy. Presents a framework of sites to accommodate future waste management uses and facilities for the period up to 2026
Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan (adopted May 2013)	Wiltshire Council and Swindon Borough	Current policy. Identifies seven sites for future sand and gravel working for the period up to 2026

<sup>2</sup> Wiltshire Council and Swindon Borough Council have prepared minerals and waste local plans on a joint basis



<b>Document</b>	<b>Area covered</b>	<b>Status</b>
Wiltshire and Swindon Waste Development Control Policies DPD (adopted September 2009)	Wiltshire Council and Swindon Borough	Current policy. Sets out generic policies to assist in determining planning applications for waste development.
Wiltshire and Swindon Minerals Development Control Policies DPD (adopted September 2009)	Wiltshire Council and Swindon Borough	Current policy. Sets out generic policies to assist in determining planning applications for minerals development.
Wiltshire and Swindon Waste Core Strategy (adopted June 2009)	Wiltshire Council and Swindon Borough	Current policy. Sets out the spatial vision, strategic objectives and strategy covering waste provision up to 2026 including the strategic policies and proposals to deliver the vision.
Wiltshire and Swindon Minerals Core Strategy (adopted July 2009)	Wiltshire Council area and Swindon Borough	Current policy. Sets out the spatial vision, strategic objectives and strategy covering minerals provision up to 2026 including the strategic policies and proposals to deliver the vision.
West Wiltshire Leisure and Recreation DPD (adopted February 2009)	Former West Wiltshire district area	Provides additional recreational policies for the West Wiltshire area for the period up until 2016. Certain policies have been replaced by the Wiltshire Core Strategy. Remaining policies are 'saved' and will be replaced by policies in future DPDs.
North Wiltshire Local Plan (adopted April 2006)	Former North Wiltshire district area	Certain policies continue to be 'saved' until replaced by policies in a subsequent DPD.
Kennet Local Plan 2011 (adopted June 2004)	Former Kennet district area	Certain policies continue to be 'saved' until replaced by policies in a subsequent DPD.
West Wiltshire District Plan First Alteration 2011 (adopted June 2004)	Former West Wiltshire district area	Certain policies continue to be saved until replaced by policies in a subsequent DPD.
Salisbury Local Plan 2011 (adopted June 2003)	Former Salisbury district area	Certain policies continue to be saved until replaced by policies in a subsequent DPD.
Wiltshire and Swindon Minerals Local Plan (adopted November 2001)	Wiltshire council and Swindon Borough	One saved policy (Policy 35: Preferred Areas for Sharp Sand and Gravel) remains extant.

**Table 2: Wiltshire Development Plan - Made Neighbourhood Plans, February 2020**

<b>Document</b>	<b>Area covered</b>	<b>Plan period</b>
Tisbury and West Tisbury Neighbourhood Development Plan Made November 2019	Parishes of Tisbury and West Tisbury	Covers the period 2019 to 2036

<b>Document</b>	<b>Area covered</b>	<b>Plan period</b>
Corsham Neighbourhood Plan Made November 2019	Corsham Town	Covers the period 2016 to 2026
Hullavington Neighbourhood Development Plan Made September 2019	Hullavington Parish	Covers the period 2016 to 2026
Chirton and Conock Neighbourhood Plan Made August 2019	Chirton and Conock Parish	Covers the period 2018 to 2026
West Lavington Neighbourhood Plan Made June 2019	West Lavington Parish	Covers the period 2017 to 2026
Sherston Neighbourhood Plan Made May 2019	Sherston Parish	Covers the period 2006 to 2026
Oaksey Neighbourhood Plan Made April 2019	Oaksey Parish	Covers the period 2018 to 2026
Purton Neighbourhood Plan Made November 2018	Purton Parish	Covers the period 2017 to 2026
Hilperton Neighbourhood Development Plan Made November 2018	Hilperton Parish	Covers the period 2017 to 2026
Burbage Neighbourhood Development Plan Made July 2018	Burbage Parish	Covers the period 2017 to 2026
Royal Wootton Bassett Neighbourhood Development Plan Made April 2018	Royal Wootton Bassett Parish	Covers the period 2017 to 2026
Christian Malford Neighbourhood Development Plan Made March 2018	Christian Malford Parish	Covers the period 2015 to 2035

<b>Document</b>	<b>Area covered</b>	<b>Plan period</b>
Cricklade Neighbourhood Plan Made March 2018	Cricklade Parish	Covers the period up to 2026
Calne Community Neighbourhood Plan Made February 2018	Town of Calne and Parish of Calne without	Covers the period 2016 to 2026
Bremhill Parish Neighbourhood Plan Made February 2018	Bremhill Parish	Covers the period 2016 to 2030
Wootton Rivers Neighbourhood Development Plan Made January 2018	Wootton Rivers Parish	Covers the period 2017 to 2026
Great Somerford (incorporating Startley) Neighbourhood Plan Made November 2017	Great Somerford Parish including Startley	Covers the period 2016 to 2026
Bradford-on-Avon Neighbourhood Plan Made October 2017	Bradford-on-Avon Parish	Covers the period 2013 to 2026
Langley Burrell Parish Neighbourhood Development Plan Made October 2017	Langley Burrell Parish	Covers the period 2016 to 2026
Idmiston Parish Council Neighbourhood Plan Made April 2017	Idmiston Parish	Covers the period 2015 to 2026
Ashton Keynes Neighbourhood Plan Made May 2017	Ashton Keynes Parish	Covers the period 2015 to 2026
Urchfont, Wedhampton and Lydeaway Neighbourhood Plan Made April 2017	Urchfont Parish	Covers the period 2015 to 2026
Holt Neighbourhood Plan Made January 2017	Holt Parish	Covers the period 2016 to 2026
Downton Neighbourhood Plan Made January 2017	Downton Parish	Covers the period 2016 to 2026
Potterne Neighbourhood Plan Made January 2017	Potterne Parish	Covers the period 2016 to 2026

<b>Document</b>	<b>Area covered</b>	<b>Plan period</b>
Devizes Area Neighbourhood-Plan Made December 2015	Devizes Town, Bishops Cannings Parish and Roundway Parish (part)	Covers the period 2015 to 2026
Warminster Neighbourhood Plan Made November 2016.	Warminster parish	Covers the period 2015 to 2026.
Compton Bassett Neighbourhood Plan Made May 2016	Compton Bassett Parish	Covers the period 2015 to 2030.
Freshford and Limpley Stoke Neighbourhood Plan Made November 2015	Freshford and Limpley Stoke Parishes	Covers the period 2014 to 2039
Pewsey Neighbourhood Development Plan Made October 2015	Pewsey Parish	Covers the period 2006 to 2026
Malmesbury Neighbourhood Plan Made February 2015	Malmesbury Town, St Paul Malmesbury Without and Brokenborough Parishes	Covers the period 2014 to 2026

### **Development plan documents in preparation**

- 2.3 The DPDs that are under preparation are summarised in Table 3, with more detailed information in Appendix A and a summary of the overall programme in Section 3.

**Table 3: Development Plan Documents in preparation**

<b>Document</b>	<b>Area Covered</b>	<b>Anticipated adoption date</b>	<b>Comments</b>
Wiltshire Local Plan Review DPD	Wiltshire council area	Quarter 1 2023	A review and roll forward of the housing and employment requirements in the Wiltshire Core Strategy to relate to the period 2016 to 2036 and to maintain consistency with national planning policy. It will refine certain policies to assist in the determination of planning applications, a key area being a review of all remaining saved policies from previous district local plans, policies for town centres and recreation.

Gypsies and Travellers DPD	Wiltshire council area	Q3 2022	This document will be informed by a Gypsy and Traveller accommodation assessment to identify needs to 2036 and sites to meet identified needs. It will focus on a review of Wiltshire Core Strategy Core Policy 47 'Meeting the needs of Gypsies and Travellers'
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- 2.4 The **Wiltshire Local Plan Review DPD** will provide the strategic context for development up to 2036 and determine the level and direction for future growth. It will include the allocation of a range of sites to meet the identified need for homes and jobs, a review of existing development management policies, and strategic guidance for the preparation of neighbourhood plans. The scope of the plan is explained further in the Wiltshire Local Plan document profile at **Appendix A**. The scope of the review has been amended to exclude the needs of Gypsies and Travellers, which will be addressed through a separate DPD. The timetable for the Local Plan has been amended to allow for an additional stage of consultation to build on the targeted consultation undertaken during 2019 and to allow for greater emphasis to be placed on climate change in the light of the Council's declaration, as a golden thread through plan making. A later submission date will also enable the anticipated revision to Government's national policy on Local Housing Need to be fully considered before the draft Plan is completed for its final stage of consultation.
- 2.5 In the light of an up to date Gypsy and Traveller Accommodation Assessment being produced in 2020 and the Council's monitoring of provision, it is also intended to prepare a separate **Gypsies and Travellers DPD** rather than incorporating Gypsies and Travellers needs into the wider Local Plan Review. This will provide for more certainty for the travelling community and allow for their needs to be addressed ahead of the wider Local Plan. It will focus on Core Policy 47 of the Core Strategy. For clarification, accommodation needs of persons residing in houseboats will be addressed in the Local Plan<sup>3</sup>.
- 2.6 There is also the need for ongoing joint working with Swindon Borough Council, to ensure consistency of approach.

### **Joint Working with Swindon Borough Council**

- 2.7 In accordance with Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended) neighbouring local authorities must engage with each other constructively, actively and on an ongoing basis in any process by means of which development plan documents are prepared. This is termed the 'duty to cooperate'. It states that cooperation should take account of the most appropriate functional geographies, which would include Housing Market Areas (HMAs) and Functional Economic Market Areas (FEMAs). This has provided the momentum for joint working

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<sup>3</sup> As per 1985 House Act (as amended)

between Wiltshire and Swindon Borough Councils

- 2.8 As set out in the previous LDS, the revised National Planning Policy Framework (NPPF) now requires local authorities to “*maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these*” (paragraph 27). The accompanying Planning Practice Guidance outlines what a Statement of Common Ground should contain and explains that it should be “*maintained on an on-going basis throughout the plan making process*”.
- 2.9 A statement of common ground can identify matters that are agreed, yet to be agreed, or further information that is required before matters can be agreed. It will identify those areas where cooperation is required to deliver the strategic policies of both authorities. To this extent, as acknowledged in the previous LDS, it will cover many of the elements previously intended to be included within the Swindon and Wiltshire Joint Spatial Framework referred to in the 2017 LDS.
- 2.10 A Statement of Common Ground has been prepared between Wiltshire and Swindon Borough Councils to confirm the extent of joint working between the two authorities, and includes agreement that:
- (i) Based on current evidence, the proposed housing and employment needs for Swindon Borough Council and Wiltshire Council can be accommodated within each authority’s boundaries; and
  - (ii) Further information is needed to understand transport implications of the emerging development strategies of both plans to identify infrastructure provision to support growth.
- 2.11 The Statement of Common Ground will be subject to ongoing review and updated as necessary to reflect changing circumstances.

### **Joint working with Neighbouring Authorities and Communities**

- 2.12 As well as Swindon Borough Council, there are also ongoing discussions with other neighbouring authorities to understand the implications of planning for growth in our respective areas. These cross-boundary discussions will also lead to the preparation of Statements of Common Ground to identify how the duty to cooperate has been carried out.

### **Minerals and Waste Planning**

- 2.13 As outlined in Table 1, Wiltshire Council and Swindon Borough Council have successfully cooperated in the preparation and adoption of Minerals and Waste Development Plan Documents. This LDS reaffirms Wiltshire Council’s commitment to review the policies within these plans to identify whether existing policies need to be amended or replaced, particularly in terms of their continued conformity with national policy.

2.14 The review process will consider:

- conformity of policies with the National Planning Policy Framework, including National Planning Policy for Waste;
- the effectiveness of policies against indicators in the Development Plan Documents;
- updated information about delivery of land allocations, quantities of waste and capacity to manage waste within Swindon and Wiltshire; and
- the Local Aggregate Assessment of demand for and supply of aggregates in the area.

If as a result of completing the review process, in co-operation with Swindon Borough Council, it is considered necessary to update the minerals and/or waste plans, either in full or in part, then the LDS will be updated. This will confirm the extent of joint working between the two authorities and be reflected in the Statement of Common Ground.

### **Emerging Neighbourhood Plans**

2.15 Neighbourhood planning is popular across Wiltshire. At the time of writing, 88 Neighbourhood Areas have been formally designated for the purposes of preparing a neighbourhood plan; and 31 plans within Wiltshire had been 'made' (adopted). These are listed in Table 2 above together with a Community Right to Build Order in Cherhill. In addition to the development plan documents in preparation, the following neighbourhood development plans are at an advanced stage of preparation having been submitted to Wiltshire Council for consultation and examination<sup>4</sup> (they have reached the Regulation 16 stage of plan preparation or beyond)<sup>5</sup>. Following successful examination and referendum, neighbourhood plans can be 'made' at which point they will also form part of the development plan for Wiltshire:

- Lydiard Millicent Neighbourhood Plan (referendum March 2020)
- Seagry Parish Neighbourhood Plan (referendum March 2020)
- North Bradley Neighbourhood Plan (referendum March 2020)
- Tockenham Neighbourhood Plan (referendum date not yet set)
- Market Lavington Neighbourhood Development Plan (examination commenced January 2020)
- The Winterbournes Neighbourhood Plan (Regulation 16 consultation commenced January 2020)

## **3. Overall programme for development plan document preparation**

3.1 The overall programme for the preparation of DPDs, including significant milestones, is

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<sup>4</sup> Position at January 2019

<sup>5</sup> Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 requires the local planning authority to as soon as possible after receiving a plan proposal to publicise the plan on their website and in such other manner as they consider is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area and include details on how to make representations on the plan over a period not less than 6 weeks.

summarised in the following chart. **Appendix A** includes profiles for each document.

3.2 Each DPD document follows a similar process:

- (i) Public consultation on the scope of plan
- (ii) Plan preparation (including evidence gathering and informal consultation)
- (iii) Publication of the plan for pre-submission consultation (i.e. before submission to the Secretary of State)
- (iv) Submission to the Secretary of State
- (v) Examination (including hearings and receipt of Inspectors report)
- (vi) Adoption

3.3 An important milestone for each document is the point at which the document is submitted to the Secretary of State. Critical to maintaining progress in relation to each document is the role of Cabinet and Full Council. Cabinet provides Member approval to progress key stages of plan preparation and authorise consultation procedures. Full Council is required to approve a DPD for submission to the Secretary of State and finally adopt the plan as required by the Council's constitution and legislative requirements.



**Table 4: Summary programme for development plan document production**

	2020				2021				2022				2023	
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	
Gypsy and Travellers DPD	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Public consultation on the pre-submission draft DPD (Reg 19)	Public consultation on the pre-submission draft DPD (Reg 19)	Plan preparation including evidence gathering and refinement following consultation stages	Submission to Secretary of State following Cabinet and Council approval (Reg 22)	Examination process (including hearings and receipt of Inspectors report)	Examination process (including hearings and receipt of Inspectors report)	Adoption by Council	
Wiltshire Local Plan Review	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Informal engagement of revised scope and emerging strategy	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Public consultation on the pre-submission draft DPD (Reg 19)	Plan preparation including evidence gathering and refinement following consultation stages	Plan preparation including evidence gathering and refinement following consultation stages	Submission to Secretary of State following Cabinet and Council approval (Reg 22)	Examination process (including hearings and receipt of Inspectors report)	Examination process (including hearings and receipt of Inspectors report)	Adoption by Council	

Plan preparation including evidence gathering and refinement following consultation stages
Informal consultation on the scope and content of the G & T DPD (Reg 18)
Informal engagement of revised scope and emerging strategy
Public consultation on the pre-submission draft DPD (Reg 19)
Submission to Secretary of State following Cabinet and Council approval (Reg 22)
Examination process (including hearings and receipt of Inspectors report)
Adoption by Council

## 4. Supporting information

### Implementing the Wiltshire Core Strategy

4.1 The Wiltshire Core Strategy was adopted in January 2015 it will remain adopted policy for Wiltshire until adoption of the Wiltshire Local Plan Review currently envisaged early 2023. To support the continuing implementation of the Core Strategy there are other projects that have been completed. These are:

- (i) Infrastructure Delivery Plan (IDP) 3 - sets out detailed guidance on what infrastructure will need to be provided to support planned development. **Completed December 2016**. This will be reviewed as part of the Local Plan with published updates as part of the ongoing consultation, as appropriate. Viability assessment will be an important part of plan making to understand the deliverability of infrastructure alongside development.
- (ii) Community Infrastructure Levy Charging Schedule<sup>6</sup> - sets out the type and scale of contributions that will be required to help provide the infrastructure to support development, based on the Infrastructure Delivery Plan and Wiltshire Core Strategy. **Approved May 2015**<sup>7</sup>. The charging and collection of CIL are regularly monitored. This will be reviewed alongside the preparation of the Local Plan.
- (iii) The Wiltshire Regulation 123 List (soon to be superseded) - sets out the infrastructure that the Council may fund, in whole or in part, by the Community Infrastructure Levy. **Approved September 2016**. The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 has replaced the Regulation 123 Lists with annual Infrastructure Funding Statements, which set out how much money has been raised through developer contributions (both through CIL and section 106 obligations) and how it has been spent. The Infrastructure Funding Statement will also include a list of infrastructure that Wiltshire Council may fund, in whole or in part, through CIL. The first Wiltshire Infrastructure Funding Statement will be published by 31 December 2020 in line with the Regulations.
- (iv) Planning Obligations Supplementary Planning Document (SPD) - provides detailed guidance on the application of Core Policy 3 of the Wiltshire Core Strategy. The SPD sets out how the Council will use section 106 planning

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<sup>6</sup> The Community Infrastructure Levy (CIL) is a charge which local authorities in England and Wales are empowered, but not required, to charge on most types of new development in their area. CIL charges are based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on infrastructure to support the development of the area.

<sup>7</sup> Planning Practice Guidance states that "...charging authorities should also consider linking a review of their charging schedule to any substantive review of the evidence base for the relevant Plan." The review of the CIL Charging Schedule for Wiltshire will be informed by the evidence gathered to support the review of the Wiltshire Local Plan.

obligations alongside other mechanisms for securing developer contributions towards infrastructure. **Adopted October 2016.** This SPD will be reviewed through the Local Plan Review to ensure conformity with emerging new policies and the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, which removed restrictions on the use of section 106 planning obligations.

### **Supporting the Wiltshire Housing Site Allocations DPD**

- 4.2 The Trowbridge Bat Mitigation Strategy Supplementary Planning Document (SPD) was prepared to support the implementation of the Wiltshire Housing Site Allocations Plan and the Wiltshire Core Strategy. It was adopted alongside the Site Allocations DPD in February 2020. The SPD is a strategy for considering the impacts of development in the Trowbridge area on the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and sets out an approach for mitigation to avoid significant adverse impacts.

### **Supporting the Wiltshire Local Plan Review**

- 4.3 The Wiltshire Local Plan Review will present new policies and amend existing policies, where necessary, to bring them into line with the NPPF and current practice. It is proposed that in a number of policy areas specific guidance will be prepared to support implementation. At present it is intended to include:
- (i) Wiltshire Green Infrastructure Strategy - to set out a strategic Wiltshire-wide green infrastructure network that will comprise of both new and existing green spaces; walking, cycling and horse riding routes; parks, recreational spaces and play areas; water courses and water bodies; areas of high biodiversity value; and access and wildlife corridors such as inland waterways and rivers.  
**In progress**
  - (ii) Affordable Housing Supplementary Planning Document - to set out detailed guidance on the interpretation and implementation of affordable housing policies which will be amended as part of the Wiltshire Local Plan Review in response to changes in the definition of affordable housing included in the NPPF. **In progress**

### **Authority Monitoring Report**

- 4.4 Authority Monitoring Reports (AMR) monitor and review how well the council has performed against the timetable set out in the LDS and any changes needed to maintain an up to date LDS. The role of the AMR is also to monitor the effectiveness of the policies included in each DPD.
- 4.5 The Localism Act removed the requirement to submit an AMR to the Secretary of State for approval; it does not contain provisions to remove the need for an AMR. It is now for each council to decide what should be included in their AMR while ensuring that

they are prepared in accordance with legislation<sup>8</sup>. Wiltshire Council continues to produce monitoring data on an annual basis.

### **Governance and Risk assessment**

- 4.6 Risk assessment will be undertaken during the LDS period by senior managers and will consider mitigation and contingency measures that may need to be implemented to ensure that sound DPDs are prepared and developed in a timely manner. The Council has put in place governance arrangements for the Local Plan to ensure its delivery, through the formation of a Programme Board at senior level across key Council service areas. The Board's remit is to provide overall leadership and direction for decision making in relation to plan and policy formulation; and to ensure that the project is delivered against the project scope, timescales, budgets and other identified constraints. The Programme Board will also have responsibility to ensure adequate resources and to assign project priorities

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<sup>8</sup> Letter to chief planning officers on preparation and monitoring of local plans, March 2011

## APPENDIX A: Document Profiles

DEVELOPMENT PLAN DOCUMENT PROFILES	
Wiltshire Local Plan Review (2016-2036)	
<b>Role and subject</b>	<p>The purpose of the review of the adopted Local Plan will be to assess the future levels of need for new homes (including market, affordable and specialist housing)<sup>9</sup> and employment land over the period 2016-2036 and to provide an appropriate basis for housing, employment land and infrastructure provision over that period.</p> <p>It will involve considering if the existing adopted development strategy remains relevant, identifying new site allocations relating to housing and employment together with supporting services and infrastructure.</p> <p>It will not be the purpose of the review to change or remove strategic objectives or policies that remain in accordance with national policy and support the delivery of sustainable development.</p> <p>The review will also include:</p> <ul style="list-style-type: none"> <li>targeted updating of existing Wiltshire Core Strategy development management policies to ensure their continued consistency with national policy;</li> <li>the introduction of further detailed development management policies as part of a review of the saved development management policies not replaced by the Wiltshire Core Strategy; and</li> <li>developing additional locally distinctive policies to plan positively for all town centres in Wiltshire consistent with national policy.</li> </ul>
<b>Geographical coverage</b>	Wiltshire (excluding Swindon)
<b>Document type/status</b>	Development plan document
<b>Chain of conformity</b>	National policy
Timetable	
Stage	Dates
Initial consultation on the scope of plan	Commenced November 2017
Plan preparation (including evidence gathering and informal consultation, with public consultation commencing Q3 2020)	Over the period Qtr 1 2018 to Qtr 3 2021
Publication of plan for pre-submission consultation	Commencing Qtr 3 2021
Submission to Secretary of State	Qtr 2 2022
Examination (including hearing and receipt of Inspector's report)	Commencing Qtr 2 2022
Adoption	Qtr 1 2023

<sup>9</sup> A separate Development Plan Document will address Core Policy 47 'Meeting the needs of Gypsies and Travellers'

<b>DEVELOPMENT PLAN DOCUMENT PROFILES</b>	
<b>Gypsies and Travellers DPD</b>	
<b>Role and subject</b>	This DPD will identify the future level of need for accommodation for Gypsy and Travellers, including travelling showpeople to 2036. It will identify sites to meet permanent and temporary accommodation needs and focus on Core Policy 47 'Meeting the needs of Gypsies and Travellers' of the Wiltshire Core Strategy.
<b>Geographical coverage</b>	Wiltshire (excluding Swindon)
<b>Document type/status</b>	Development plan document
<b>Chain of conformity</b>	National policy
<b>Timetable</b>	
<b>Stage</b>	<b>Dates</b>
Initial consultation on the scope of plan	Commencing Qtr 2 2020
Plan preparation (including evidence gathering and informal consultation)	Qtr 2 2020 - Qtr 3 2021
Publication of plan for pre-submission consultation	Commencing Qtr 2 2021
Submission to Secretary of State	Qtr 1 2022
Examination (including hearing and receipt of Inspector's report)	Commencing Qtr1 2022
Adoption	Qtr 4 2022

## GLOSSARY

A guide to the terminology used in this document

**Authority Monitoring Report (AMR)** - A report on how the council is performing in terms of the Local Development Framework. It includes a review of the Local Development Scheme's timetable and monitors the success of development plan document policies.

**Community Infrastructure Levy (CIL)** - A charge levied by the council on new development to fund the provision of infrastructure and wider community benefits. In order to charge the levy, the council must have an adopted CIL Charging Schedule.

**Community Infrastructure Levy Charging Schedule** - A document that sets out the council's schedule of charges on various forms of development. The Charging Schedule must be based upon a robust evidence base (linked to the Infrastructure Delivery Plan and robust viability assessments) and subjected to meaningful consultation. The Schedule is examined by an independently appointed assessor (generally the Planning Inspectorate); and if found sound, the council can then charge CIL.

**Development Plan Document (DPD)** - A document or documents setting out the council's planning policies and proposals. They are subject to community involvement, consultation and independent examination. A sustainability appraisal is required for each development plan document. The adopted development plan will include any Neighbourhood plan which have been formally made under the relevant legislation.

**Gypsy and Traveller Accommodation Assessment (GTAA)** - An assessment of the accommodation needs of gypsies and travellers.

**Local Development Document (LDD)** - The documents that set out planning policies for specific topics or areas, which make up the Local Development Framework.

**Local Development Framework (LDF)** - A portfolio of local development documents including all those policies forming the framework for future development.

**Local Development Scheme (LDS)** - A timetable for the preparation of local development documents.

**Local Plan** - Development plan document(s) setting out the spatial vision and strategic objectives of the planning framework for an area. All development plan documents collectively comprise the Local Plan.

**National Planning Policy Framework** - The National Planning Policy Framework was first published on 27 March 2012 and revised in July 2018 and February 2019. The framework gives guidance to local councils in drawing up local plans and on making decisions on planning applications to deliver sustainable development.

**Neighbourhood Planning** - The Localism Act, which received Royal Assent on 15 November 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans. Once adopted these plans become part of the Development Plan

**Saved Plan** - Under the Planning and Compulsory Purchase Act 2004, adopted Local Plans have the status of "saved plans" until they are replaced by local development documents.

**Saved Policies** - The Government has set out procedures for saving adopted local plan policies beyond the period allowed in the Planning Act for saved Local Plans, until they have been replaced by policies in local development documents.

**Spatial Planning** - Includes economic, social and environmental issues as well as the physical aspects of location and land use.

**Sustainability Appraisal (SA)** - This is required under national legislation for emerging policy and include consideration of social and economic impacts as well as impacts on the environment. Wiltshire is producing a combined SA and Strategic Environmental Assessment (see below).

**Statement of Community Involvement (SCI)** - This is a document which sets out how the council will consult and involve the public at every stage in the production of the Local Development Framework. It also applies to major development control applications. The SCI is not a development plan document.

**Strategic Environmental Assessment (SEA)** - An appraisal of the impacts of policies and proposals on economic, social and environmental issues, required by European legislation. A combined SEA and Sustainability Appraisal is being undertaken for Wiltshire.

**Supplementary Planning Document (SPD)** - A Local Development Document which provides additional advice and information relating to specific policy or proposals in a Development Plan Document.



**Wiltshire Council**

**Cabinet**

**24 March 2020**

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**Subject: SEND Inclusion Strategy 2020-2023**

**Cabinet Member: Cllr Pauline Church Cabinet Member for Children, Education and Skills**

**Key Decision: Key**

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## **Executive Summary**

This report describes the key achievements of the previous (Special Educational Needs and Disability) SEND strategy 2015 – 2019, before setting out the background and the consultation that was taken forward to create a SEND Inclusion Strategy for 2020 – 2023.

This strategy has been developed in co-production with parent/carers, children and young people and the organisations who make up the Wiltshire SEND Local Area Partnership.

The main focus of this strategy is to support the development of inclusion for children and young people with SEND.

As a member of the SEND Local Area Partnership, there are three main considerations for the cabinet:

- To be assured that the strategy reflects the scope of intention regarding SEND inclusion and whether the consultation process appropriately included and enabled Wiltshire stakeholders to engage in the development of this strategy.
- To understand and support how the strategy will be monitored
- To appreciate the financial situation and be assured that the appropriate activity is referred to in this strategy.

The priorities created through the development of the strategy received good support from stakeholders. This strategy seeks to create an overview of the work that that will be taken forward in the next few years to support the education and wellbeing of children with SEND in Wiltshire.

Further detailed plans will come to the SEND local area partnership board to support the development of the priorities included in the attached SEND Inclusion Strategy.

## **Proposal(s)**

To approve the SEND Inclusion Strategy 2020 - 23

**Reason for Proposal(s)**

To support the work of Wiltshire's SEND Local Area through this SEND Inclusion Strategy 2020 - 23

**Terence Herbert**

**Chief Executive Officer – People**

## Wiltshire Council

### Cabinet

24 March 2020

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**Subject:** SEND Inclusion Strategy 2020-2023

**Cabinet Member:** Cllr Pauline Church Cabinet Member for Children, Education and Skills

**Key Decision:** Key

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### Purpose of Report

1. For cabinet to note and approve the SEND Inclusion Strategy 2020 - 23

### Relevance to the Council's Business Plan

The strategy supports Wiltshire Council's commitment to support strong communities and protect the most vulnerable. Specifically, improved support for those with mental health or learning disabilities and improved outcomes for children with a disability and care leavers.

### Background

2. The previous three year SEND strategy completed at the end of 2019. Seven priorities were established for this three-year period:
  - Priority 1 – Clear, Comprehensive and Accessible Information
  - Priority 2 – Right Place and Right Time
  - Priority 3 – Improving Outcomes & Practice
  - Priority 4 – Focus on Inclusion
  - Priority 5 – Early Identification, Positive Engagement & Improved Transitions
  - Priority 6 – Supporting Settings & Staff
  - Priority 7 – Managing Financial Pressures
3. Over this period the following work was achieved through these priorities:

#### Priority 1

- The local offer website was established
- Wiltshire Parent Carer Council (WPCC) established over 2500 members (compared to the national average of 400 members)
- A new training programme led by parent/carers and professionals together for all parents with a child with SEND, called "Time Out for Families", was successfully piloted and will be continued as part of this new strategy
- The Local Area took forward a comprehensive self assessment and established a data dashboard to monitor progress.

## **Priority 2**

- Wiltshire Council was successful in an application for a new free school for 150 children/young people with Autism (ASD) and/or Social Emotional and Mental Health difficulties (SEMH)
- An additional 52 resource base places have been created
- A commitment has been established to bring three special schools in the north together as one new school, committing £33m to create up to 400 places across the three sites.

## **Priority 3**

- Key stage one and two results for children with SEND have significantly improved, from being in the bottom quartile of national results to the top quartile by 2018.
- Over 80% of applications for an Education, Health and Care Plan (EHCP) are completed in 20 weeks compared to the national average of 58%<sup>1</sup>
- The conversion of Statements to EHCPs was met to schedule in April 2018, based on person centred planning
- Satisfaction regarding the impact of our short breaks scheme was rated at 97% by respondents and WPC and Wiltshire Council were invited to meet the minister for Education to share the success of this scheme.
- 94% of young people with SEND when leaving education go into further training or employment, this is one of the highest rates in the country.

## **Priority 4**

- 51% of children and young people are in an inclusive school settings (mainstream schools, resource bases or Enhanced Learning Provision) (national average 38%). Wiltshire has continued to invest in resource bases and this has been welcomed by parent/carers
- Training has been taken forward through the Families and Children's Transformation programme (FACT) across the partnership using THRIVE, an approach to trauma informed practice.

## **Priority 5**

- There has been a significant shift towards early intervention which has led to better early years outcome for all children with SEND in the measurement of a Good Level of Development (GLD)
- A new transitions guidance document has been developed and has been well received by professionals and families

## **Priority 6**

- New guidance has been taken forward around banding, funding, referral for EHCPs, annual reviews and the commitment with Virgin Care and Oxford Health for training has been renewed
- New funding has been drawn in to offer school-based support for mental health, with a range of online options
- SENCO<sup>2</sup> networks have been established

## **Priority 7**

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<sup>1</sup> <https://www.gov.uk/government/publications/local-authority-interactive-tool-lait>

<sup>2</sup> SENCO – Special Educational Needs Coordinator in schools

- Funding pressures have continued to rise, and while Wiltshire has contained its costs when compared to other Local Areas in the country, overall the growing deficit remains a significant and major concern.
- Over £15m of new funds have been brought into the local area to support SEND priorities in the last 18 months through grants and applications (Army rebasing funds, SEND capital grant, funding from the Department for Education (DfE) to build a new special school in the South).

Wiltshire was also subject to the new SEND Local Area Inspection led jointly by the Care Quality Commission (CQC) and Ofsted. Wiltshire was praised particularly for its partnership working, our commitment to engagement with parent/carers, and our holistic and child centred approach to responding to the changes led by the Children and Families Act 2014. Following the inspection, the CQC/Ofsted can choose to send a letter of improvement to the local area. Wiltshire was one of a minority of local authorities where no letter was required.

*“Senior leaders in the local area from education, health and social care are working together constructively to deliver and improve services for children and young people who have special educational needs (SEN) and/or disabilities. They demonstrate ambition to deliver high-quality outcomes for children and young people, despite the increasing demands on budgets and financial constraints. As a result, they have detailed and appropriate plans in place to tackle their key priorities for improvement”<sup>3</sup>.*

#### 4. Focus for next three years

The new strategy creates a new vision for SEND for the future, building on the work of the SEND local area inspection, blending this work into that of the Health and Wellbeing board and wider strategies such as FACT and the development of the Bath, Swindon and Wiltshire CCG partnership (BSW).

The Vision created with stakeholders through consultation is:

**“All children and young people with SEND and their families will have a voice that is heard. They will know how to access, and be able to access the joined-up support they need to thrive in their communities, to enjoy life and reach their full potential”**

This is to be underpinned by the following principles, also created by stakeholders, that all children/young people with SEND will:

- **Be safe and feel safe when trying new things**
- **Be able to learn from each other and grow together with all children/young people**
- **Be able to have choice wherever possible**
- **Have access to information and communication for themselves and the people around them that helps them along**

<sup>3</sup> <https://files.ofsted.gov.uk/v1/file/2763765>

- Experience joined up help and support because this strategy is being coproduced
- Have additional needs identified early so support can start as soon as possible
- Be educated as close to home as possible

The priorities established by stakeholders for the next three years are:

1. Developing holistic plans with children and young people
2. Inclusion and removing exclusion in education
3. Inclusion and wellbeing in the community
4. Improving the range and quality of provision
5. Achievement and progress
6. Well planned transitions

The Stakeholders agreed that we should achieve this by:

- Working with children and young people with SEND so that they can tell us how we are doing
- Setting up a SEND and Inclusion board involving representatives of all the people and organisations who got involved in the consultation and can help us make this strategy happen
- Using the joint agency Families and Children Transformation programme (FACT), the Health and Wellbeing Board and the Bath and North East Somerset, Swindon, Wiltshire (BSW) Clinical Commissioning Group (CCG) to support and coordinate change through all the relevant organisations
- Working closely with schools/colleges/nurseries on a regional basis to improve inclusion
- Setting up a monitoring process which lets us know if we are achieving our vision linked to each of the priority areas (a SEND Dashboard)
- Creating a budget recovery plan that links to the strategic priorities
- Reporting to everyone about the money to ensure that we can afford these plans
- Developing Quality Assurance e.g. through self-evaluation and peer evaluation for services
- Creating a universal wellbeing check that children and families can use themselves
- Making our strategy and our minutes from the SEND and Inclusion Board available online so that everyone can see what we are doing and achieving
- Having an annual opportunity for all stakeholders to talk about how we are doing to ensure we stay on track, for example by a webinar.

**Main Considerations for the Council**

5. The strategy sets out a comprehensive response to the views, comments and issues raised by stakeholders through the consultation process. This strategy represents a core document with high levels of engagement which sits amongst a range of strategic responses to the scope of the issues that the local area SEN partnership wants to develop and address. There are separate plans either in place or in development which create the detail behind each of the priorities and actions identified in the strategy.

There are three main considerations for the cabinet:

- To be assured that the strategy reflects the scope of intention regarding SEND inclusion and whether the consultation process appropriately included and enable Wiltshire stakeholders to engage in the development of this strategy.
- To understand and support how the strategy will be monitored
- To appreciate the financial situation and activity surrounding, and included, in this strategy

## 6. The consultation

There were four main ways in which consultation was taken forward:

### a) Meetings with young people

Our Youth Ambassadors met with 21 young people with SEND across Wiltshire. The Youth Consultants took forward in depth interviews with 21 young people across the timescale of roughly two weeks. A relatively small pool of respondents was collated, however a range of age, gender, academic abilities and geographical location was achieved.



Three venues were visited; Lavington secondary school, Hardenhuish secondary school (Chippenham) and Old Sarum Youth Club (Salisbury). This variety allowed the consultants to identify a range of different SEND experiences and identify how reports of these experiences differed between respondents interviewed in an educational (Lavington and Hardenhuish) setting and respondents interviewed in an informal (Old Sarum Youth Club) setting.

### b) Face to face meetings with parent/carers and professionals

Officers working alongside Wiltshire Parent Carer Council (WPCC) had three initial meetings across the county with parent/carers, professionals and community members.

Locations	Number of Attendees
7 <sup>th</sup> October 2019, Assembly Room, Town Hall, Devizes	31
8 <sup>th</sup> October 2019, Chippenham Golf Club	19

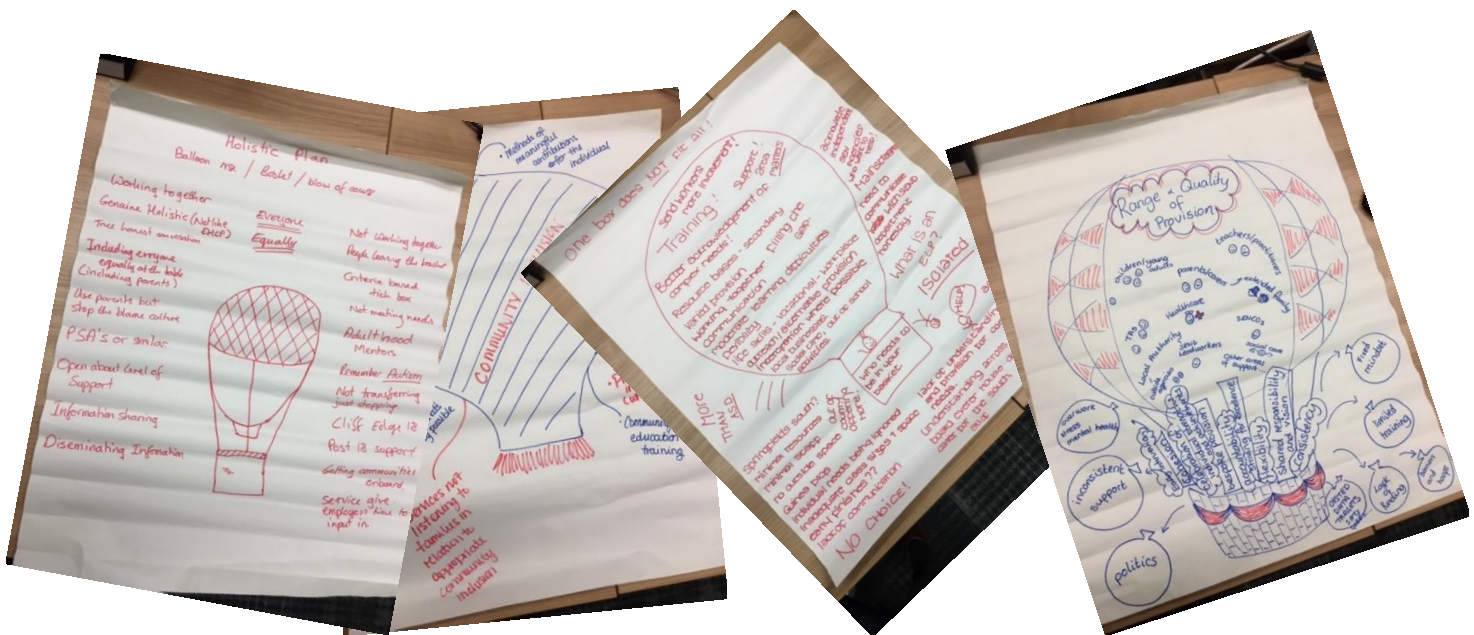
In these meetings a set of slides was shared and then attendees took part in a number of workshop activities to explore what has been achieved so far around SEND and inclusion and what would be important for the future.

The team creating the strategy (WPCC and professionals from across the local area for SEND in Wiltshire) then met together to gather together what had been said. From these deliberations seven priorities were proposed and an initial vision statement set out.

There were then three further meetings, where stakeholders (some from the existing meetings, but mostly new attendees) came together to review the priorities, develop the vision statement and identify key actions for the strategy.

Locations	Number of Attendees
11 <sup>th</sup> November 2019, Salisbury City Hall	18
14 <sup>th</sup> November 2019, Corn Exchange Devizes	17
21 <sup>st</sup> November 2019, Wiltshire College, Chippenham campus	10

Below are photos of some of the notes



**c) Meetings with Professionals and schools**

The team went to a number of meetings including:

- Head Teachers regional briefings
  - 16<sup>th</sup> September, Devizes, 18 attendees

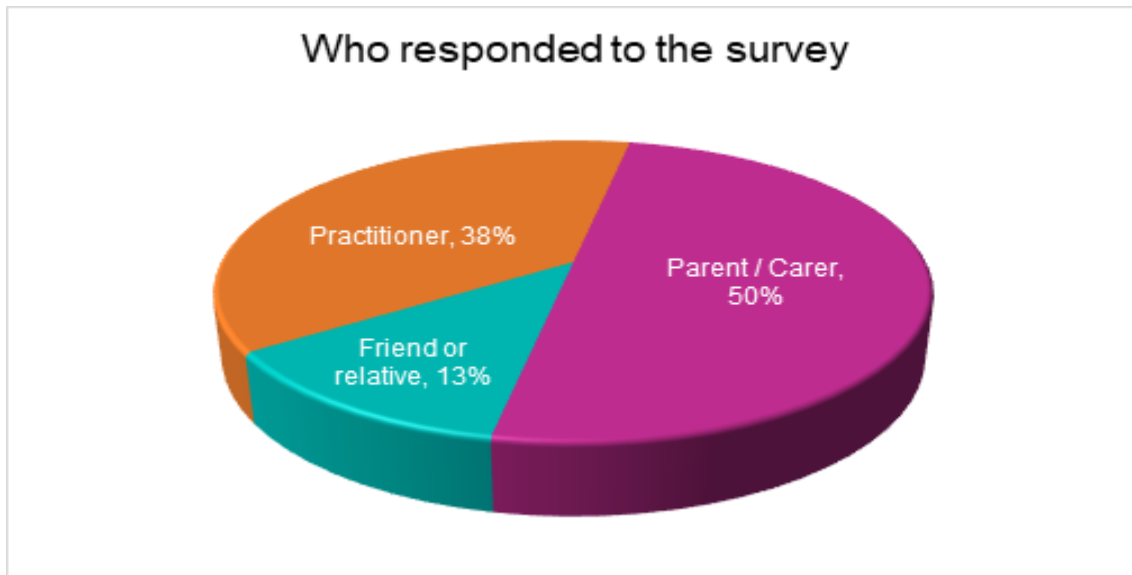


- 17<sup>th</sup> September, Trowbridge, 38 attendees
- 18<sup>th</sup> September, Chippenham, 25 attendees
- 19<sup>th</sup> September, Salisbury, 35 attendees
- Primary Head Forum (PHF) and the Secondary Heads Association (WASH)
- SENCO networks

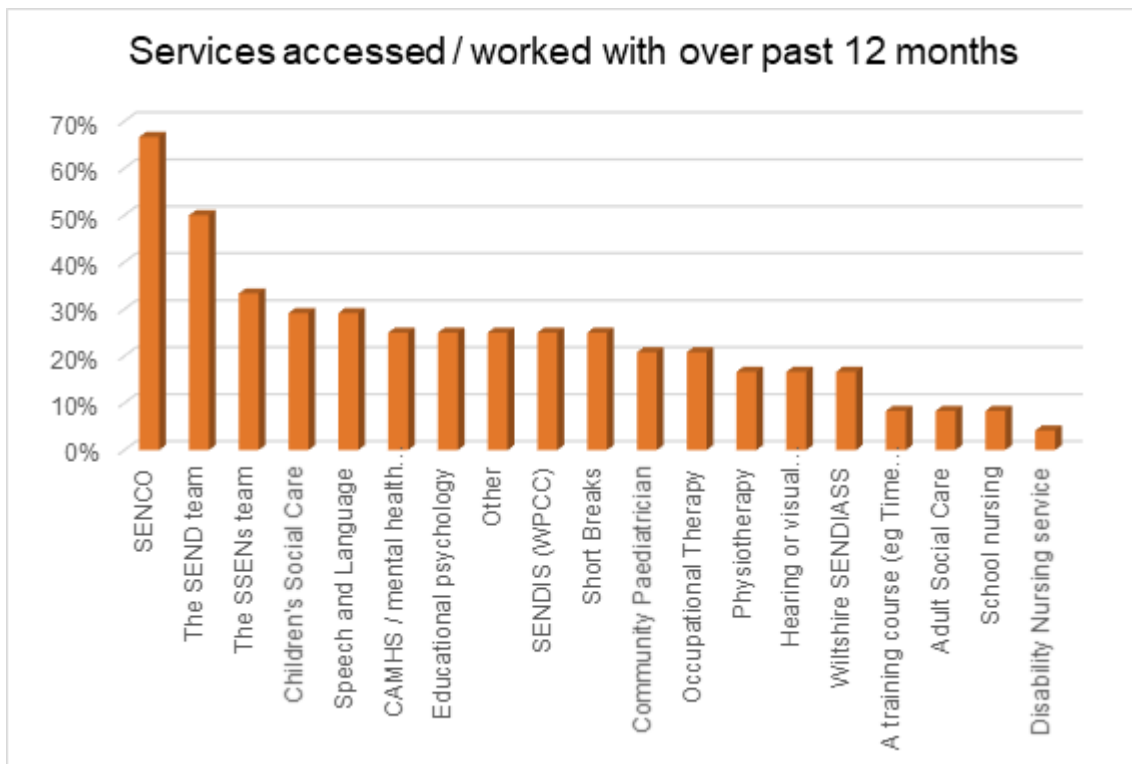
These were helpful meetings enabling schools to engage with the agenda and discuss their part in making the principles and priorities work in their schools.

**d) An online survey**

The on-line SEND Inclusion Strategy survey received twenty-four responses from parent carers, practitioners and friends or relatives. This ratio was similar to the representation in the face to face meetings.

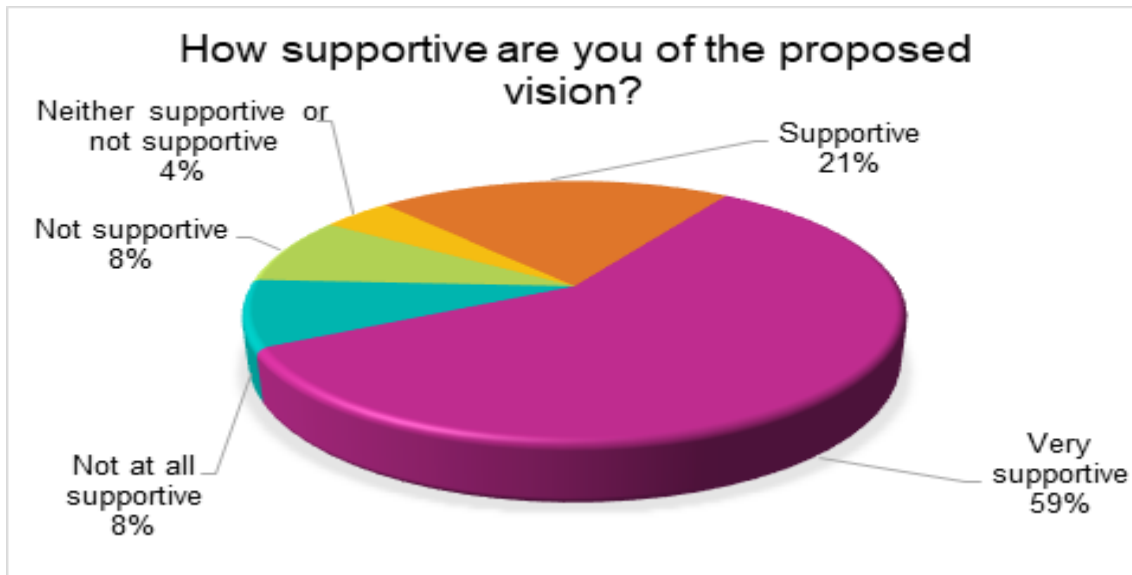


The participants had accessed a wide range of services, with School SENCO's

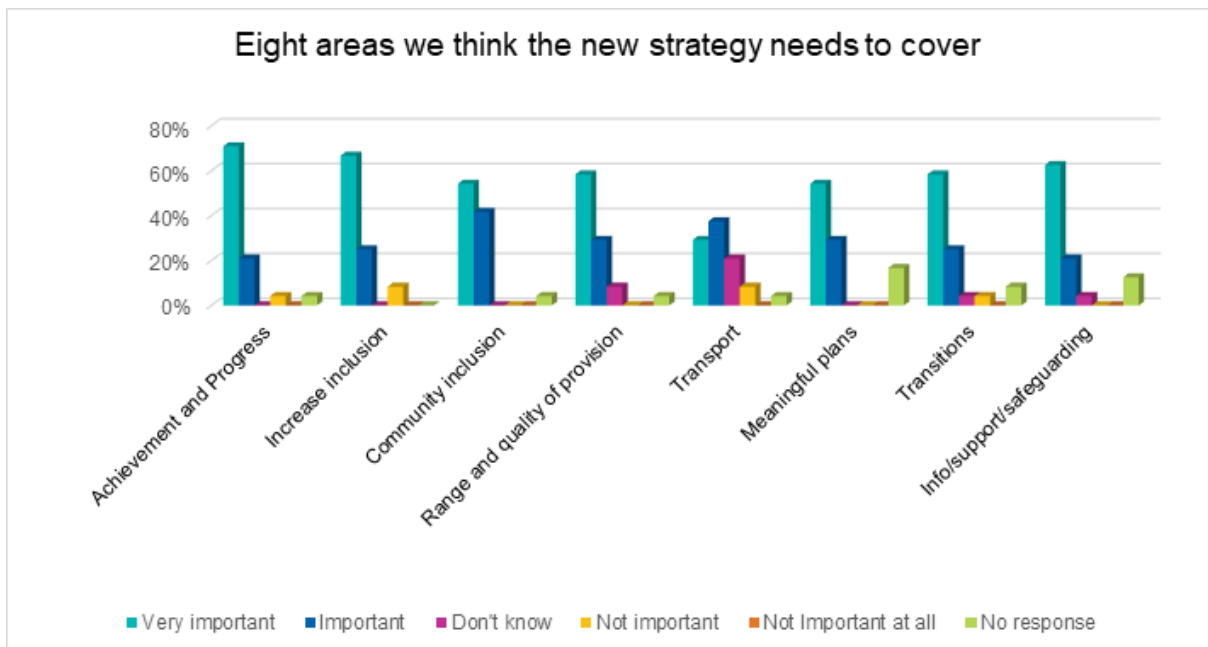


remaining one of the most used sources of support and help, followed by the Wiltshire Council's SEND and (Specialist SEN) SSENs teams.

80% of respondents reported that they were 'supportive' or 'very supportive' of the proposed vision. 16% said they were 'not supportive or 'Not at all supportive' of the proposed vision. No further information was given about the reasons.



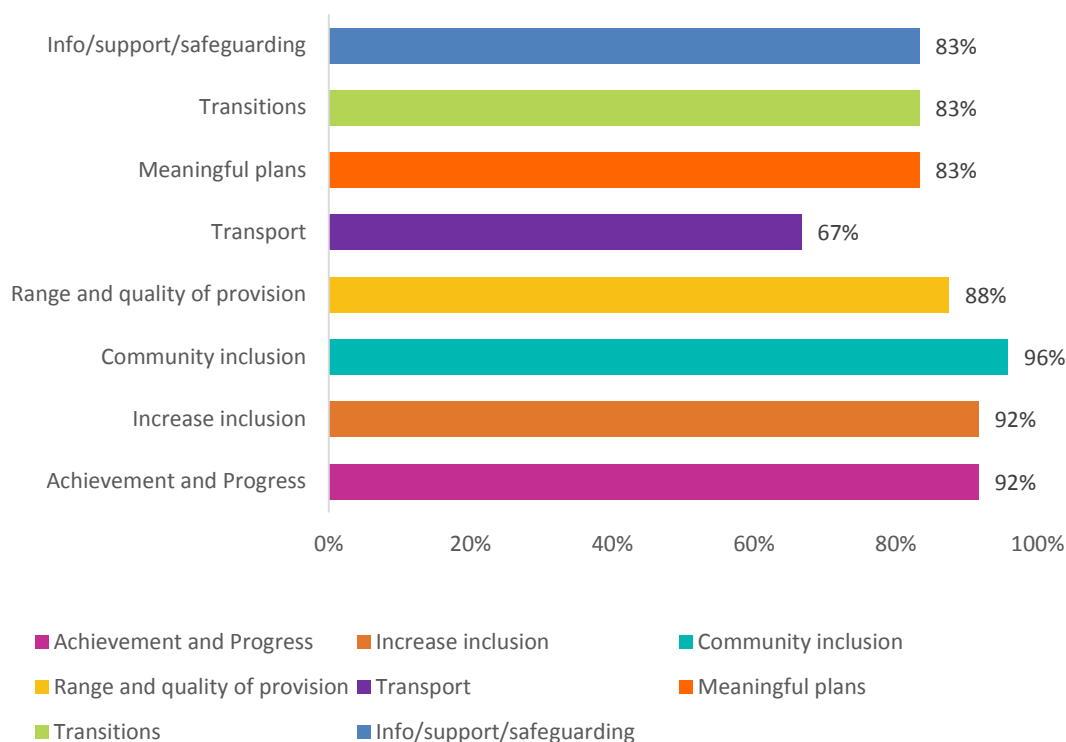
The majority of respondents thought it was 'very important' or 'important' that the areas below were covered in the strategy.



Their main priority just ahead of Progress and achievement and school inclusion was "Inclusion in the community". This reflects the discussion with the children and young people, where isolation and stigma were identified as some of their most significant concerns.

Below the chart shows the areas which rated "very important" and "important".

## Eight areas we think the new strategy needs to cover



### 7. Monitoring the Strategy

The second consideration for the Council is how this strategy will be monitored. There has been a new SEND Local Area Board created. Members of the board include:

- Wiltshire Council (including, commissioning, the SEND service, public health and social care)
- The Clinical Commissioning Group
- Our Community Health provider – Virgin Care
- Our Children’s Mental Health provider – Oxford Health
- Wiltshire Parent Carer Council
- A representative of Wiltshire schools and early years settings
- A representative of the children’s Voluntary Sector Forum

This group will be responsible for monitoring the progress and outcomes as articulated in the strategy. The group has informally existed since the introduction of the 2014 Children and Families Act. This strategy will helpfully formalise the responsibilities and commitments of the stakeholders involved.

### 8. Funding & Schools Forum

There are two distinct funding streams for pupils with SEN & disability. Local authority budgets and the high needs block (HNB) of the ringfenced DfE dedicated schools grant (DSG.) There is opportunity for members to increase local authority budgets to reflect local demand pressures. Significant investment has been made in those services funded by the local authority in recent years reflecting the

Council's commitment to vulnerable pupils. Wiltshire is also investing in new Special School provision in the north, funded from borrowing on top of the SEND capital grant.

The funding for the schools, educational services and support for pupils with SEN & disability through the DSG is allocated annually by the department for education (DfE.)

Funding per pupil per local authority has been compared, out of a total of 149 local authorities, Wiltshire schools are 15<sup>th</sup> lowest funded. For high needs pupils, Wiltshire is the 105th lowest funded local authority for HN block funding per pupil which sounds reasonable until you consider that Wiltshire is funded at 12% of the highest funded local authority and would need to be multiplied by 8 to bring Wiltshire up to the top of the table and be aligned with Windsor and Maidenhead. A significant part of the current formula is based on historical pupil number snapshot at a time when Wiltshire had comparatively low numbers of pupils with "statements." The DfE will be reviewing the formula for high needs pupils for 2021-22 financial year and we anticipate a larger proportion of the national funding level which better reflects the numbers of children and young people with EHCPs in Wiltshire.

It has been nationally recognised that the level of funding for the most vulnerable pupils has been historically insufficient and included in the 2020-21 allocation is an additional £4.441m which is Wiltshire's share of the additional £680m (with £100m held centrally for adjustments) announced by the government in August 2019. Whilst this additional funding is most welcome, it does not fully address the magnitude of the cumulative pressures from previous financial years nor does it fully address the anticipated pressure for 2020-21 financial year for Wiltshire. The pressure on the 2020-21 high needs budget has been estimated at £14.4 million. This reflects both current year and 2020-21 demand increases.

The Department for Education has recently consulted and now agreed on changing the conditions and regulations applying to the dedicated schools grant (DSG), to clarify that it is a ring-fenced specific grant, separate from the general funding of local authorities. It will also clarify that local authorities are expected to carry forward any deficits they may have on their DSG accounts, and the deficit does not have to be covered by their general reserves.

It is therefore imperative that schools and local authority officers work together in strategic partnership to ensure value from provision for pupils. Schools Forum agreed a transfer of 0.8% (£2.200 million) in 2019-20 and have agreed a 0.7% (£2.065 million) for 2020-21. The growth fund has been set at the DfE funded level which is estimated at being £1.6 million higher than Wiltshire's required level. This will create a positive variance to offset HNB pressures elsewhere. A new working group, reporting to the SEND Inclusion Board, comprising heads and local authority officers has been set up support and challenge the programme of transformational work, to develop mainstream inclusion, ensure core processes are in place and expand the number quality specialist placements available in Wiltshire schools. These factors are inherent in the SEND Inclusion Strategy.

## **Overview and Scrutiny Engagement**

9. A verbal briefing has been provided to the chair and vice-chair of the Children's Select Committee (and open to members of the committee and members of the SEND task group). The draft strategy has been presented to:
- The SEND Local Area Board (who also have the lead on this strategy)
  - The Clinical Commissioning Group Board
  - The FACT Board
  - The regional school's meetings
  - WPCC
  - And is scheduled to go to the Health and Wellbeing Board in early April 2020.

### **Safeguarding Implications**

10. The implementation of this strategy will continue to prioritise the safeguarding needs of children and young people with SEND. Stakeholders particularly established a number of principles for the way the strategy is implemented and one of those is to keep children/young people safe, but with a particular focus on how we can enable children and young people and their families to take risks which take forward their wellbeing in safe ways.

### **Public Health Implications**

11. The wellbeing and health of our children and young people with SEND is clearly at the heart of this strategy. The local area partnership, through the SEND Inclusion board, will be working together to improve the health and wellbeing of children and young people with SEND enabling them to be confident members of their communities.

This should both maintain our commitments within public health as well as the wider commitments within the Wiltshire business plan (2017 – 27), but more importantly, building on our commitment to partnership, genuinely enable our children and young people with SEND to thrive in our communities.

### **Procurement Implications**

12. There are no direct implications for procurement although a number of the intended projects will involve procuring services. This will be taken through appropriate processes as required by the council Part 10 Procurement and Contract Rules.

### **Equalities Impact of the Proposal**

13. A review of equalities impact has been taken forward for this strategy, but each project will also need to assess the impact as they are progressed. Overall the impact is positive as this strategy is focused on supporting the needs of some of our most vulnerable children, young people and their families in Wiltshire.

### **Environmental and Climate Change Considerations**

14. The impact of the strategy should support Wiltshire's commitment to combating the negative effects of climate change by supporting children and young people

with SEND to be part of their local community and minimising transport to access schools out of county wherever possible. Through this we hope they can also participate in all local schemes which support the 'reduce, recycle and reuse' agenda.

**Risks that may arise if the proposed decision and related work is not taken**

15. There are no direct risks appertaining to this report, however it is essential to the wellbeing of children with SEND and the financial efficacy of our work that we put in place a plan that has full engagement and agreement of stakeholders to enable the necessary actions to be taken.

**Financial Implications**

16. As described in the main considerations within this report, despite additional investment, the financial challenges continue both at a local and national level. The work of the high needs block working party is key in developing a strategic approach and reducing the Council and Wiltshire schools exposure to further financial risk.

The proposed action plan activities are wide and varied and the group will both support and challenge management of these.

A series of the project or actions proposed in the strategy have a particular impact on financial recovery. These include:

<b>Projected Recovery Plans &amp; Savings</b>	<b>20-21 Forecast £M</b>	<b>21-22 Forecast £M</b>	<b>22-23 Forecast £M</b>
Dyslexia friendly schools	-0.007	-0.050	-0.100
Inclusion and school effectiveness project	-0.800	-1.000	-1.000
ELP/RBs	-0.400	-0.400	-0.400
SEND assessment and EHCP	-1.000	-1.000	-1.000
Review of INMSS including commissioning challenge	-0.500	-0.500	-1.000
Post 16 Transition	-0.300	-0.600	-0.600
SEND AP project	-0.360	-0.360	-0.500
Digital solutions	-0.500	-1.000	-2.000
Early intervention and support project	-0.200	-0.300	-0.500
<b>Total Estimated Working Group Savings Target</b>	<b>-4.067</b>	<b>-5.210</b>	<b>-7.100</b>

**Legal Implications**

17. There are no specific legal implications from the implementation of this strategy although each project or area of work may have specific issues that will be appropriately considered through the business and action plans of each project.

**Workforce Implications**

18. There are no specific Human Resource implications in implementing this strategy, however the strategy is a commitment to a fundamental cultural

change which will lead to reviews of the SEND system and therefore at some point job descriptions and responsibilities.

## **Conclusions**

19. The Strategy is commended for approval by Wiltshire Cabinet as part of the commitment made as a partner of the Wiltshire Local area SEND partnership.

## **Helean Hughes (Director - Education and Skills)**

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Report Author: Judith Westcott – Head of special school transformation

Date of report 23.3.2020

## **Appendices**

The draft SEND Inclusion Strategy 2020 – 2023





# **Wiltshire SEND Inclusion Strategy 2020 – 2023**

## Foreword

Welcome to this document that sets out the strategy for all children and young people with special educational needs and disabilities (SEND) 0 – 25 in Wiltshire.

This strategy has been put together through working with parent carers, children and young people, voluntary sectors groups, Wiltshire Parent Carer Council (WPCC) and professionals from across a partnership of organisations that work with people with SEND including Wiltshire Council, Wiltshire Clinical Commissioning Group, Wiltshire pre-schools settings and childminders, schools and colleges, our provider of children's and adolescent's mental health support (Oxford Health) and our provider of community care (Virgin Care).

As a partnership we want the very best for our young people with SEND (including those on SEND Support and with an Education Health and Care Plan) now and in the future and we believe that inclusion needs to be at the heart of our strategy so that every child or young person with SEND feels valued and empowered to be part of their community now and in the future.

Cllr Pauline Church

Cabinet member for Children, Education and Skills



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## Coproduction

Wiltshire is committed to coproduction and as part of this strategy we want to take the next steps<sup>1</sup> towards working together.



The creation of this strategy has been a good opportunity to work together and ensure that the local area is prioritising the work that will make the most difference in the lives of families and children with SEND. The participation of parent carers, children and young people and the wider community is vital to ensuring that we can bring inclusive communities together.

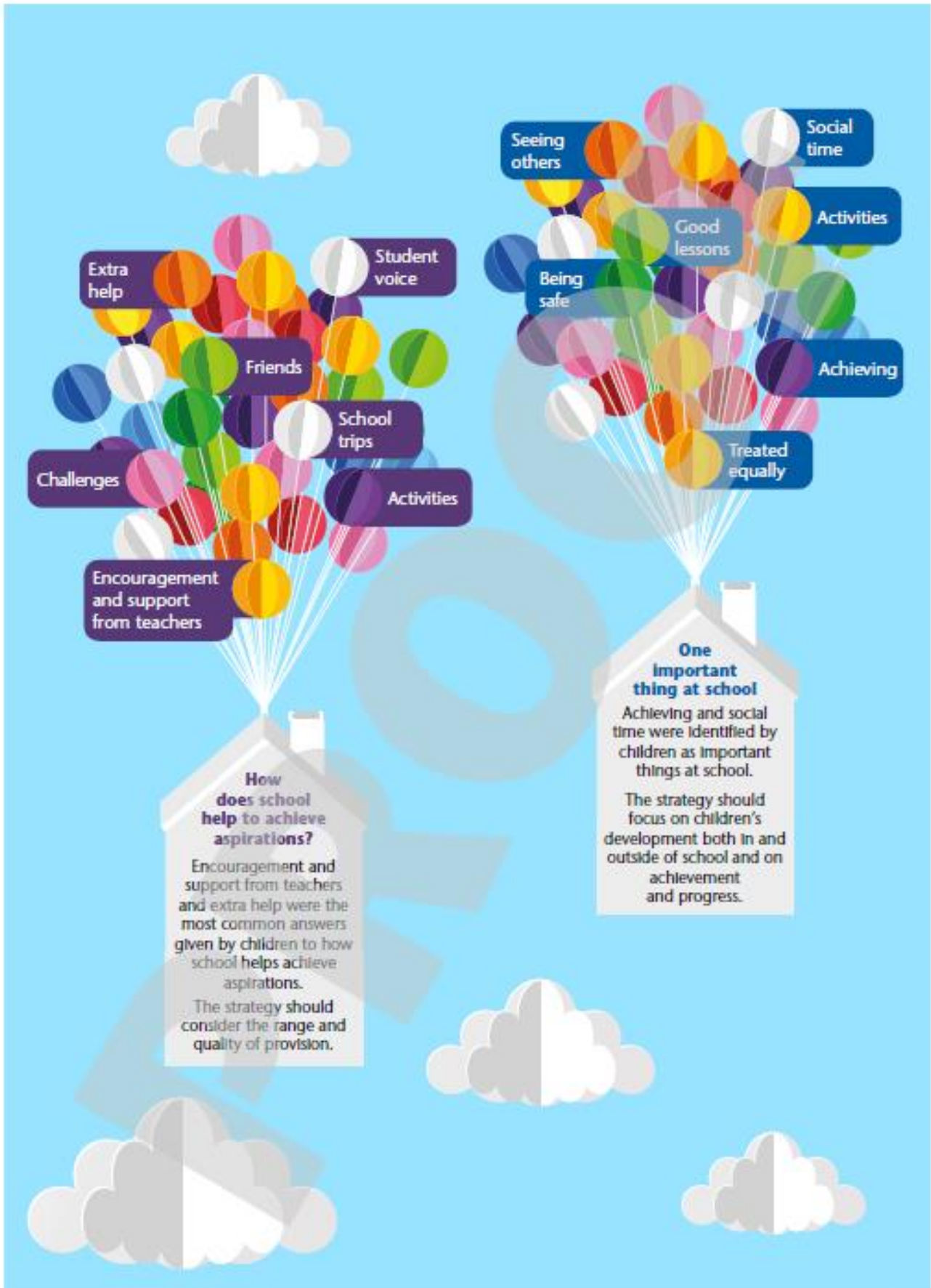
<sup>1</sup> <https://lx.iriss.org.uk/sites/default/files/resources/Co-production.pdf>

# What Children and Young People with SEND think is important to include in the strategy

## What children and young people with SEND think is important to include in the strategy

While the professionals and our parents did their thinking we had some time with Voice and Influence team lead to talk about what we thought was important.





## 1) Introduction – the Vision

The vision is to work together to create an environment where:

**“All children and young people with SEND and their families will have a voice that is heard. They will know how to access, and be able to access the joined-up support they need to thrive in their communities, to enjoy life and reach their full potential”**

### Key Principles

Underpinning this, stakeholders set out some key principles that must run through the implementation of the strategy that all children and young people should:

- **Be safe and feel safe when trying new things**
- **Be able to learn from each other and grow together with all children and young people**
- **Be able to have choice wherever possible**
- **Have access to information and communication for themselves and the people around them that helps them along**
- **Experience joined up help and support because this strategy is being coproduced**
- **Have additional needs identified early so support can start ASAP**
- **Be educated as close to home as possible**

The vision and principles for this strategy is built on the commitments that have been developed by stakeholders and partners over the last few years, including Wiltshire’s Health and Wellbeing Partnership (2019 -2022)

“People in Wiltshire live in thriving communities that empower and enable them to live longer, fulfilling healthier lives”

You can read this document by following this link:

<https://cms.wiltshire.gov.uk/documents/s167722/D19025-HW2018-strategy-v6.pdf>

And the vision set out in Wiltshire’s Transformation plan for children and young people’s mental health and wellbeing (2015 - 2020) which is now being developed through the Bath and North East Somerset, Swindon and Wiltshire Clinical Commissioning Group (BSW CCG)

*‘All children and young people have the opportunity to thrive and enjoy good mental health now and throughout their lifetimes, they are resilient and equipped to manage the ups and downs which life throws at them. Those with emotional wellbeing and mental health needs can seek the right support, recover and participate in welcoming, inclusive and supportive communities’.*

You can read this document by following this link:

[http://www.wiltshireccg.nhs.uk/wp-content/uploads/2019/11/WiltshireCCGLTPRefresh2019\\_FINAL-2.pdf](http://www.wiltshireccg.nhs.uk/wp-content/uploads/2019/11/WiltshireCCGLTPRefresh2019_FINAL-2.pdf)

## 2) National Context

Nationally the Children and Families act 2014<sup>2</sup> changed the way professionals work together to meet the needs of children with SEND. Our strategy needs to ensure that we:

- get education, health care and social care services working together better
- tell children, young people and their parents what they need to know about their disability or special educational needs
- make sure children, young people and families know what help they can get when a child or young person has special educational needs or a disability
- make sure different organisations improve how they work together to help children and young people with special educational needs
- give children and young people and their parents more say about the help they get
- set up one overall plan to look at what help a child or young person needs with their education, and their health and social care needs, all at the same time
- give a child or young person just one plan for meeting their education, health and social care needs, which can run from birth to age 25 if councils agree that a young person needs more time to get ready for adulthood
- make sure children, young people and their parents can choose the help they need
- provide ways to help sort things out if a child or young person or their parent needs to appeal about the help they get

In 2015 Ofsted and the Care Quality Commission (CQC) set up a new inspection of local areas of all the organisations in a county who are helping children and young people with SEND. This is a five-year programme completing the first round of inspections in 2020. Ofsted have also changed their working brief so that there is more focus in school inspections on the most vulnerable pupils, as they know that more work needs to be done and that more funding is needed<sup>3</sup>.

In October 2019 the House of Commons Education Committee published a first report on special educational needs and disabilities<sup>4</sup> since the 2014 act. The Council for Disabled Children<sup>5</sup> summarised the report noting that:

*“While the reforms contained in the 2014 Children and Families Act were the right ones, implementation was hampered by a lack of resources, poor administration, a lack of accountability, and a disjointed approach not only across central government but within the DfE, as well as on the ground.*

*The Committee recognises that in a fragmented system, co-ordination across local authorities, the health service and schools must be prioritised. The system is already under pressure, with a funding shortfall in children’s services and schools under strain. The Committee notes that early support in schools is vital, that local authorities need increased powers to build schools, and that support to children must be, and too often isn’t, high quality. Any work by central government to resolve shortcomings in the system needs to address responsibilities under the Equality Act 2010. Increasingly the indications are that the system has lost focus on the impact of a range of factors that are compromising the rights of disabled children to an education.”*

As part of this statement the government has announced a full review of SEND services during 2020<sup>6</sup>

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/359681/Young\\_Person\\_s\\_Guide\\_to\\_the\\_Children\\_and\\_Families\\_Act.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/359681/Young_Person_s_Guide_to_the_Children_and_Families_Act.pdf)

<sup>3</sup> <https://nasen.org.uk/news/send-report-published.html> & <https://nasen.org.uk/news/national-audit-office-report-support-for-pupils-with-send-in-england.html> & <https://www.ssatuk.co.uk/blog/send-no-longer-the-poor-relation-during-an-ofsted-inspection/>



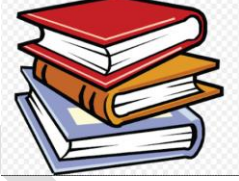


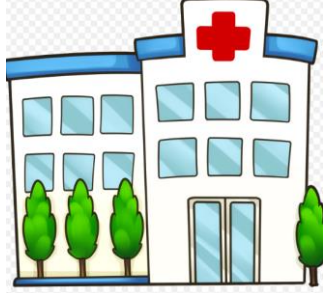


<sup>4</sup> <https://publications.parliament.uk/pa/cm201919/cmselect/cmeduc/20/20.pdf>

<sup>5</sup> <https://councilfordisabledchildren.org.uk/news-opinion/news/education-committee-inquiry-send>

<sup>6</sup> <https://www.gov.uk/government/news/major-review-into-support-for-children-with-special-educational-needs>



### 3) Wiltshire Context

<p>8,500 children and young people with SEN Support</p>  <p>(12.2 % compared with national average of 11.9%)</p>	<p>6,685 children in Early Years settings</p>  <p>277 mainstream nurseries 4 District Specialist Centres</p>	<p>51% of children and young people with EHCP are placed in a mainstream, Resource Base or Enhanced Learning Provision (Nationally 38%)</p> <p>5.1% of pupils with an EHCP are in out of county independent special schools compared to 5% nationally.</p> 
<p>3,500 children and young people with an EHCP</p>  <p>(3.3% compared with national average of 3.1%)</p>	<p>69,773 children and young people in Wiltshire schools</p>  <p>239 Schools 20 Primary Resource Bases 33 secondary schools with Enhanced Learning Provision (ELP) 6 Special Schools</p>	<p>3 acute hospitals</p> <p>1 countywide Children's Community Health Services provider</p> <p>1 countywide CAMHS provider</p> 
<p>79% increase in number of EHCPs between 2013 - 2019 in Wiltshire</p>  <p>(National average 52%)</p>	<p>619 young people with SEND EHCPs in colleges and sixth form</p>  <p>79 post 16 colleges and sixth form settings</p>	<p>21% of pupils with SEND are registered for Free School Meals (FSM) (no-SEND 8%)</p> <p>4% of pupils with SEND have a case open as Children in Need (CiN) (No-SEND 0.6%)</p> <p>0.88% of children with SEND are looked after (LAC) (no SEND 0.14%)</p>

## 4) Statistics and Finance around children and young people with SEND

Chart 1 - Total number of EHCPs (and statements), 2010-2019

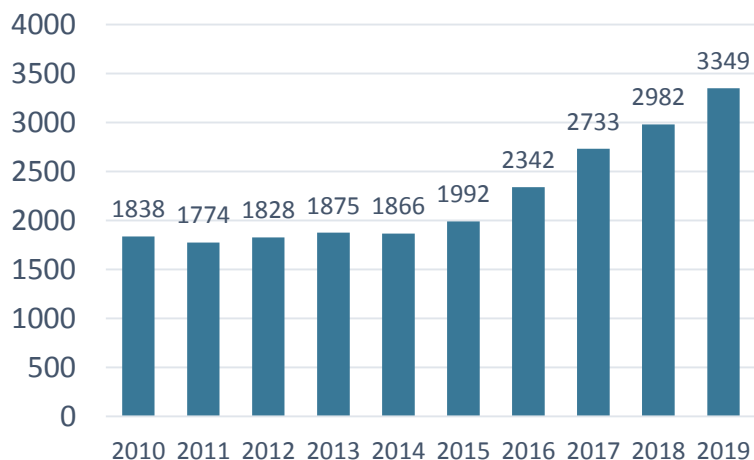


Chart 2 - Number of new EHCPs (and statements) 2010 - 2019 (calendar years)

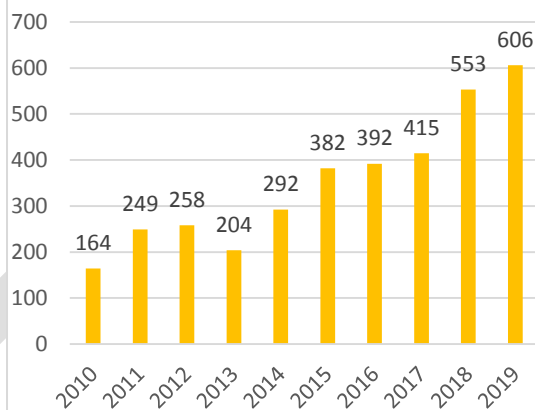


Chart 3 - High needs block allocations, spend, and level overspend, 2016-2020 (£mn)

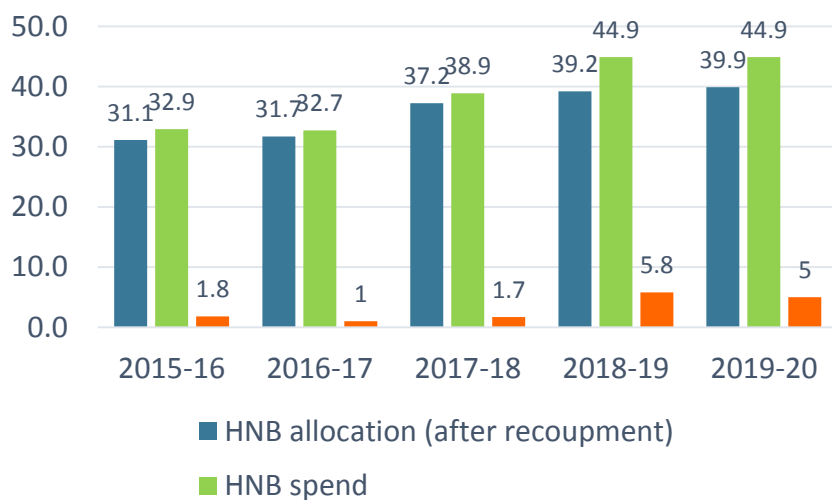


Chart 4 - Capital Scheme Total £M

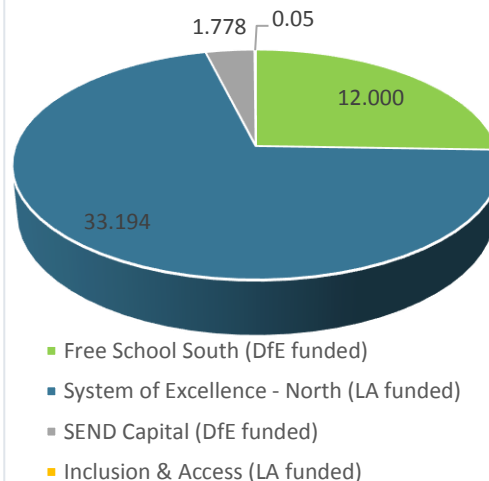


Chart 5 - Primary need profile 2019

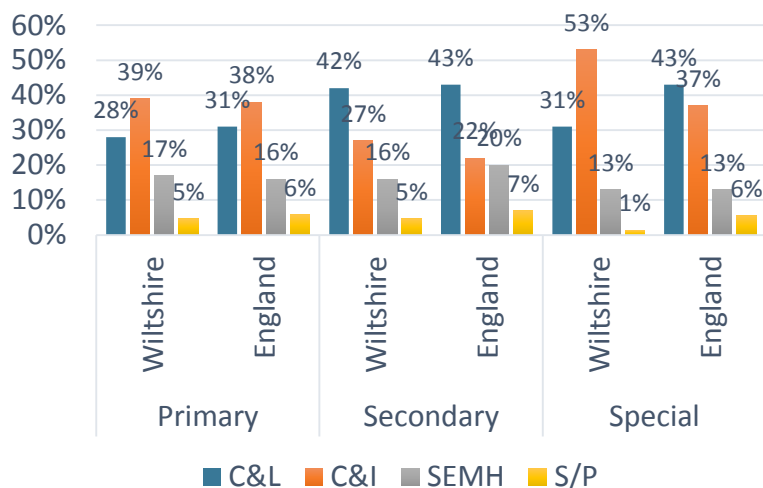


Chart 6 % of pupils with autism as their primary need by phase / sector, 2019

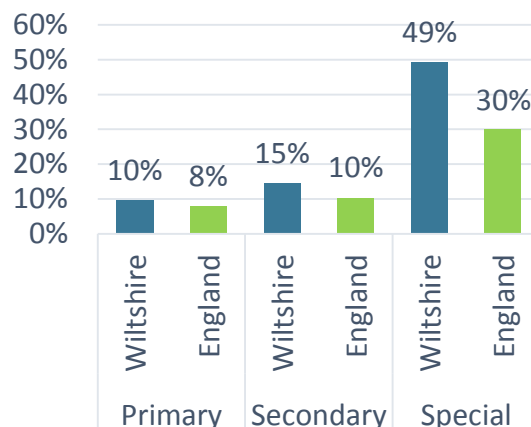


Chart 1: Since 2104 there has been a sharp rise in EHCP's following the introduction of the Children and families Act 2014. This has risen more significantly here in Wiltshire than in some other Counties

Chart 2: There was a sharp rise in the number of requests for EHCPs in 2018. The majority of these requests were made by Schools.

Chart 3: The funding available through the High Needs Block has steadily risen over the last 5 years, however spending has risen more steeply

Chart 4: This table shows the new funding that has been made available for capital projects, this includes external funds from the DfE and funding being made available through Wiltshire Council.

Chart 5: This table shows that Communication and Interaction (which includes autism/ASD) is the most common SEND designation for children in primary school. In Secondary school Cognition and learning is the most common SEND designation for young people. In both mainstream settings this is very similar to the national picture. In special schools Wiltshire has more children and young people with communication and interaction concerns than is the case across the county.

Chart 6: This table shows that the rise in the number of children and young people with communication and interaction is particularly linked to a diagnosis of ASD/autism. Significantly more of these pupils with ASD are in special school settings and we will need to review whether this is offering these children and young people the best access to qualifications and inclusion.

## 5) Outcomes

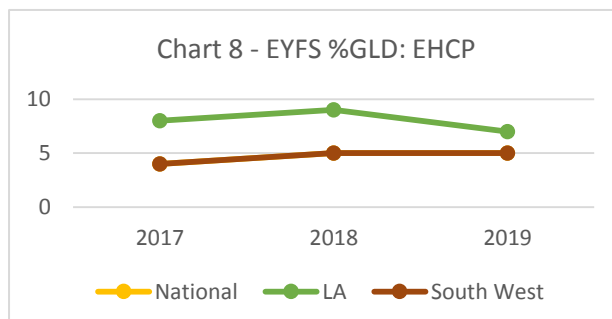
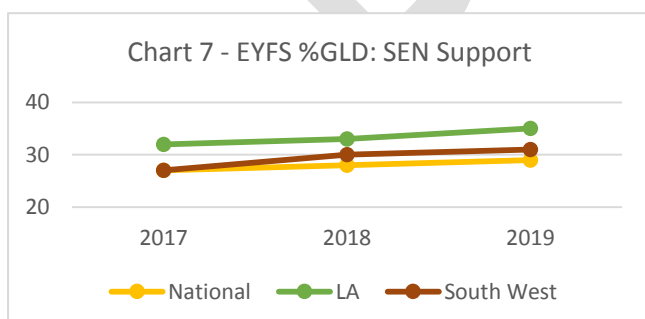
Wiltshire has done well in working towards the goals within the Children and Families Act 2014 and in 2018 we received a positive SEND Local Area Inspection. This was an inspection of how we all work together including schools, the council, WPCC, the voluntary sector and health<sup>8</sup>.

However, Wiltshire like other areas have struggled to create all of this within the funding that comes from central government. All the partners and stakeholders in Wiltshire are committed to continuing to improve services for children and young people with SEND, but we also know that we have to reduce our spending in line with the budget.

### Early Years Foundation Stage (EYFS)

Children with SEND achieve well at the end of EYFS when their achievement at the Good Level of Development (GLD) is compared to the national average, the South West and similar Authorities. Over time achievement has been above average for children in who have an Education Health and Care Plan (EHCP) and for children who receive SEND school support.

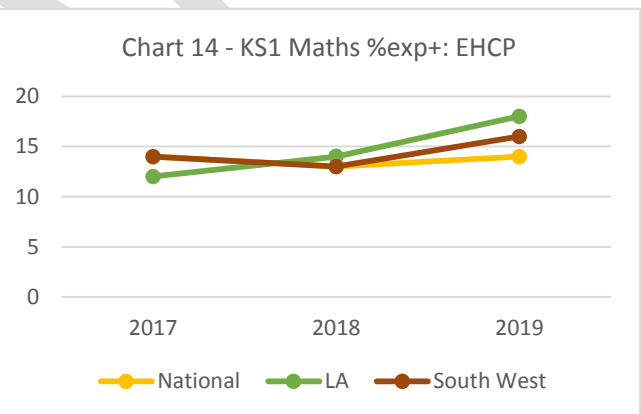
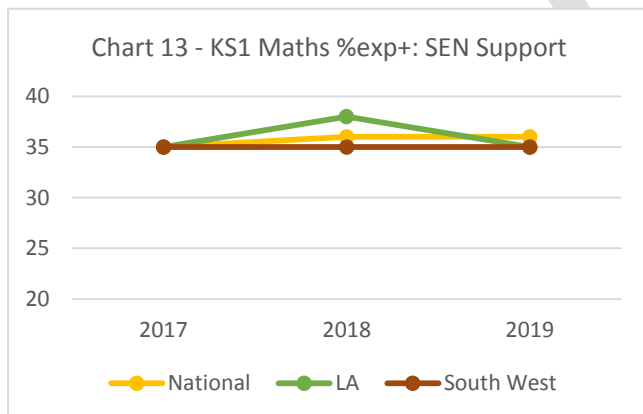
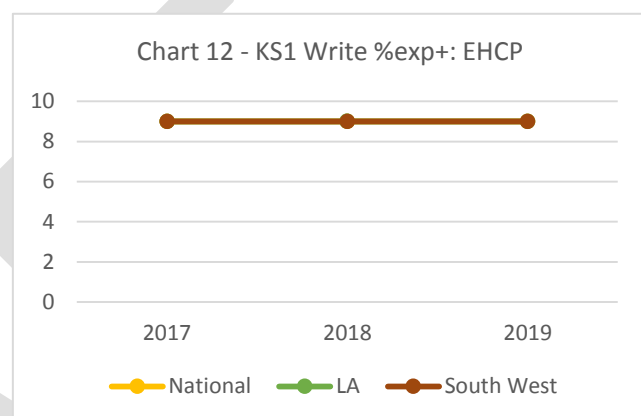
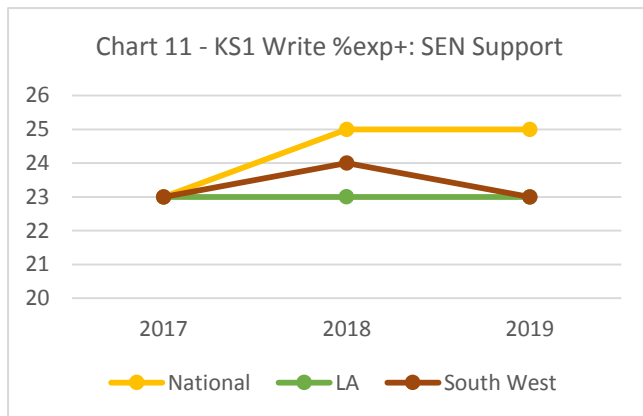
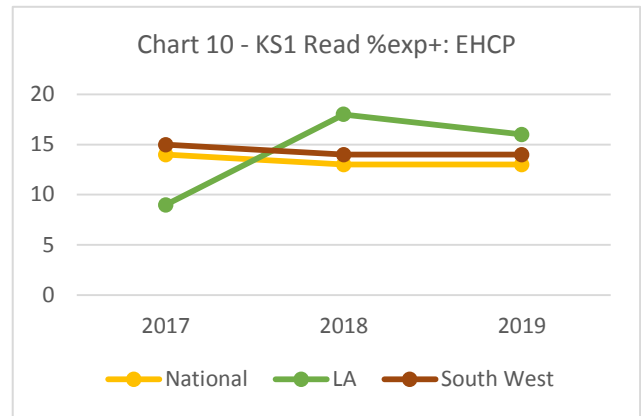
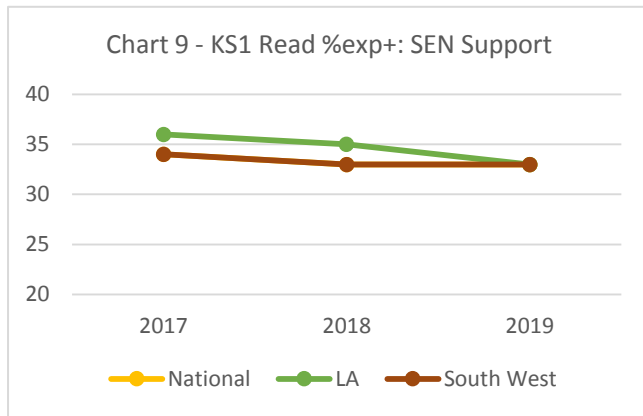
Chart 7 & 8 - GLD for all pupils with SEND



<sup>7</sup> C & L Cognition and learning, C& I Communication and interaction, SEMH – Social Emotional and Mental Health concerns, S/P Sensory/ Physical

<sup>8</sup> <https://files.api.ofsted.gov.uk/v1/file/2763765>

## Key Stage 1

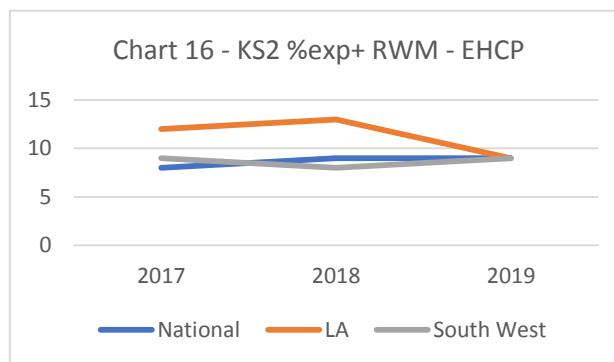
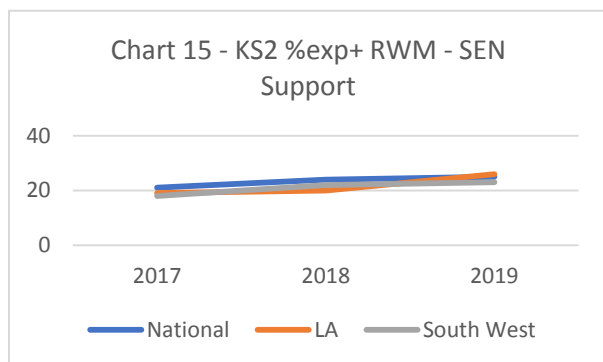


Key stage one results for both children on SEN Support and EHCP are either at or above national averages, part from writing which is below national achievements. However, both maths and reading for children with an EHCP is just above national averages.

## Key Stage 2

The percentage of children with an EHCP or on SEN Support in Wiltshire achieving the expected standard in reading, writing and mathematics is broadly in line with the national average.

Chart 15 & 16 Reading, writing and maths results combined for Key stage 2

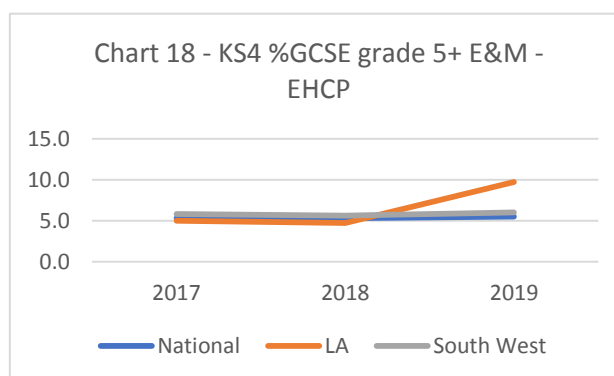
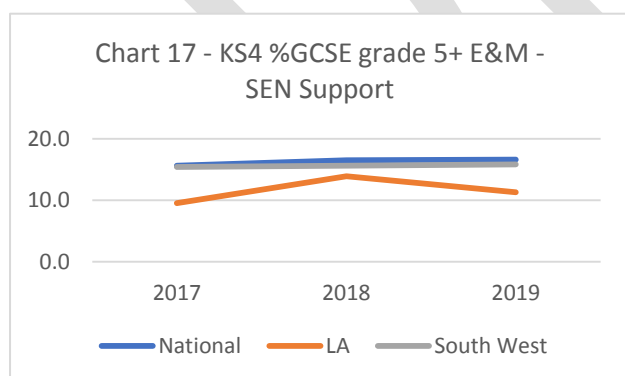


However, the rate of progress across KS2 varies between subjects. The colours in the tables below show where these results are significantly different from the national position. Children in Wiltshire with SEND are making better progress than similar children nationally in their reading. Progress in writing is weaker for pupils with SEND than nationally, continuing the trend from Key stage 1. Children with an EHCP are progressing better in maths than nationally. However, progress in maths for pupils at SEN support is not as good.

KS2 Reading progress	SEN Support	EHCP	No SEN
National	-1.03	-3.51	0.36
LA	-0.63	-2.69	0.36
KS2 Writing progress	SEN Support	EHCP	No SEN
National	-1.74	-4.27	0.53
LA	-2.29	-4.41	0.16
KS2 Maths progress	SEN Support	EHCP	No SEN
National	-1.04	-3.87	0.38
LA	-1.58	-3.64	-0.44

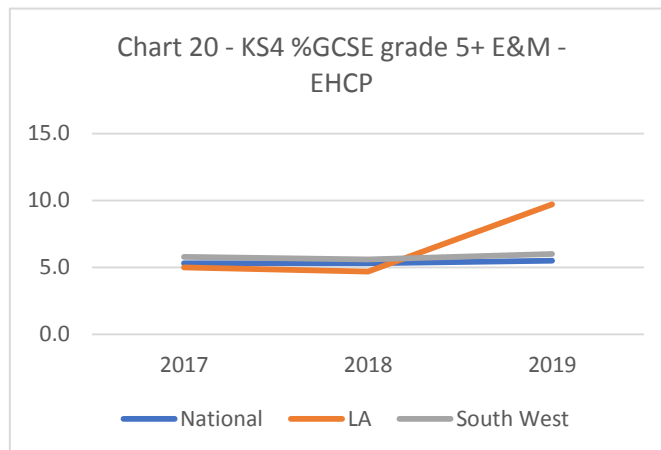
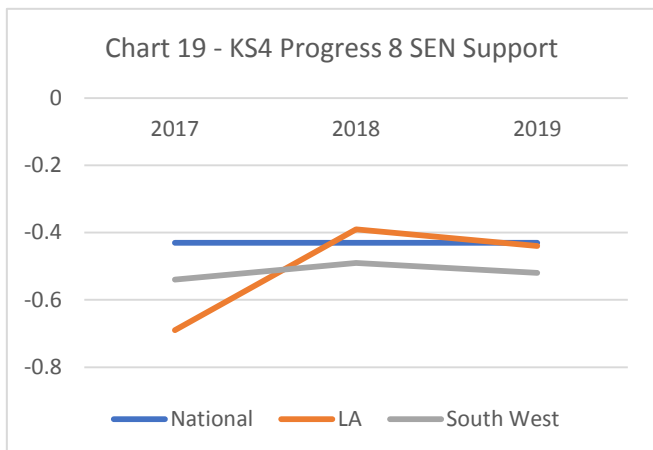
### Key Stage 4

Attainment at GCSE is better than nationally for young people with an EHCP, though young people at SEN Support attain slightly less well than their peers nationally.



KS4 GCSE grade 4+ English & Maths	SEN Support %	EHCP %	No SEN %
National	32.1	11.0	71.1
LA	31.1	13.3	74.6

Progress figures indicate the same pattern as attainment. Young people in Wiltshire with an EHCPs make more rapid progress than their peers nationally. The progress for SEN support children is similar to the national progress rate. From these figures we can conclude that strengthening SEN Support

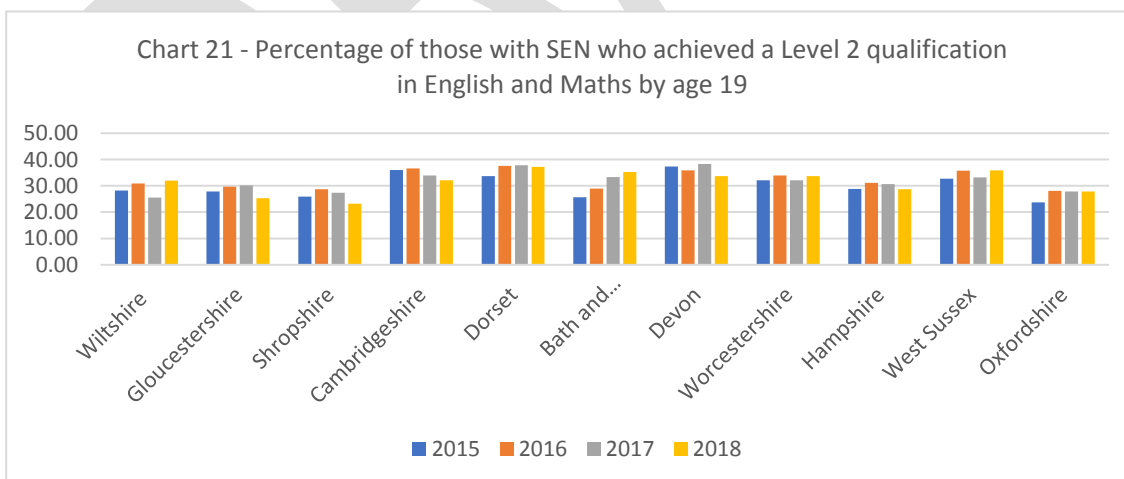


should be an important part of this strategy.

KS4 Progress 8	SEN Support	EHCP	No SEN
National	-0.42	-1.16	0.08
LA	-0.44	-0.92	0.14

### Key Stage 5

Of the 816 pupils with SEN, 31.99% achieved a Level 2 qualification in English and Maths by age 19. This compares well to Wiltshire's statistical neighbours average (31.3%) and the national average (30.62%). This ranks Wiltshire 62 nationally out of 152 Counties. These are sourced from the Department for Education's Level 2 and 3 attainment by young people aged 19 in 2018.



### Percentage of KS5 SEN entering education, employment or training destination

Of the 92 young people identified with SEN in Wiltshire in 2019, 85% continued into education, employment and skills. This figure appears to be a significant drop compared to the previous year (94%), however this indicator now includes those who were studying Level 1, 2, 3 and entry level

between the age 16-18. Wiltshire is slightly lower than its statistical neighbour's average (85.9%), and the national average (86%). Wiltshire is ranked joint 74 in the country<sup>9</sup>.

### Exclusions from School

In Wiltshire the latest data suggests that while Wiltshire schools permanently exclude fewer pupils with SEND, the use of fixed term exclusions for pupils with an EHCP is significantly above the national average. This is one of the reasons for prioritising inclusion within this strategy<sup>10</sup>.

Wiltshire	% Permanently Excluded	% Fixed term excluded	% more than 1 fixed term exclusion
Wiltshire SEN Support	0.11%	14.75%	6.83%
National SEN Support	0.34%	15.10%	6.09%
Wiltshire EHCP	0.05%	20.31%	14.75%
National EHCP	0.16%	15.95%	6.43%

In Wiltshire the latest data suggests that while Wiltshire schools permanently exclude fewer pupils with SEND, the use of fixed term exclusions for pupils with an EHCP is significantly above the national average. This is one of the reasons for prioritising inclusion within this strategy.

### Attendance at School

Children by SEND Status with Absence Rates. Data taken from the latest DFE published Exclusion Data for Academic Year 2017/18 with a comparison of Wiltshire Absence Rates to National Absence Rates - Persistent absentees are pupils who attend less than 90% of their available sessions. Red totals are higher than the national average and green below the national average

Wiltshire	% Persistent Absentees	% Overall Absence
Wiltshire SEN Support	17.27%	6.51%
National SEN Support	18.30%	6.50%
Wiltshire EHCP	24.53%	8.76%
National EHCP	25.10%	8.70%
Wiltshire No SEN	8.93%	4.42%
National No SEN	9.40%	4.40%

<sup>9</sup> This data was sourced from provisional destinations data published by DFE in October 2019, for mainstream schools 2016/17 cohort in 2017/18.

<sup>10</sup> Data taken from the latest DFE published Exclusion Data for Academic Year 2017/18 with a comparison of Wiltshire Exclusion Rates to National Exclusion Rates. Red totals are higher than the national average and green below the national average

## 6) The Priorities

Through the consultation 6 priority areas were drawn out:

- 1. Developing holistic plans with children/young people**
- 2. Inclusion and removing exclusion in education**
- 3. Inclusion and wellbeing in the community**
- 4. Improving the range and quality of provision**
- 5. Achievement and progress**
- 6. Well planned transitions**





## Priority 1 - Developing holistic plans with children/young people

**We want to ensure that there is a good plan for every child and young person with SEND which thinks about their whole life and has contributions from all the people and organisations that can help them reach their goals.**

### **What have we achieved so far?**

- Successful Local Area inspection for Wiltshire SEND (February 2018) and Children's services (June 2019), recognising the progress made through joint working
- The local area's quality assurance of plans suggests that 95% are helping children/young people and families
- We have set up the Harbour Centre in West Wiltshire and started to develop the model in the south east to support children with early mental health and emotional issues
- Established a Dynamic Support Register for children and young people with learning disability and/or autism with significant mental health needs.
- Developed person centred early identification, assessment and planning.

### **What do we need to do next?**

- a) Further improve communication and coordination between education, health and social care so that everyone has a clear understanding of the shared accountability for joint working throughout the SEND process with a specific focus on the role of health
- b) Improve the lines of communication together – so that each child or young person has one coordinated plan with one named key worker
- c) Further develop the local offer through clarifying pathways to early help and enhancing the breadth and depth of what is currently available
- d) Further develop the use of SEND Independent Advice and Support service (SENDIAS) to ensure the health offer is fully communicated to parents and schools
- e) Develop the auditing and quality assurance process for plans so that the information can be the best it can be
- f) Identify any gaps in service provision and make changes and adaptations to service roles to ensure gaps are addressed
- g) Utilize and develop digital opportunities for writing, reviewing and delivering plans
- h) Develop and further improve our decision-making panels to ensure that challenge, support and accountability is rigorously applied at all levels within the SEN system
- i) Reduce waiting times for support within statutory and health services, with specific recognition of mental health support services
- j) Strengthen the integrated 2-year-old pathway to support early identification and assessment.

### **Some examples of how we will know we have been successful:**

- Reduction in waiting times for accessing support ensuring help is not dependent on diagnosis
- Parents and professionals will say plans are more effective
- Children and young people will say their wellbeing has improved
- Parent carers will say the information they access is easier to understand
- Fewer young people become mental health inpatients
- Children & young people in vulnerable groups (e.g. LAC & CiN) receive timely assessments & plans.

## Priority 2 - Inclusion and removing exclusion in education

**We want to increase access to, and the capacity of, local mainstream schooling to better meet the needs of children and young people with SEND, including those with the higher level of need.**

**We want every child and young person to feel part of their school community and that the support, help, education and opportunities around them will help them on their journey.**

### **What have we achieved so far?**

- We have kept permanent exclusions at secondary level low
- We have developed ways of working in partnership to offer early help
- We have created a managed moves forum to help offer choice to children/young people
- We have new funding from the National Health Service – England (NHSE) to develop more support in primary and secondary schools for children and young people with mental health difficulties.

### **What do we need to do next?**

- a) Develop system capacity through a more focused training, coaching and mentoring approach by working with schools and colleges to increase the number of children/young people who are educated locally
- b) Develop and enhance the alternative provision offer through collaboration and coproduction with schools
- c) Review the role of our SEND teams to focus on system development and improvement to maximise impact for all children and young people with SEND
- d) Further utilise and develop ICT to provide quick virtual help to those working with children and young people with SEND
- e) Ensure that advice and guidance around managing behaviour that challenges is consistent and integrated across services
- f) Re-launch the Graduated Response tool so that it has a better user interface and is used more consistently and proactively by schools
- g) Support Wiltshire Parent Carer Council (WPCC) to work with parent carers of children with SEN Support or educated at home to recognise their needs and improve early support
- h) Further develop early intervention for young children with emerging mental health concerns
- i) Ensure better integration between services to support service access for families and young people with SEND
- j) Work with schools to reduce the stigma and associated bullying that young people with SEND experience
- k) Develop the support of the Virtual Schools team with SEND provision
- l) Manage, and strengthen quality checks for, unregulated provision.
- m) Ensure that all programmes (e.g. FACT, whole school SEND, early years programmes) focus on early help solutions and systems to build capacity and sustainability in our services.

### **Some examples of how we will know we have been successful:**

- There will be a year on year reduction on fixed term and permanent exclusions for children with SEND.
- More children and young people with SEND will be educated in mainstream settings year on year

- There will be a decreasing number of children and young people accessing Independent Special Schools year on year
- Improved early help will be shown by more children and young people with SEN Support plans balanced by a reduction in EHCPs year on year
- There are fewer children with SEND on reduced or part time timetables
- Every child is accessing safe educational provision.

## Priority 3 - Inclusion and wellbeing in the community

**We want to work with our communities so that children and young people with SEND and their families feel they can thrive.**

**We want to ensure we have highly effective systems, supports and structures for children and young people with SEND without needing an EHCP.**

### What have we achieved so far?

- We have developed a much-appreciated Short Breaks Scheme that give families the ability to control how money is spent
- We have successfully offered training for business and communities around Autism (ASD)
- We have developed a new course called 'Time Out' with and for parents which has been shown to offer all parents/carers of children with SEND a supportive course not dependent on having a diagnosis
- We have extended the Support in Wiltshire Autism Parenting Programme (SWAPP) course for parents of children with ASD so that more families can access the course quicker
- We have developed online support for children and young people, with mental health issues so that they can get help quicker in a way that they are comfortable with
- Training has been provided to youth settings to enable children with complex health needs who access the Children's Community Nursing Service to access local clubs and services in their community.

### What do we need to do next?

- a) Develop a clear and collective understanding and model of what effective early support looks like and how it can be accessed in partnership with community groups and across all services
- b) Increase access to early social care support in a way that enables sustainable, long term outcomes for children and young people with SEND
- c) Collaborate with Public Health to increase Disability Awareness in the community, including public transport, community groups and leisure facilities
- d) Improve access to health services in local settings – particularly schools and colleges
- e) Develop the Community Eating Disorder Service working towards 7 day a week assistance with home support
- f) Work with the Youth Ambassadors scheme to support more young people to have their voice heard
- g) Further develop the short breaks scheme to offer a wider range of inclusive opportunities in the community
- h) Strengthen the Health Visitors role in sign-posting and referring families into community SEND provision
- i) Increase access to out-reach to families with children with SEND by working with partners across the system

- j) Maximise choice and control for people with a learning disability, autism or both and their families through increased use of Personal Health Budgets
- k) Engage with emerging provider collaboratives which will develop discharge pathways and community alternatives to inpatient provision
- l) Develop community services that provide robust and person centred alternatives to hospital admission

**Some examples of how we will know we have been successful:**

- Children and young people with SEND will say they feel part of their local community
- Parents report they have accessed support and training which has enabled them to support their families
- Children report that they are empowered through the person-centred planning
- Community groups report better joint working
- Children in vulnerable groups (CiN, LAC, FSM) receive the additional joined up support that they need
- Families talk about positive social opportunities for their children and the children have fun.

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## Priority 4 - Improving the range and quality of provision

**We want to ensure that all the services and support for children and young people with SEND are brilliant and are there at the right time in a way that meets their needs. This includes across education, health, social care and transport and the wider community.**

### **What have we achieved so far?**

- Successfully bid for new money to have a new school in the south of the county for 150 children and young people with ASD and social emotional and mental health concerns (SEMH)
- Agreed to amalgamate the three special schools in the north of the County (St Nicholas, Rowdeford and Larkrise) to become one school on three sites and provide for up to 400 pupils on the Rowdeford site
- Agreed with 8 primary schools to increase or have a new resource base to create 52 new places
- All community healthcare clinics for children in Wiltshire are now being provided within county
- Wiltshire children's community healthcare services are now using one electronic record which enables information to be shared between services and with GPs
- Reintroduced SENCO networks and regional meetings for schools with the LA
- Developed a new multi-professional Wiltshire Autism Assessment Service which is compliant with NICE guidelines.

### **What do we need to do next?**

- a) Develop the range and flexibility of provision to strengthen access to specialist knowledge, understanding and resourcing as part of an enhanced inclusive system
- b) Further increase skills and capacity within schools through a Dyslexia and ASD accreditation scheme and development of regional hubs
- c) Create additional specialist places and provision in response to need, to support mainstream capacity
- d) Develop service specifications and outcome reporting for the children's community healthcare services by working with parents, carers, children and young people
- e) Increase access to specific support and expertise for children and families earlier, without a diagnosis
- f) Bring more mental health support to children and young people, particularly into schools and colleges and explore innovative ways to deliver this e.g. access to IT, Apps etc.
- g) Increase good emergency responses for children with severe mental health needs
- h) Develop alternate approaches to transport for children with SEND
- i) Establish arrangements for coordinated health provision for when children and young people are placed out of county provision

### **Some examples of how we will know we have been successful:**

- Educational settings will demonstrate improved outcomes for children with SEND.
- Specialist Education Provision developed based on needs and identified gaps
- Families report that equipment is available and recycled within agreed timescales
- Parents report that their child's needs are met because they can access services
- New special schools and resource base provision are developed with positive feedback from families
- Joint commissioning arrangements will be made around education, health and care provision to secure positive outcomes for young people with SEND
- Children and parents are involved in co-production for the development of services.

## Priority 5 – Achievement and progress

**We will work together to ensure every child and young person does well in their education, achieves well-being and good outcomes in adulthood.**

### **What have we achieved so far?**

- Early Years Foundation Stage (EYFS) results show Wiltshire has 28.9% of young children with SEND achieving a good level of development (GLD), compared to 24.3% nationally
- Key stage 1 and 2 results in progress and attainment have improved such that they are broadly in line with national data
- Key stage 4 results are closer to national averages and have improved in the last 3 years

### **What do we need to do next?**

- a) Develop a rating/ measure of wellbeing for children and young people with SEND
- b) Implement an 'Inclusion Dashboard' for all schools/colleges and early years settings to enable a way to measure the impact of plans to children and young people.
- c) Develop the role and function of Lead SENCO's to support the development of SENCO's and the development of wider inclusive practice in schools
- d) Ensure the use of high quality SEND review and evaluation practices so that actions and improvements for SEND provision are well informed and show increased impact
- e) Further develop solution focused, multi-agency planning and development processes
- f) Develop and deliver a training programme for all SEND governors. Increase the SEND knowledge of all governors' to raise the profile of SEND and create a more questioning culture around inclusion within the schools.
- g) Further develop guidance to colleges, schools and early years settings to support them in their provision for meeting the medical needs for children and young people

Note: The delivery of improved achievement and progress for children and young people with SEND will be supported through the delivery of the other five strategic priorities in this strategy.

### **Some examples of how we will know we have been successful:**

- There is information in all plans about children and young people's wellbeing and that this shows their wellbeing is improving
- For progress and attainment for all children and young people with SEND to be in line with or above national averages
- The number of young people with SEND engaged in education, employment and training increases year on year.

## Priority 6 - Well planned transitions

**We want to ensure that every child and young person gets the right help as they go through significant life events such as starting at a new school or college and becoming young adults as they leave education.**

**Our aim is for children and their parent/carers to experience seamless transitions, across education, employment, social care and health.**

### **What have we achieved so far?**

- Set up a Transitions Board helping to manage services as young people move into adulthood
- Changed the review paperwork for EHCP's to include sections on planning for transition
- In 2019, Wiltshire achieved some of the highest rates in the country for young people with SEND accessing apprenticeships (820), paid work (91) and voluntary work (37).
- Offered a primary mentoring service to targeted schools in areas of highest vulnerability
- Joint working with adult mental health services to improve the transition between child and adult mental health services
- Embedded CAMHS staff in our social care teams offer consultation and support to the multi-disciplinary work force
- Reduced the impact of transition by working in a more integrated way with multi-agency partners
- Co-produced a Preparation for Adulthood document

### **What do we need to do next?**

- a) Identify a strategic lead for transitions
- b) Support special and mainstream early years settings, schools and colleges to review how they can work collaboratively to meet the collective needs of children and young people across the system
- c) Start the preparation for adulthood earlier so that young people can make more informed decisions about how they wish to lead their adult lives
- a) Support forces families moving into the county to ensure a smooth journey
- b) Establish effective services, provision and pathways to support young people preparing for adulthood to remain within their community and ensure smooth transition into adult services where appropriate, covering supported employment, apprenticeships, traineeships, internships and independent travel
- c) Work with the District Specialist Centres, to increase opportunities for early years children to transition across settings
- d) Start early engagement with employers to understand what they need in the workforce
- e) Promote and improve the uptake of annual health checks for young people from Yr 9 onwards with learning and physical disabilities
- f) Strengthen working between early years settings and health visiting particularly in relation to the integrated 2-year-old review
- g) Ensure any health plans are considered and reviewed prior to any transition

### **Some examples of how we will know we have been successful:**

- All children with SEND have a smooth transfer from their early years setting to primary school
- All primary schools report that they feel confident in meeting the needs of children in reception
- Secondary schools have arrangements in place to ensure all children make a successful transfer into Year 7
- The number of young people with SEND engaged in education, employment and training increases year on year

- Plans for children aged 14 and above reflect aspirations for future education training and employment
- Checklists and resources designed to help transition reviews are used by settings and families to achieve good quality reviews
- There is an increased uptake of college courses and apprenticeships for young people aged 16-19 with SEND year on year.

## 7) How we will do this and how will we know it is working?

We will achieve this by:

### Governance and strategy

- Setting up a SEND and Inclusion board involving representatives of all the people and organisations who got involved in the consultation and can help us make this strategy happen
- Using the joint agency Families and Children Transformation programme (FACT), the Health and Wellbeing Board and the Bath and North East Somerset, Swindon, Wiltshire (BSW) Clinical Commissioning Group (CCG) to support and coordinate change through all the relevant organisations
- Setting up a monitoring process which lets us know if we are achieving our vision linked to each of the priority areas (a SEND Dashboard)
- Aligning Strategies so that they work together for our children and young people
- Creating a budget recovery plan that links to the strategic priorities and supports improvements in quality
- Developing Quality Assurance e.g. through self-evaluation and peer evaluation for services
- Creating a universal wellbeing check that children and families can use themselves
- The needs identified in the SEND Strategy will be included in the Joint Strategic Needs Assessment.

### Communication and sharing

- Working with children and young people with SEND so that they can tell us how we are doing
- Working closely with schools/colleges/nurseries on a regional basis to improve inclusion
- Reporting to everyone about the money to ensure that we can afford these plans
- Making our strategy and our minutes from the SEND and Inclusion Board available online so that everyone can see what we are doing and achieving.





## 8) Appendices

Appendix 1: Consultation Summary and additional data

Appendix 2: Statutory KPIs

Appendix 3: Glossary



## Appendix 1 – SEND Inclusion Strategy Consultation

There were two main ways in which we consulted on the creation of this strategy, face to face meetings and an online survey.

### 1. Face to face meetings

- a. Officers working alongside Wiltshire Parent Carer Council (WPCC) had three initial meetings across the county with parent/carers, professionals and community members

Locations	Number of Attendees
7 <sup>th</sup> October 2019, Assembly Room, Town Hall, Devizes	31
8 <sup>th</sup> October 2019, Chippenham Golf Club	19
11 <sup>th</sup> October 2019, Stones Hotel, Salisbury	28

In these meeting a set of slides was shared and then attendees took forward a number of workshop activities to explore both what has been achieved so far around SEND and inclusion and what would be important for the future.

The team creating the strategy (WPCC and professionals from across the local area for SEND in Wiltshire) then met together to gather together what had been said. From these deliberations seven priorities were proposed and an initial vision statement set out.

There were then a further three meetings arranged, where stakeholders (some from the existing meetings, but mostly new attendees) came together to review the priorities, develop the vision statement and identify key actions for the strategy.

Locations	Number of Attendees
11 <sup>th</sup> November 2019, Salisbury City Hall	18
14 <sup>th</sup> November 2019, Corn Exchange Devizes	17
21 <sup>st</sup> November 2019, Wiltshire College, Chippenham campus	10



Below are photos of some of the notes



b. Meetings with Professionals and schools

The team went to a number of meetings to inform and gain input from a range of professionals including:

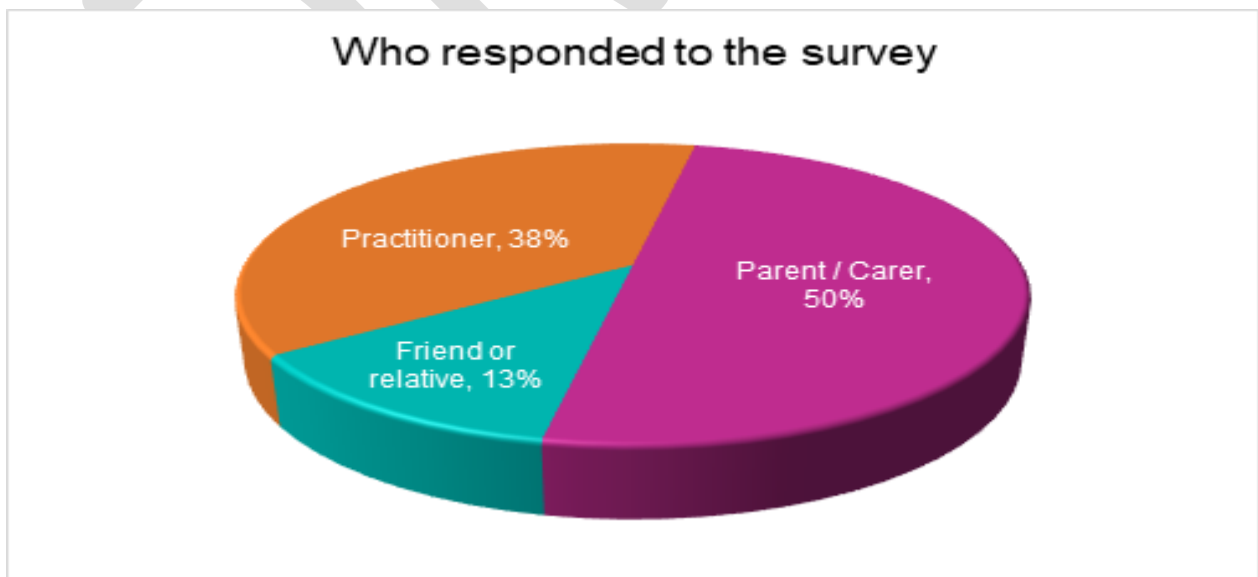
- Head Teachers regional briefings
  - 16<sup>th</sup> September, Devizes, 18 attendees
  - 17<sup>th</sup> September, Trowbridge, 38 attendees
  - 18<sup>th</sup> September, Chippenham, 25 attendees
  - 19<sup>th</sup> September, Salisbury, 35 attendees
- SENCO networks
  - typically 25 attendees
- FACT (Family And Children’s Transformation) Board
- Wiltshire SEND Inclusion Board
- Clinical Commissioning Board
- Wiltshire Council Cabinet
- Health and Wellbeing Board

c. Meetings with Children and young people with SEND.

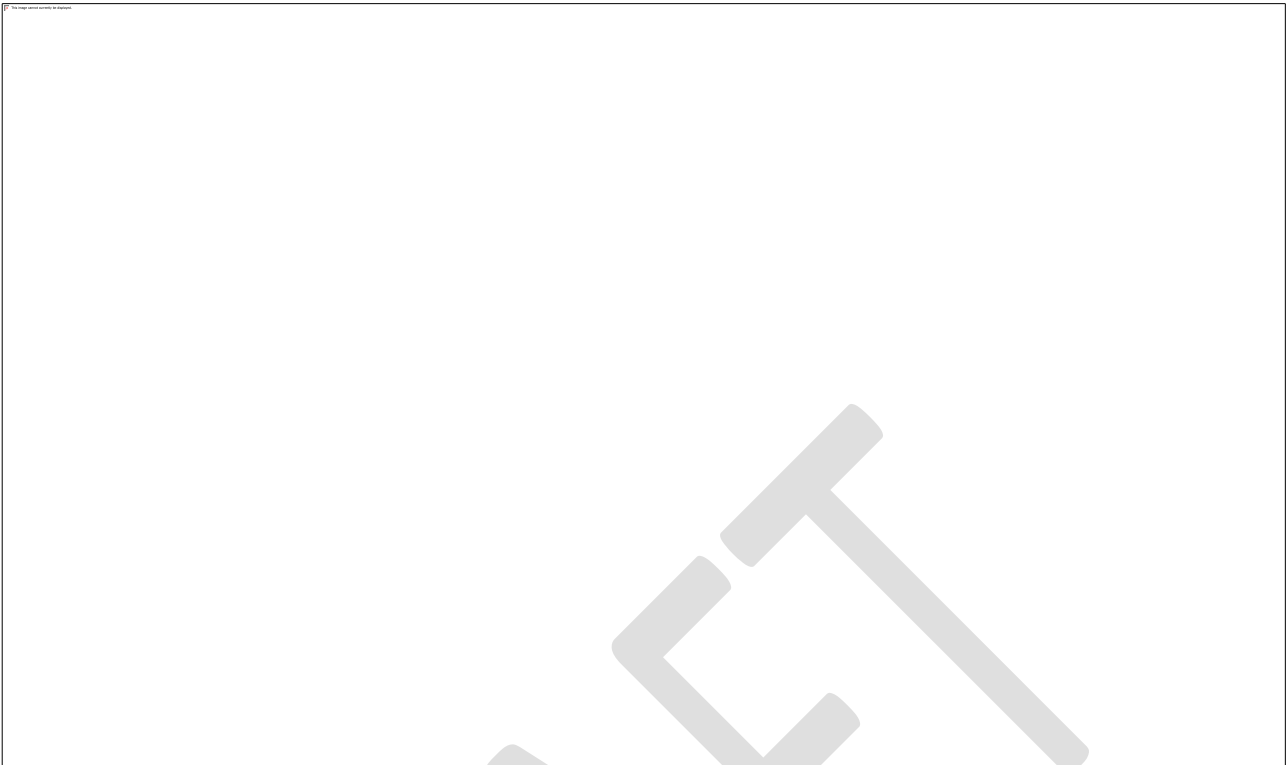
21 young people with SEND were interviewed by youth ambassadors, who had wide ranging discussions about the things that were important to them. The main theme and issues are show in the balloons in the main report. This piece of work was underpinned by the biannual health survey <https://www.wiltshirehealthyschools.org/partnership-projects/fab-research/> which highlighted similar positive levels of wellbeing, but also particular concerns about being bullied, labelled and excluded.

**2. An online survey**

The on-line SEND Inclusion Strategy received twenty-four responses from parent carers, practitioners and friends or relatives.



The participants had accessed a wide range of services.



80% said they were 'supportive' or 'very supportive' of the proposed vision. 16% said they were 'not supportive' or 'Not at all supportive' of the proposed vision.



The majority of respondents thought it was 'very important' or 'important' that the below areas were covered in the strategy.



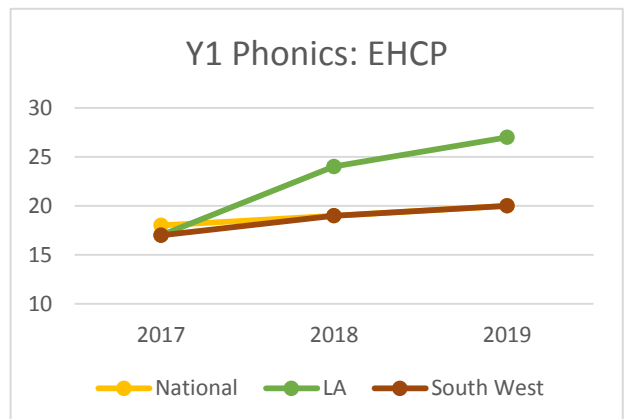
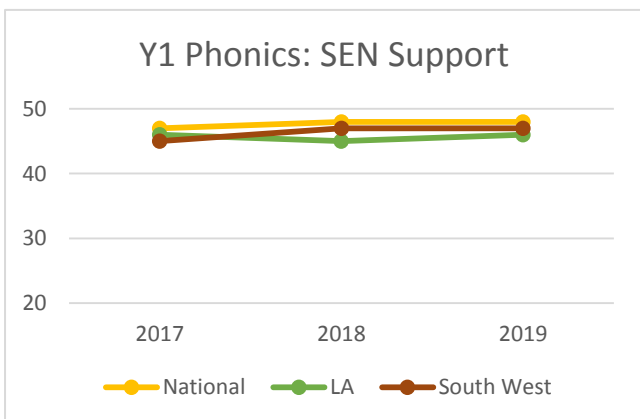
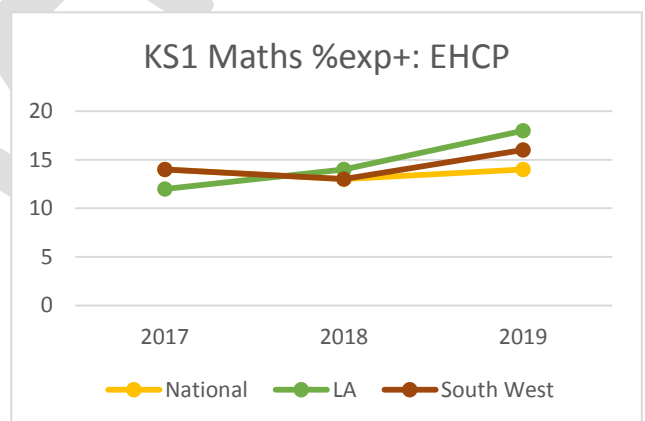
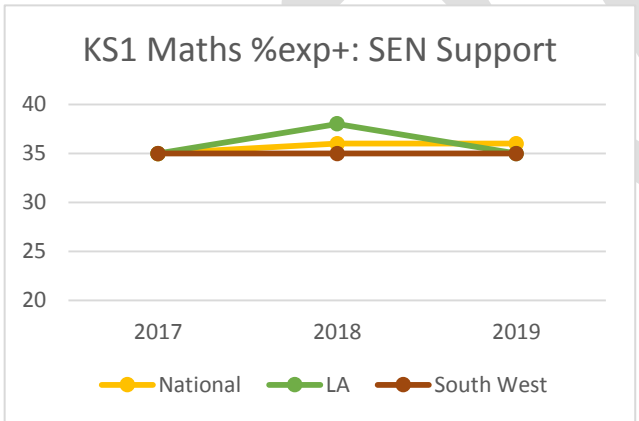
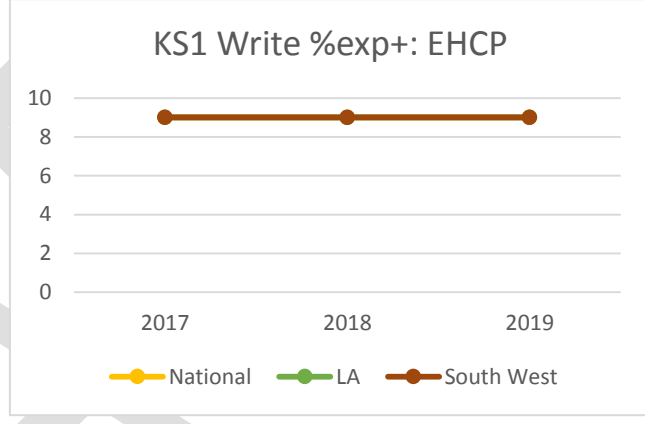
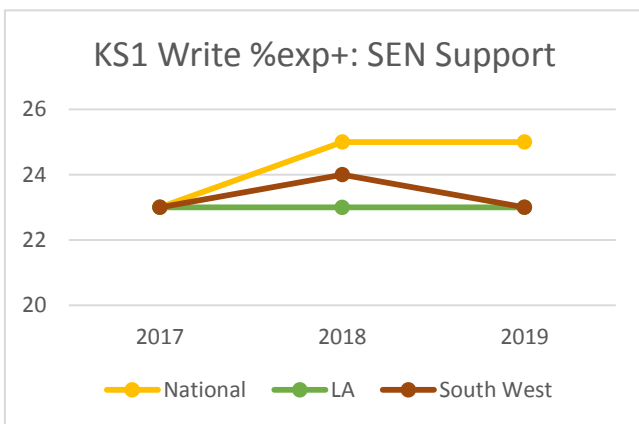
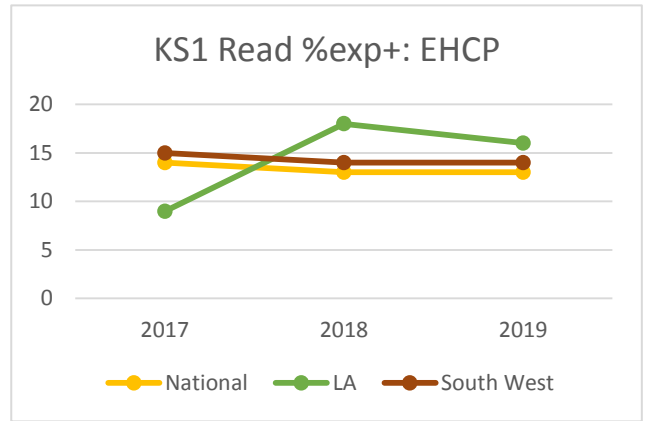
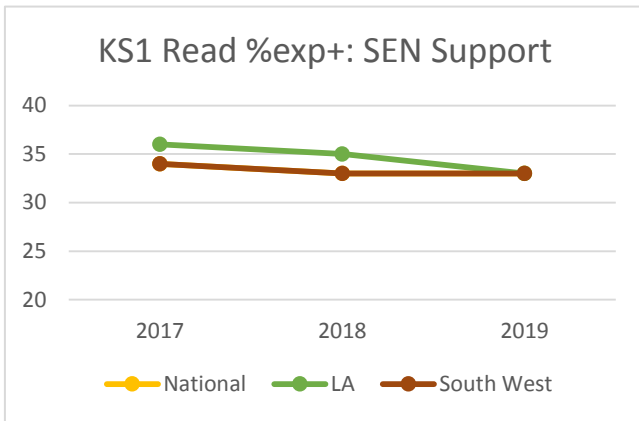
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## Appendix 2: Overview of SEN KPIs for Local Area

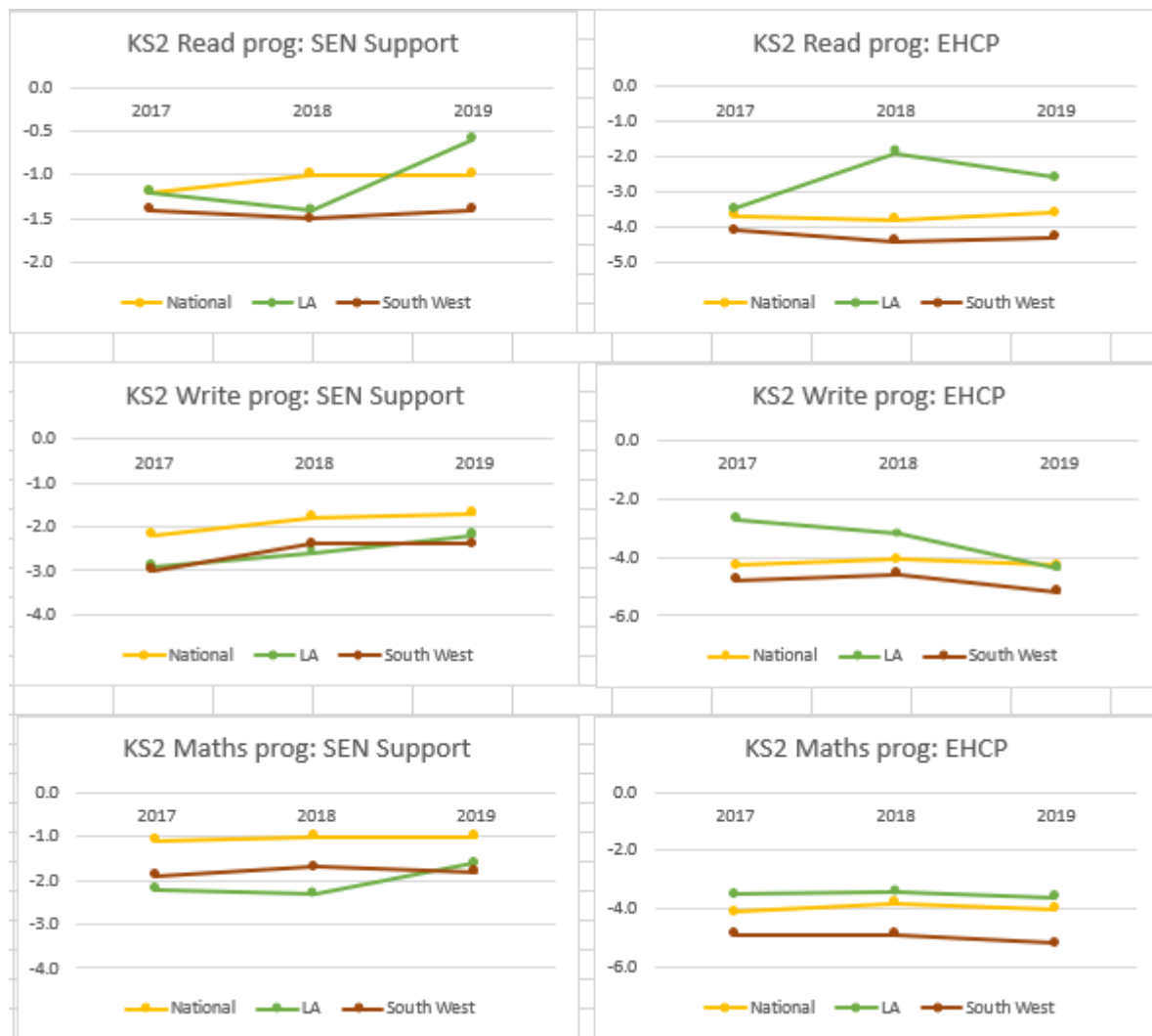
Currently recorded by SEND team Wiltshire	Proposed additions
<p><u>Monthly</u></p> <p>Involvement - Voice of child            EHCP - Numbers of plans            EHCP - New requests            EHCP - Monthly progress            EHCP - Statutory deadlines            EHCP - Quality of My Plans            EHCP - My Support Plans            Resources - Client Spend</p> <p><u>Quarterly</u></p> <p>Summary of Spend by Bandings            Outcomes - Exclusions            Outcomes - Independent travel training            Outcomes - Use of alternative provision            Keeping C&amp;YP close to home - SEN numbers in residential placements            Keeping C&amp;YP close to home - SEN numbers in out of county settings            Keeping C&amp;YP close to home - SEN numbers in ISPs and ISSs            Keeping C&amp;YP close to home - SEN Numbers in mainstream settings, RBs and ELP broken down by primary need            Keeping C&amp;YP close to home - SEN Numbers in Wiltshire Colleges            Keeping C&amp;YP close to home - SEN Travel Times            Keeping children and young people close to home - SEN Looked after Children            Involvement - Mediation            Involvement - Tribunals            Involvement - Complaints            Involvement - Compliments            Choice &amp; Control - Direct Payments            Choice &amp; Control - Placement in line with parental choice            Workforce &amp; Capacity - Caseloads            Resources - Resource Base Capacity            Resources - ELP Capacity            Resources - Special School Capacity</p> <p><u>Annually</u></p> <p>Outcomes - Pupil Premium            Outcomes - Education attainment</p>	<p><u>EHCP's</u></p> <p>Vulnerable groups with EHCPs            Placement of CYP with EHCPs</p> <p><u>Absence, exclusion and attainment</u></p> <p>EHCP Pupils (by need)            Persistent absence of SEN pupils            Primary Attainment            Secondary Attainment            Home Education            Attainment by age 19            Post-16 destinations</p> <p><u>Health indicators</u></p> <p>2.5 year reviews/CIN with disabilities            Adults with LD living in settled accommodation</p>

Further educational data

Key Stage One



## Key stage 2





### Appendix 3 – Glossary

ASD	Autistic Spectrum Disorder
BSW	Bath, Swindon and Wiltshire Clinical Commissioning Group
CAMHS	Child and Adolescent Mental Health Service
C and I	Communication and Interaction
C and L	Cognition and Learning
CCG	Clinical Commissioning Group Community
EHCP	Education Health and Care Plan
EHE	Elective Home Education
ELP	Enhanced Learning Provision
EYFS	Early Years Foundation Stage
GLD	Good Level of Development
GP	General Practitioner or Doctor
HNB	High Needs budget (The funding local authorities receive for SEND)
ISS	Independent Special School
MLD	Moderate learning disabilities
NEET	Not in Education, Employment or Training
OFSTED	Office for Standards in Education
PATH	Programme for schools promoting alternative thinking patterns - Barnardo's
PMLD	Profound and Multiple learning disabilities
SALT	Speech and Language Therapy
SSENs	Specialist Special Education Needs Team
SLD	Severe learning disabilities
S/P	SLD and PMLD

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**Wiltshire Council**

**Cabinet**

**24 March 2020**

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**Subject: Schools Capital Programme 2020 – 2025 Report**

**Cabinet Member: Cllr Pauline Church Cabinet Member for Children, Education and Skills**

**Key Decision: Key**

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## **Executive Summary**

The Council has a statutory duty to provide sufficient school places to meet the demand arising across Wiltshire, whether from demographic or population change, strategic housing development growth or the Army Re-Basing Programme.

The Cabinet approved the Schools Capital Programme 2019–2024 in February 2019 and the updated Wiltshire School Places Strategy 2017-2022 in December 2017. The current programme of work is based on the basic need priorities for capital investment in the short, medium and longer term.

The Council also has landlord responsibilities for the effective management and ongoing maintenance of the schools' estate (community, voluntary controlled and Foundation schools only).

The Council receives annual capital funding allocations from the Department for Education (DfE) to meet basic need (new places) and condition (capital maintenance works) only. Day to day revenue maintenance is funded from school budgets. At its meeting on 25 February 2020, Full Council also approved an additional £5m over the next five years for school maintenance works and an additional £100k per year for the next 10 years to improve the accessibility of schools.

In line with the Wiltshire School Places Strategy 2017-2022, this report provides an update on the current three year capital programme of work and seeks approval for a small number of additional basic need schemes and annual condition related works.

The Wiltshire School Places Strategy will be reviewed and updated again later in 2020 and will continue to inform future years programmes to ensure our schools provide sufficient places where they are needed.

**Proposal(s)**

- To note the progress on previously approved schemes at Appendix A
- To consider and approve the new schemes, subject to planning approval and completed S106 agreements, requiring a total commitment of £8.325m as outlined at Appendix B.
- To approve the Schools Planned Maintenance Programme totalling £3.5m for 2020/21 as outlined at Appendix C.
- To authorise the Chief Executive Officer for People to invite and evaluate tenders for the projects described in this report, and, following consultation with the Cabinet Member, to award the contract for the project (subject to approval of any necessary statutory proposals) and to authorise, in consultation with the Head of Strategic Asset & FM (or the Asset Portfolio Manager (Estates), in accordance with the relevant scheme of sub-delegation (under paragraph 7 of Part 3B of Wiltshire Council's constitution)), the acquisition of all land (and the completion of any legal documentation) reasonably required in order to facilitate the Schools Capital Investment Programme.

**Reason for Proposal(s)**

The Council has a statutory duty to provide sufficient school places to meet the demand arising across Wiltshire, whether from demographic or population change, strategic housing development growth or the Army Re-Basing programme.

The approved Wiltshire School Places Strategy 2017- 2022 and its Implementation Plan identifies the priority basic need schemes requiring capital investment in the short, medium and longer term and these latest proposals for inclusion in the Schools Capital Programme will enable the priority works to be progressed. The Council also has Landlord responsibilities for the effective management and maintenance of the schools (for which the Council is responsible) estate and the approved programme will enable urgent and priority repairs and maintenance projects to proceed.

**Terence Herbert****Chief Executive Officer for People**

## Wiltshire Council

### Cabinet

24 March 2020

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**Subject:** Schools Capital Programme 2020 – 2025 Report

**Cabinet Member:** Councillor Pauline Church Cabinet Member for Children, Education and Skills

**Key Decision:** Key

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### Purpose of Report

1. To agree the Schools Capital Programme for 2020 – 2025. This paper addresses investment to improve the condition of maintained schools and expansion of mainstream schools. Investment in special school places and resource bases is not included in this paper.

### Relevance to the Council's Business Plan

2. The Council has a statutory duty to provide sufficient school places to meet the demand arising across Wiltshire, whether from demographic or population change, strategic housing development growth or army re-basing. This programme is informed by the approved Wiltshire School Places Strategy and Implementation Plan 2017-2022 which clearly identifies the priorities for capital investment in the short, medium and longer term. Under the *Growing the Economy* priority Wiltshire Council's Business Plan mentions both the need to provide school places for a growing population and the aim of assisting the successful return of the British Army from Germany.

The Council also has landlord responsibilities for the effective management and maintenance of the Councils schools' estate. Schools need to be fit for purpose and safe for all site users.

### Background

3. The Council receives annual capital funding allocations from the Department for Education (DfE) for basic need (new places) and condition (school capital maintenance). Capital maintenance relates to urgent and essential structural works e.g. roofs, walling, windows, drainage etc in addition to plant (electrical and mechanical works (heating/lighting etc) over £10k). All other day to day maintenance works and low level cost works are the schools' responsibility funded from their delegated or devolved funds.

The capital maintenance allocations are adjusted annually to take account of schools converting to academy status, as academies then receive funding direct from the Education and Skills Funding Agency (ESFA). Therefore, the capital funding allocated to the Council for maintenance works is reducing annually as the number of schools converting to academy status increases.

It should be noted that the DfE has also advised that they are reviewing how capital maintenance allocations are to be made and consequently, the LA has not yet received confirmation of any maintenance funding for 2020/21 onwards. We are therefore making an assumption that the 2020/21 figure will be a slightly lower than the 2019/20 allocation to account for schools who have converted to academy status.

The figures shown in Table 1 below, include the estimated DfE allocations and slippage from previous years on current schemes. With the DfE allocation for school maintenance decreasing, Full Council on 25 February 2020 agreed to allocate a further £5m of Council funds over the next five years to school maintenance. This will help to stem the decline of the school building stock and enable some of the historical backlog of works to be addressed. There is more information on this in paragraph 9.

Full Council also approved £100k a year over the next ten years to support the admission of pupils with disabilities to schools. This will fund ramps, handrails, accessible toilets and similar works to mainstream schools to support inclusion.

Table 1 – Capital Funding for Schools

Description	2020/21 £	2021/22	2022/23	2023/24	2024/25	Total £
Basic Need (sufficiency)*	16,080,934	400,000	400,000	400,000	400,000	17,680,934
DFE Maintenance Allocation*	4,230,226	2,850,000	2,800,000	2,750,000	2,700,000	15,330,226
School capital Maintenance (Council funds)	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
Access and Inclusion	100,000	100,000	100,000	100,000	100,000	500,000
Total £M	20,311,160	3,250,000	3,200,000	3,150,000	3,100,000	38,511,160

\*estimated based on previous years allocations

- The Council also secures wherever possible, S106 developer contributions and will seek Community Infrastructure Levy (CIL) planning obligations for essential school infrastructure in areas of new housing development which are usually project or school specific. These are only included in the figures above where projects using Section 106 allocations are already underway.

### Main Considerations for the Council

- Wiltshire Council considered and approved a Schools Capital Investment Programme Report in February 2019. All of the major projects identified in that report are being funded by the DfE school capital allocations and/or S106 contributions and a progress report can be seen at Appendix A.

The School Places Strategy (SPS) identifies the demand for additional school places across Wiltshire. The SPS provides a 'snap-shot' in time and pupil projections are reviewed on a regular basis. The SPS will be updated and published again later this year.

#### Basic Need (Mainstream)

6. Demand for school places is influenced by a number of factors including changes in the birth rate, migration (inward and outward), housing development, the economic situation, parental preference etc and in Wiltshire specifically, military moves have a significant impact.

Cabinet approved and committed the majority of the school capital allocations at its meetings in January 2018 and February 2019, and many of those projects are either now complete or underway to ensure the Council meets its obligation to provide sufficient school places and to ensure where at all possible that parents get a place at a preferred school, as identified at Appendix A.

7. There are a number of new projects that have been identified as a priority in the last 12 months that now require approval and inclusion within the programme. They will be largely funded by S106 developer contributions specific to the schools concerned. These new projects can be found at Appendix B.

S106 contributions are secured from developers through planning obligations, where there is an increase in demand for school places arising from housing development and local schools are at capacity. Some projects can progress once the funding is received, however in many cases where the Council is 'pooling' contributions it may be the case that we have to wait to secure additional sums before projects can be started. Since 2013 the Council has received £44.5m in Section 106 contributions for new school places.

New school builds linked to housing development are not started until planning approval has been given for the development and the housing developers have commenced on site. The first trigger payment for additional school places is usually required on commencement of development so the Council receives 50% of the funding up front and 50% part way through the development.

8. Following the closure of Catch 22 in November 2019 there is now only one registered provider for Alternative Provision (AP) in the west and north of the County. This provider is full and the costs per place are significantly higher than other providers across the wider area. The Council has been looking for sites for potential registered providers in the north and west however this has proved unsuccessful to date. Therefore the Council is planning to use some basic need and S106 funds to create a centre for AP in the west and another in the north, potentially on the sites of existing schools. Discussions with schools are in the early stages however funding for these projects are included in Appendix B.

## Maintenance

9. In addition to basic need (growth related) capital projects, there is a significant backlog of priority capital repair and maintenance schemes in those schools for which the Council remains responsible. This list of priority maintenance work in community, controlled and foundation schools continues to grow against a falling budget.

The Strategic Assets and Facilities Management Service provide a list of priority works across all schools that the LA remains responsible for and in view of the limited resources available only the highest priority maintenance works are included. This does mean that not all priority works can be funded in any year. There are currently £15.4m of remedial works identified on school condition surveys since 2015/16 that are still outstanding as shown in the table below.

Table 2 – Value of remedial works identified in condition surveys still outstanding, by year of identification and type of works (£)

	15/16	16/17	17/18	18/19	19/20	Grand Total
Electrical	87,369	506,375	1,288,776	1,082,048	998,827	3,963,395
Roofs	£157,927	641,849	1,122,730	458,541	287,314	2,668,360
Mechanical	185,782	384,956	767,736	858,430	252,283	2,449,188
External Areas	66,173	572,745	592,513	502,452	299,299	2,033,182
Floors and Stairs	54,820	123,821	624,866	385,606	492,386	1,681,499
External Walls Windows & Doors	139,059	294,609	314,319	515,521	376,412	1,639,919
Ceilings	13,127	72,181	53,759	318,668	78,972	536,708
Internal Walls & Doors	19,721	44,889	71,988	101,116	49,151	286,864
Sanitary Services	11,197	19,920	31,931	89,816	52,865	205,730
Grand Total	735,176	2,661,345	4,868,617	4,312,198	2,887,508	15,464,844

10. For the past 15 years the Council has also had a programme to replace old mobile and prattens classrooms with new permanent extensions. At the start of this programme there were over 300 such “temporary buildings” in Wiltshire schools. There are still 19 pratten classrooms in maintained schools which were added after World War II. There are also 67 mobiles remaining, 50 of which date from the early 1990’s. Many of these mobiles and prattens have reached the end of their intended lifespan and some are now beyond repair and require replacement. To replace all of the remaining temporary classrooms with permanent extensions would cost over £25m.

This work must also be funded from within the DFE maintenance allocation. With the DFE allocation for school maintenance decreasing and new works being identified annually, Full Council on 25 February 2020 agreed to allocate a further £5m of Council funds over the next five years to school maintenance. This will help to stem the decline of the school building stock and enable the historical backlog of works to be addressed.



The proposed list of new planned maintenance schemes totalling £3.5m can be found at Appendix C.

A contingency sum of £0.6m will also be retained to deal with emergency reactive maintenance issues throughout the year. Last year £0.5m was retained and this proved insufficient to deal with actual number of emergency works which included boiler replacements, structural repairs and roof repairs required to keep schools safe and open.

11. As far as we are aware none of the schools on the list are planning to convert to Academy status. However, if a decision is taken by a school to convert to Academy status, prior to commencement of any approved maintenance work, and before a contract is committed, then the work will be reviewed and where appropriate, removed from the list. As there continues to be a number of schools converting to Academy status, building maintenance responsibility for those academies transfers to the academy itself and the Council's capital funding allocation correspondingly reduces. That funding is transferred to the ESFA who funds academies direct.

The new planned maintenance schemes recommended for inclusion in the 2020/21 programme of work total an estimated £2.9m plus the £0.6m held for emergencies. Whilst we anticipate that the level of funding for 2020/21 may drop slightly, we have sufficient funds to ensure we can deliver this £3.5million condition programme of work. The priority schemes are shown at Appendix C.

### **Overview and Scrutiny Engagement**

12. There has been no Overview and Scrutiny engagement as the funding allocated in this report is either ringfenced grants or Section 106 funding which must be spent in accordance with the terms stated in each Section 106 agreement.

### **Safeguarding Implications**

13. All school projects are designed to ensure that schools provide safe and secure places for children and young people in the immediate community. Additionally, some condition related projects relate to replacing security fencing in schools to ensure children are safeguarded. If a decision was taken not to extend a school to meet demand in a local area then there is a risk that young people would need to be transported to schools a long distance from their locality leaving them more vulnerable due to the distance they are from home.

### **Public Health Implications**

14. The development of quality school buildings and site infrastructure will provide a range of sports facilities for pupils, students, staff and the local community including dedicated sports halls, primary activity halls, hard games courts and grass football/hockey pitches. The investment in school sites provides the opportunity for young people in the community to participate in sports and thereby promote healthy behaviours and practices in the population.

## **Procurement Implications**

15. Responsibility for commissioning approved capital building projects rests with the Council's Property Services Team. Responsibility for approving related procurement activity rests with the Corporate Procurement and Commissioning Board (the Board). This report is about a series of procurement of works contracts to deliver school place capacity and improve school buildings. The service will adhere to corporate governance by providing the forward plan to the Board, identifying options for their procurement and seeking approval of the recommended route(s) to market.

The range of routes to market has three real options: one-off tender exercises managed and advertised entirely within Wiltshire Council; use by call down of pre-existing framework contracts for building services, these frameworks already being put in place by Property Services/SPH; use of existing frameworks that have been put in place by external organisations such as the Eastern Shires Purchasing Organisation, or the Yorkshire Purchasing Organisation. The choice depends on the nature and extent of the works required. Whichever approach is chosen it will be compliant with European and domestic procurement legislation.

## **Equalities Impact of the Proposal**

16. Through detailed planning and effective design, officers continue to ensure that all accommodation improvements promote and deliver equality of opportunity and access to facilities.

The Equalities Act 2010 states that reasonable adjustments must be taken into consideration in design. By adopting compliant design principles, and ensuring all schemes meet Building Regulations it should be possible to eradicate disability access difficulties and discrimination in new school buildings. This will be a fundamental objective of any rationalisation and/or expansion works carried out at existing school properties.

The Local Authority has a duty and responsibility to provide sufficient school places both in terms of mainstream and specialist provision to meet demand arising from all areas of the community including in response to inward migration. The programme of work has also taken into account the needs arising from military moves into the County,

## **Environmental and Climate Change Considerations**

17. In all education-related capital investment schemes, officers continue to work with establishments to develop and enhance the learning environment taking account of sustainability and environmental impact, including the move towards reducing carbon emissions from schools for the benefit of pupils, staff and the community.

All new build schemes are designed to meet BREEAM 'Good' and the design process provides opportunities for improved energy efficiency and minimising the associated lifetime carbon emissions. Additionally, schools are no longer

subject to the Carbon Reduction Commitment (carbon tax payable by large energy consumers), but with ever increasing energy prices, every effort will be made through the design process to reduce lifetime running costs of the buildings.

### **Risks that may arise if the proposed decision and related work is not taken**

18. The Cabinet has approved the School Places Strategy 2017-2022 which identifies the need for additional school places across Wiltshire. If this updated capital investment programme is not approved, then there is a risk that the Council will not be able to meet its statutory obligations to provide sufficient school places for children resident in Wiltshire.

Capital funding has been allocated by the Department for Education (DfE) based on the annual SCAP return data which identifies current school capacity and projected future numbers of pupils, for the purpose of delivering additional school places (basic need). The Council must report annually on how this funding is being spent. If this funding is not allocated to deliver school basic need schemes there is a financial risk that this funding will not be made available to the Council in the future. The same applies to funding allocated for school maintenance and condition works.

The Council, in its capacity as Landlord, has a responsibility for managing its sites and building assets efficiently and to ensure all school buildings under its control (community, voluntary controlled and foundation) are maintained appropriately. If these assets are not maintained, then there is an increasing risk to health and safety of users as buildings fall into disrepair and increasing costs when more extensive work is required to make sure buildings remain operational.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

19. It is important that the Council meets its statutory duty to provide sufficient school places and this programme of work will ensure that places are provided in locations where they are needed and delivered in a timely way. There is a financial risk however than costs could increase and exceed the funding envelope agreed. To mitigate this, project briefs and specifications will be in line with policy and the project management and design teams will ensure that where possible, value engineering exercises are undertaken to reduce costs and keep within budget.

There is a risk that projects could be delayed due to unforeseen circumstances. Project managed timelines will be closely monitored on a monthly basis to avoid slippage where at all possible.

There is a risk that a school project, predominantly funded by S106 contributions, is procured and subsequently the developer goes into liquidation. Therefore when phased S106 payments are agreed, the Council requires a bond to be provided at the developers cost to secure the funds

Many schools have converted, or are in the process of converting, to Academy status. There is a risk that an academy may not want to expand its places to meet additional demand in an area. The Council will work in partnership with all providers to ensure that expansion projects to provide additional places can be delivered in a timely way to support all communities.

### **Financial Implications**

20. The funding allocations for basic need and maintenance works in schools are shown in table 1 above. There is an expectation that future years maintenance allocations will be reduced further if more schools convert to academy status and the relevant funding is withdrawn from the Council to be transferred to the ESFA. In the event of this happening the maintenance programme would be scaled back appropriately.

In addition to formula allocations, the School Capital Programme is supported by S106 developer contributions allocated to location specific schemes and where appropriate CIL funding secured from major developments.

21. The additional funding approved at Full Council on the 25<sup>th</sup> February will be subject to approval by the Corporate Leadership Team. The business case outlines how allocating a ringfenced sum to provide improved maintenance levels to school building will prevent more expensive repairs and replacements in the future and ensure our schools are a safe environment for children. The additional funding over the 10 years to support the admissions of pupils with disabilities to schools will support inclusion which will have a positive impact on the local authority and school revenue budgets.

### **Legal Implications**

22. Wiltshire Council in the exercise of statutory duties and obligations is required to undergo a continuous programme of monitoring and review in accordance with the Wiltshire School Places Strategy and Implementation Plan 2017-2022.

The School Capital Programme 2020-2025 report does not present immediate legal issues over and above the implementation, monitoring and due diligence obligations associated with the exercise of statutory powers.

Where it is proposed, the Council will carry out construction works to foundation, academy or voluntary controlled school sites, the Council will need to ensure that legal arrangements are in place to secure access to the site for the construction team before the Council enters into any contracts for the works

Depending on the land ownership and the status of the school site the Council may be required to transfer school land to the governing body pursuant to the provisions of the School Standards and Framework Act 1998.

Any proposed construction works will be subject to Legal Services working with the Strategic Assets and Facilities Management team to assist with the carrying out a full due diligence exercise of the site to identify any site constraints which would have an impact on the proposed works, for example, any rights of way across the site or covenants restricting use of the land.

## **Workforce Implications**

23. None identified.

## **Conclusions**

24. The Council has a statutory duty to provide and maintain sufficient high quality school places to meet the demand arising across Wiltshire, whether from demographic or population change, Core Strategy housing development growth and the Army Re-Basing programme. The Cabinet has approved the Wiltshire School Places Strategy and Implementation Plan 2017-2022 which clearly identifies the priorities for capital investment in the short, medium and longer term and this proposed Schools Capital Investment Programme will enable the priority works to be progressed.

## **Proposal**

- 25.
- i. To note the progress of previously approved schemes as at Appendix A.
  - ii. To approve the new schemes subject to planning approvals and completed S106 agreements as at Appendix B.
  - iii. To approve the Schools Capital Maintenance Work totalling £3.5m for 2020/21 as at Appendix C.
  - iv. To authorise the Chief Executive Officer for People to invite and evaluate tenders for the projects described in this report, and, following consultation with the cabinet member, to award the contract for the project (subject to approval of any necessary statutory proposals) and to authorise, in consultation with the Head of Strategic Asset & FM (or the Asset Portfolio Manager (Estates), in accordance with the relevant scheme of sub-delegation (under paragraph 7 of Part 3B of Wiltshire Council's constitution)), the acquisition of all land (and the completion of any legal documentation) reasonably required in order to facilitate the Schools Capital Investment Programme.

## **Reason for Proposal**

26. The Council has a statutory duty to provide sufficient high quality school places to meet the demand arising across Wiltshire, whether from demographic or population change, strategic housing development growth or the planned Army Re-Basing programme. The approved Wiltshire School Places Strategy and Implementation Plan 2017-2022 which is kept under review, clearly identifies the priorities for capital investment in the short, medium and longer term and directly informs this updated Schools Capital Programme. The Council also has landlord responsibilities for the effective management and maintenance of the schools' estate (schools for which it remains responsible) and the investment programme will enable urgent and priority repairs and maintenance projects to proceed.

**Terence Herbert Chief Executive Officer for People**

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Date of report 24 March 2020

**Appendices**

Appendix A – Progress report on previously approved schemes

Appendix B – Proposed new basic need schemes requiring approval

Appendix C – Proposed schools planned maintenance programme 2020/21

**Background Papers**

The following documents have been relied on in the preparation of this report:

- Wiltshire School Places Strategy 2017-2022
- Schools Capital Investment Programme 2016-2019 Report – Nov 2015
- Schools Capital Programme 2017-2020 Report – Jan 2017 and Update Report July 2017
- Schools Capital Programme 2018-2021 Report – Jan 2018
- Schools Capital Programme 2019-2024 Report- Feb 2019

## Appendix A

**School Capital Programme (previously approved schemes) Progress Report – schemes completed since the last progress report in Feb 2019 have been highlighted in bold.**

School	Project	Status
<b>Primary</b>		
Bitham Brook Primary Westbury	Provision of 60 additional places and ancillary accommodation	Complete
Castle Primary Ludgershall	Provision of 60 additional places and ancillary accommodation	Complete
Castle Mead Primary Trowbridge	Expansion by 1FE (from 210 to 420 places) plus an 18 place SEN Resource Base	Complete
Christchurch CE Primary BoA	Provision of 90 additional places	Complete
<b>Corsham Broadwood Pry Corsham</b>	<b>Expansion by 0.5FE (120 places)</b>	<b>Complete</b>
St Peters (Fugglestone Red) Salisbury	New 1.5 FE (315 place) Primary School	Complete
Ivy Lane Primary Chippenham	Additional 30 places	Complete
Old Sarum Primary Salisbury	Expansion by 1FE (210 places)	Complete
<b>Priestley Primary Calne</b>	<b>Expansion by 0.5FE (120 places)</b>	<b>Complete</b>
Wilton & Barford Primary	Provision of 30 additional places and hall extension	Complete
Downton Primary Downton	Provision of 60 additional primary places, hall extension and new playground	Complete
Princecroft Primary Warminster	Expansion by 60 places	Complete
Westbury Infants	Expansion by 30 places	Complete
Westbury Juniors	Expansion by 30 places	Complete

<b>Lyneham Primary</b>	<b>Expansion from 2FE to 3FE (additional 210 places) in two phases</b>	<b>Complete</b>
<b>Amesbury King's Gate (NEW)</b>	<b>New 1.5FE (315 place) Primary School</b>	<b>Complete</b>
Lea and Garsdon Primary	Expansion by 0.5FE	Due to commence Easter 2020
<b>Redland School, Chippenham</b>	<b>Expansion by 30 places</b>	<b>Complete</b>
Burgage Primary	Replacement of time expired temporary accommodation	Complete
<b>Bellefield Primary, Trowbridge</b>	<b>Expansion by 30 places</b>	<b>Complete</b>
Sutton Benger Primary	Expansion by 30 places	Complete
St Bartholomew's Primary, Wootton Bassett	Expansion to 2FE	In construction
Longhedge, Salisbury (NEW)	New 1FE (210 place) Primary School	No progress – not currently required
Chippenham North (NEW)	New 1FE (210 place) Primary School	No progress – not currently required
Chippenham Rawlings Farm (NEW)	New 1.5FE (315 place) Primary School with expansion to 2FE to follow	S106 yet to be agreed
Chippenham Rowden Park (NEW)	New 1.5FE (315 place) Primary School with expansion to 2FE to follow	No progress – housing development not started
<b>Secondary</b>		
Stonehenge	Expansion by 300 places	Complete
<b>Malmesbury</b>	<b>Expansion by 120 places</b>	<b>Complete</b>
Royal Wootton Bassett	Expansion by 180 places	Due to complete for Sept 2020
St Joseph's RC Salisbury	Expansion by 120 places	Complete
<b>Corsham Secondary</b>	<b>Expansion of Secondary School Phase 1</b>	<b>Complete</b>
St Laurence School BoA	Expansion by 40 places	In construction
Melksham Oak	Expansion of Secondary School – Phase 1	Starting on site March 2020
<b>Matravers School</b>	<b>Replacement of poor quality temp accomm as contribution to PSBP2. Project funded by ESFA</b>	<b>Complete</b>
Kingdown School	Expansion by 300 places	Design underway
Abbeyfield School	First phase of expansion to provide 300 places. To be funded by Community Infrastructure Levy (CIL)	Design underway
<b>Army Basing</b>		



St Michael's, Larkhill	Expansion and relocation to new 2FE (420 place) Primary School and 60 place Nursery	Complete
Ludgershall Corunna Barracks	New 2FE (420 place) Primary School and 30 place Nursery	In construction
Avon Valley College	Expansion by 270 places	In construction
<b>Wellington Academy</b>	<b>Expansion by 300 places</b>	<b>Complete</b>
<b>Special</b>		
Larkrise Special School	Provision of an additional 8-10 places by Temporary Classroom	Complete
<b>Condition/Maintenance Projects</b>		
<b>Harnham Infants</b>	<b>Replacement of poor quality temporary buildings</b>	<b>Complete</b>
<b>Harnham Juniors</b>	<b>Replacement of poor quality temporary buildings</b>	<b>Classrooms complete, external work still progressing</b>
<b>Wootton Bassett Infants</b>	<b>Replacement of poor quality temporary buildings</b>	<b>Complete</b>
Preshute Primary	Replacement of poor quality temporary buildings	School managing scheme. Feasibility completed, planning application to be submitted shortly
Ashton Keynes	Replacement of poor quality temporary buildings	In construction

Appendix B

New School Capital Schemes

School	Project	Status	Cost Estimate £m	Requiring Approval £m
<b>Primary</b>				
Bitham Brook, Westbury	Expansion of school to 2FE, funded by S106	Not started	£1.6m	£1.6m
Mere Primary School	Conversion of former children's centre for use by the school, funded by S106 and basic need	Not started	£0.5m	£0.5m
Wootton Bassett Noremarsh Junior School	Expansion by 30 places to accommodate bulge class moving through from junior school (mobile classroom). Funded by basic need.	Not started	£0.125m	£0.125m
Holbrook Primary School	Replacement of poor quality temporary buildings. To be funded by maintenance funding and phased over the next few years in line with the funding available.	Feasibility study completed	£2.5m	£2.5m
<b>Secondary and Alternative Provision</b>				
Corsham Secondary	Second phase of expansion to provide at least 60 places. To be funded by S106	Out to tender	£1m	£1m
West (Trowbridge)	Creation of additional secondary and Alternative Provision places in Trowbridge. Funded by S106 and Basic Need.	Not started	£2m	£2m
North	Creation of Alternative Provision places in the north. Funded by Basic Need.	Not started	£0.6m	£0.6m
<b>Total</b>			<b>£8,325,000</b>	<b>£8,325,000</b>

Until this report is published, it should not be circulated beyond the Cabinet (excepting officers writing and reviewing the paper through this process) and its contents should be treated as confidential.

## Appendix C

### Priority School Planned Maintenance Projects 2020-21

School	Type of Maintenance Works	Est Cost
Dinton Primary	Fire alarm upgrade	£25,000
Monkton Park Primary	Roof replacement	£125,000
Bromham St Nicholas Primary	Roof replacement	£100,000
Minety Primary	Roof replacement	£40,000
Rowdeford	Roof replacement	£100,000
North Bradley Primary	Roof replacement	£50,000
Westbury Junior	Roof replacement	£50,000
Mere Primary	Roof replacement	£35,000
Durrington Junior	Roof replacements	£130,000
Christ Church Primary	Rewire	£150,000
North Bradley Primary	Rewire	£150,000
St Sampson's Primary	Rewire	£50,000
Stonehenge School	Drainage	£75,000
St John's Primary, Tisbury	Resurfacing	£100,000
Stonehenge School	Heating system	£150,000
Winterbourne Earls Primary	Heating system	£75,000
Amesbury Primary	Resurfacing	£40,000
Gomeldon Primary	Resurfacing and toilet refurbishments	£65,000
Archer Primary	Water distribution system and roof repairs	£85,000
Matravers School	Roof replacement	£160,000
Studley Green Primary	Rewire	£150,000
Newtown Primary	Replace rotten timber	£7,000
Southwick Primary	Replacement fire doors and sub floor structure	£10,000
Downlands School	Drainage	£5,000
Walwayne Primary	Replacement hall floor and sub structure	£46,000
Bitham Brook Primary	Fencing and roof lights	£60,000
Woodlands Primary	Windows and door replacements	£20,000
Harnham Juniors	Hall floor replacement and external ramp replacement	£13,000
Westwood with Iford Primary	Replacement hall floor and sub structure	£46,000
Matravers School	Windows and curtain walling	£350,000
Kington St Michael's Primary	Lighting upgrade and door replacements	£58,000

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Clarendon Junior	Roof replacement	£80,000
Various schools	Urgent priority 1 works valued at £24k or less	£200,000
Various schools	Legionella compliance works	£100,000
<b>Total</b>		<b>£2,900,000</b>
<b>Contingency retained for emergency reactive works</b>		<b>£600,000</b>
<b>Overall Total</b>		<b>£3,500,000</b>

Costs include direct fees and charges associated with work planned.

DRAFT

**Wiltshire Council**

**Cabinet**

**24th March 2020**

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**Subject: Sub-Regional Arrangements for Sourcing Independent Fostering Agency Placements**

**Cabinet Member: Cllr Pauline Church Cabinet Member for Children, Education and Skills**

**Key Decision: Key**

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### **Executive Summary**

This report seeks Cabinet approval to collaborate with 19 other Local Authorities in the South-Central area, for the procurement of Independent Fostering Agency (IFA) placements for looked after children and young people.

Where children and young people are unable to remain safely living with their families, we must have access to enough high-quality foster care placements, as close to Wiltshire communities as possible.

Where an appropriate match cannot be made with a Wiltshire Kinship and Fostering Team foster carer (known as in-house carers), carers are identified through Regional Framework Agreements.

Wiltshire Council currently procures IFA placements through a Framework Agreement competitively awarded in 2017, led by Bath and North East Somerset Council (BANES). This is known as the South-West Framework and includes 7 local authorities (Gloucestershire, South Gloucestershire, BANES, Swindon, Bristol, North Somerset and Wiltshire).

The South-Central Framework is led by Southampton and Bournemouth Councils and currently includes 19 Local Authorities across South-East and South-West England. Both the South-West and South-Central Framework Agreements expire in March 2021 and work will begin on re-tendering each in January 2020.

The South-Central Framework offers access to the same providers at a similar price to the South-West contract. However, the South-Central consortium is more developed, offering higher levels of provider engagement and greater regional capacity for partnership working between Local Authorities.

The South-Central consortium also offers a centralised contract management function (delivered by Bournemouth, Christchurch and Poole Council - BCP). This team provide participating Local Authorities with performance and financial data for all placements made through the Framework, rather than just those made by Wiltshire. This provides an opportunity to drive up the quality of IFA

placements available to Wiltshire children and young people and invest more time in strategic market developments, to deliver more local placements and more competitive prices.

Cabinet is asked to consider this proposal because of the indicative level of spend – up to £6m a year.

### **Proposal(s)**

It is recommended that Cabinet approves Wiltshire Council joining the South-Central consortium for the purchase of IFA placements for Looked After Children, from April 2021.

It is recommended that the decision to execute any contracts that may arise as a result of the tender exercise (including the associated partnership agreements) be delegated to the Director of Commissioning, in consultation with the Cabinet Member for Children, Education and Skills.

### **Reason for Proposal(s)**

The proposal represents the best available option to ensure on-going compliance with the Local Authority's duty to quality assure providers of IFA placements.

Participating in the South-Central consortium enables Wiltshire to:

- speak with greater authority to local market providers as part of a much larger group of Local Authorities compared to the South-West consortium (20 rather than 6).
- benefit from centralised contract management and access to much richer data about the quality of carers available regionally (not available through the South-West approach).
- Focus commissioning capacity on strategic relationship building and market shaping, which offers the greatest opportunities to drive up quality of care for children and deliver financial savings.

Choosing not to engage in a consortium approach could result in all external IFA placements being made on a spot-purchase basis, with fewer quality safeguards and potential for uncontrolled spend.

Therefore, this recommendation supports the Council's key strategic aim of delivering more high-quality, local options for our looked after children, at the best possible value.

**Terence Herbert - Chief Executive Officer - People**

**24th March 2020**

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**Subject: Sub-Regional Arrangements for Sourcing Independent Fostering Agency Placements**

**Cabinet Member: Cllr Pauline Church Cabinet Member for Children, Education and Skills**

**Key Decision: Key**

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### **Purpose of Report**

1. To seek Cabinet approval for Wiltshire to participate in the South-Central consortium for the purchase of IFA placements for Looked After Children and Young People, from April 2021.

### **Relevance to the Council's Business Plan**

2. This Service contributes to the Council's Business Plan priorities by:
  - Enabling looked after children and young people (LACYP) to access the support they need, close to home.
  - Increasing the standard of support accessed by LACYP.
  - Helping LACYP to feel safe and cared for.
  - Supporting the educational achievement of LACYP.
  - Improving the long-term outcomes of LACYP.
  - Ensuring LACYP have suitable accommodation.
  - Improving access to support for the most complex young people.
  - Supporting service users to shape the Services they receive.
  - Making responsible use of finite resources to support vulnerable young people.
  - Providing increased employment opportunities for Wiltshire residents.

### **Background**

3. When it is decided that a child or young people must come into care to remain safe, their social worker will attempt to identify a Wiltshire Council Foster Carer (known as in-house carers) to provide a permanent, stable home. Where there is no appropriate match with an in-house carer, an external placement is made with an Independent Fostering Agency (IFA).
4. There is no single 'type' of IFA. Some are large privately-owned organisations while others are small businesses or charities. This means that there is no single model of IFA placement and there is a risk of variable quality and cost.
5. At any one time, Wiltshire places approximately 140 children and young people in external IFA placements, which is in line with our regional neighbours as a proportion of our looked after children population.

6. Each year, Wiltshire places children with around 20 different IFAs of varying size and service model. As IFAs are inspected at least annually by Ofsted, the Framework Agreement provides a basic level of quality assurance that our children and young people are safe and well cared for.
7. However, the Framework Agreement should only be the first step in an effective quality assurance process, as it only provides overarching terms and conditions against which individual placements are made. The long-term effectiveness of the Framework relies on the capacity and appetite of participating Local Authorities to work collaboratively to continuously improve processes, invest time in building relationships with key local providers and speak with one voice to the market to ensure value for money.
8. In this way, the larger the group of Local Authorities with whom Wiltshire partners, the more effectively Wiltshire can shape local placement choice to meet the needs of our children and young people.
9. The South-Central consortium supports this aim because:
  - It is a much larger group of Local Authorities.
  - It has more developed relationships with, and higher levels of engagement from, local and regional providers – including more frequent face to face meetings and events.
  - It has increased capacity for partnership working, including the development of more bespoke contracting methods that will allow Wiltshire to control costs.
10. Moreover, the effectiveness of quality assurance activity is limited by the data available on providers with Wiltshire placements. When Wiltshire only make 1 or 2 placements with a provider per year, the data we hold on them is not statistically significant.
11. Conversely, the shared contract management approach available through the South-Central consortium allows Wiltshire to compare performance of all participating providers on all consortium placements, enabling more effective risk management and increasing transparency around costs.
12. The development of a shared contract management function has been explored with the South-West consortium, but due to the relatively small geographies of some participating Local Authorities like BANES, there is no appetite to deliver this within the current consortium arrangement.
13. Wiltshire – like all Local Authorities regionally - faces increasing pressure in sourcing local placements for our children and young people. To ensure the best possible outcomes for them and to continue to control upward pressures on the price of external placements, internal capacity and resources must focus on strategic market development activities, including the development of Wiltshire's local step-down pathway. Participating in the South-Central consortium delivers this capacity in a way that is not possible through the current South-West consortium approach.



## **Statutory Duties**

14. The Children Act 1989 required Local Authorities to “take steps that secure, as far as is reasonably practicable, sufficient accommodation within the Local Authority’s area” for Looked After Children and Young People.
15. Statutory Guidance on Securing Sufficient Accommodation for Looked After Children (2010) updates this duty and requires Local Authorities to:
  - Place children in their Local Authority boundary wherever possible.
  - Support the market to develop more local placement choice.
  - Ensure there are robust mechanisms for procuring placements, including those outside the Local Authority boundary.
  - Support and maintain a diverse provider market to meet the needs of all children and young people.
16. This guidance also increased the expectation that Local Authorities would work collaboratively through Framework Agreements or equivalent, to deliver the best possible outcomes for children and young people.
17. IFAs are regulated by the Fostering Services (England) Regulations 2011 and are inspected by Ofsted to ensure they comply with the Fostering Services National Minimum Standards. Under Ofsted’s inspection framework they receive a status of Inadequate, Requires Improvement, Good or Outstanding. Wiltshire will only place with Good or Outstanding providers unless there is evidence that placing with a Requires Improvement provider is in the best interest of an individual.
18. Local Authorities also have a statutory duty to promote and protect the health, wellbeing and educational attainment of Looked After Children, which is only achievable if the home secured is of high quality.

## **Current Service**

19. Since 2013, Wiltshire has been a member of the South-West consortium led by Bath and North East Somerset Council (BANES).
20. The South-West Framework was re-tendered in 2017 and expires in March 2021.
21. The South-West Framework brings together 7 Local Authorities from a shared geographical footprint, who share common providers and face the same key challenges around sufficiency, quality and price of placements. The other Local Authorities involved in the current Framework, under a formal participation agreement, are<sup>1</sup>:
  - Bath and North East Somerset Council
  - Bristol City Council
  - Gloucestershire County Council
  - North Somerset Council
  - South Gloucestershire Council
  - Swindon Council

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<sup>1</sup> Bristol City Council and Swindon Council have made the decision to join the South-Central Framework for the next iteration of the contract.

22. The current Framework Agreement provides quality assured access to more than 30 providers under pre-agreed terms, conditions and fees.
23. The Framework approach does not guarantee any referrals to providers, nor are they obliged to accept any referrals Wiltshire makes. This means identifying matches is reliant on strong provider relationships, good quality referral information and a degree of luck in carer availability.
24. Where a child or young person requires a Service or type of support not included in the terms and conditions under the Framework Agreement, this is purchased on a spot basis, using pre-agreed hourly rates depending on the nature of the support.
25. Where a match cannot be sourced through the Framework Agreement, all providers nationally are approached, and carers are identified on a spot basis.

## **Main Considerations for the Council**

### **Compliance with Statutory Duties**

26. The primary consideration for the Local Authority is that Wiltshire Council has a duty to provide high-quality foster placements where required for looked after children and young people, as close to home as possible.
27. The Council also has a duty to have alternative contracting arrangements in place for sourcing external foster carer matches.
28. The best way to fulfil these duties is to work in partnership with the largest group of Local Authorities possible to procure a Framework Agreement. It is also important that Wiltshire participate in the group of Local Authorities who are most actively engaging and negotiating with providers. The South-Central consortium offers the best option to achieve this.

### **Delivering as Corporate Parents**

29. The Council's duty as Corporate Parents means we must ensure that, wherever possible, children and young people have choice and control over where they live and how they are supported.
30. Children and young people have the right to be supported as close to their support networks, friends and schools as possible and this means ensuring there are enough foster carers within 20 miles of Wiltshire communities.
31. We also have a duty to remain ambitious for what our looked after children and young people can achieve and do all that we can to drive the quality of educational, health and social outcomes they achieve, however and wherever we identify a permanent stable home for them.
32. Participating in a Framework Agreement is just one part of delivering on these objectives, but it is an important one, because it increases the number of providers we can access, which increases local matching choices. The Framework approach also ensures that where children and young people are matched to external carers,

these placements are safe, staff supporting them are suitable skilled and supported and additional help is available at a transparent and competitive price.

### **Market Development**

33. Participating in a Framework Agreement with a centralised contract management function frees up internal resources for strategic relationship management and market development, which would otherwise be required to quality assure and negotiate prices on a case-by-case basis.
34. This is because basic contract management functions like fee negotiations, gathering and analysis of key performance data and market mapping will be undertaken centrally and Wiltshire will have access to this intelligence, rather than needing to gather it ourselves.
35. Therefore, the commissioning capacity available for managing IFA placements will be released to focus on activity that can deliver more quality local carers at the best possible value to the Local Authority.
36. The centralised contract management function also allows Wiltshire to speak to the market as part of a larger group of Local Authorities. This is more likely to deliver opportunities for innovation and regional collaboration.

### **Overview and Scrutiny Engagement**

37. The Chair of Children's Select Committee has been briefed on this approach and is in agreement.

### **Safeguarding Implications**

38. Safeguarding considerations are central to this proposal because IFAs who join the Framework will support vulnerable children and young people, who will have experienced some form of neglect or abuse.
39. To join the Framework, IFAs will be required to fully comply with all legislative and Best Practice requirements around Safeguarding Children and Adults for the term of the contract. This will include being fully trained in, and compliant with, standards set by the Wiltshire Safeguarding Vulnerable People's Partnership and Wiltshire Safeguarding Adults Board.
40. All staff will be fully DBS checked and will access safeguarding training every three years and this will be monitored through the contract review process. Managers will be expected to be Safer Recruitment trained.
41. All IFAs will be expected to conduct and submit safeguarding audits annually.

### **Public Health Implications**

42. There are no negative Public Health Implications in Wiltshire Council being part of the South West Consortium.

43. By participating, Wiltshire Council will be ensuring that we have high quality and safe foster care placements available for our most vulnerable looked after children and young people. This will support the achievement of Public Health's strategic priorities by:

- Ensuring looked after children and young people access the physical and mental health services that they need to be healthy, including being registered with and accessing local GPs and dentists.
- Providing supportive and nurturing home environments for looked after children and young people, which will increase their physical and emotional wellbeing.
- Providing bespoke support plans and guidance to enable young people to make positive lifestyle choices, including quitting smoking, reducing or ending substance use and/or making safe sexual health and relationship choices.
- Encouraging and enabling children and young people to participate in physical activities and hobbies.
- Working to reduce health inequalities by providing looked after children with targeted support and practical advice to live health adult lives.

### **Procurement Implications**

44. Procurement activity will be led by Southampton Council as the framework owner and will be PCR 2015 compliant. Southampton will sign the Framework Agreement on behalf of Wiltshire Council. Core contract management activity will be conducted by Bournemouth, Poole and Christchurch Council. Wiltshire Council will enter into separate Partnership Agreements with both Local Authorities for the purpose of accessing the framework and on-going performance data.

45. Placements for children and young people will be made under an Individual Placement Agreements entered into between Wiltshire Council and the Provider in question. Wiltshire Council will retain responsibility for all costs and outcomes relating to individual children and young people.

### **Equalities Impact of the Proposal**

46. An Equalities Risk Assessment identified that this Service is low risk. However, a full Equalities Impact Assessment was completed. *See Appendix 1.*

47. The proposed procurement route will increase market choice and therefore, provide more options for meeting the needs of the most vulnerable children and young people, included those with protected characteristics.

48. All providers who put forward a tender bid will be evaluated against the same criteria, with their equality and inclusion policies being thoroughly reviewed to ensure:

- they tackle inequalities and promote cohesive
- they do not discriminate in the way, including with employment related practices
- they promote equality and good relations between different groups

## **Environmental and Climate Change Considerations**

49. The primary impact on the environment will come from staff needing to do fewer long journeys to visit young people placed out of county, if greater local placement choice can be delivered.
50. The Service does not create any new environmental management risks as children and young people will be housed in existing properties, in existing communities. Providers will be pro-actively encouraged to recruit foster carers within the sub-regional area, to reduce travelling required to meet the needs of children and young people matched.

### **Risks that may arise if the proposed decision and related work is not taken**

#### **Risk 1: Compliance**

51. If the Local Authority is not part of a formally established contractual agreement, which for the purposes of this report is through entering a Framework Agreement, we will no longer be compliant with statutory duties.

#### **Risk 2: Placement Quality**

52. If the Local Authority is not part of a Framework Agreement, we have no influence over the quality of placements offered to us, creating a risk to safeguarding and placement quality.
53. If the Local Authority joins the South-West consortium, the quality of available placements will remain at current levels, which can be variable.

#### **Risk 3: Distance Placements**

54. If the Local Authority is not part of a Framework Agreement, we have no influence over the location of placements offered to us, significantly increasing the likelihood of making distance placements.
55. If the Local Authority joins the South-West consortium, the location of available placements will remain at current levels, which involves making too many placements outside of Wiltshire.

#### **Risk 4: Placement Cost**

56. If the Local Authority is not part of a Framework Agreement, we have no influence over the cost of placements offered to us, creating uncontrolled pressures on the placement budget.
57. If the Local Authority joins the South-West consortium, the cost of individual placements for children and young people will remain at current levels, which includes a higher than desirable proportion of off-contract spend.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

<b>Risk</b>	<b>Likelihood</b>	<b>Impact</b>	<b>Mitigating Action(s)</b>	<b>Residual Risk</b>
Not enough providers join the Framework	Low	High	Joining South-Central increases the numbers of providers available from 30+ to 50+.	Low
Not enough placements are available	High	High	This is a risk created by the market and is not mitigated by any one Framework Agreement over another. However, joining South-Central frees up strategic capacity to develop the local market, which is most likely route to reducing this risk in the medium term.	Moderate
Placements costs continue to increase	High	Moderate	It is likely that costs will continue to increase with inflation, especially for more complex CYP, but they will be more controlled under a Framework agreement. Joining South-Central will provide greater transparency of regional costs and allow Wiltshire to speak to the market as part of a larger, more influential block of Local Authorities. The centralised contract management function also increases accountability for Providers with regard to costs charged.	Low
Not enough local placements available	High	Moderate	This will continue to be a market-wide challenge but joining South-Central frees up strategic capacity to develop the local market and focus on relationships with providers who can feasibly deliver local sufficiency. It also increases the number of providers from whom we can source placements, increasing the likelihood of a local match.	Moderate
The framework 'freezes' the market	Low	Moderate	The framework will be re-opened annually to allow new entrants to join. Joining South-Central increases the likelihood of spot providers bidding to join, due to the increased market share.	Low
Joining the South-Central framework damages regional relationships with South West authorities.	Low	Moderate	Wiltshire will remain a leading member of the South-West Residential and Leaving Care Frameworks and an active participant in the South-West Commissioners Board (meeting at least quarterly). This will enable us to collaborate on delivering local solutions.	Low
Existing key providers do not join the South-Central Framework	Low	High	All existing providers will be encouraged to join from an early stage and multiple engagement events are planned for the next 12 months. If Providers only have capacity to bid to join one Framework, they are most likely to join South-Central as a larger contract.	Low

**Financial Implications**

58. The cost of joining the South-Central Framework is estimated at £13,000 in procurement and legal contributions. The annual on-going costs is estimated at £13,000 a year to access the shared contract management function.<sup>2</sup>

<sup>2</sup> Estimate based on pro-rata payments for each member, final figure may vary slightly.

59. This is an increase in cost versus the the South-West Framework, which only carries a one-off cost of £5,000 for the procurement exercise, as there is no on-going contract management or centralised resource available.
60. The annual cost membership of the South-Central Framework equates to £15,600 - £78,000 over the 5-year term. This is the equivalent of 18 weeks of a standard IFA placement, or 12 weeks of a complex IFA placement.
61. Once the regional framework is agreed, and all participating authorities are committed to the project, actual costs will be agreed. These will be dependant on the level of input agreed by all local authorities, and as such, the above costs are indicative.
62. The financial benefits of the proposed framework agreement are that the council will be in a stronger position to access and procure placements at regionally negotiated rates. The use of spot purchase should be reduced as more cost-effective framework placements for children and young people become available to us.
63. The centralised contract management function offered by the South-Central Framework will incorporate quarterly monitoring and challenge of placements made above standard price and a more robust approach to sourcing bespoke placements for children and young people with complex needs. These are the key sources of budget pressure on IFA placements and as such, this approach offers the best opportunity to control upward pressure on spend.
64. The savings delivered through increased strategic activity and relationship building will be closely monitored and are expected to exceed the £15,000 a year cost of joining the framework.
65. The total budget for looked after children externally commissioned placements is £12.6 million with a forecast spend of £14.1 million for 2019-20 financial year, entering into this framework agreement is one of many strategies being deployed to reduce cost pressure.

### **Legal Implications**

66. Wiltshire will enter a Partnership Agreement with Southampton and Bournemouth, Christchurch and Poole Councils, for the purpose of accessing the Framework Agreement.
67. The Council's legal team have been engaged to review the contractual terms and conditions of both Participation Agreement and the Framework Agreement that Southampton Council will enter into with providers on Wiltshire's behalf. This legal review will be undertaken to determine whether the approach will fully protect Wiltshire Council and that risks and responsibilities are equitably shared between the parties.
68. The review will also consider that the approach will allow the Council to meet all its statutory requirements in respect of its duties to safeguard and promote the welfare of young people leaving care, maintain suitable accommodation for them and provide other support as required to prepare them to succeed as adults.

69. The proposed procurement route will ensure that the Council is fully compliant with regulation 33 of the Public Contracts Regulations 2015 and all other procurement legislation, including in relation to its Best Value Duty.

### **Workforce Implications**

70. There are no workforce implications as it relates to an alternative commissioning route for a Service that is already commissioned. Therefore, the same providers will still be available and accessed and therefore operate in the same way.

71. There is no impact on Wiltshire Council staff.

### **Options Considered**

72. The options considered were:

- Do nothing
- Contract as a single Local Authority
- Join the South-West Framework
- Join the South-Central Framework

### **Do Nothing**

73. Doing nothing would mean allowing the current Framework Agreement to expire in March 2021 and moving all future IFA placements onto a spot purchase basis. This would lead to uncontrolled pressure on the placement budget and require more than 140 placements to be individually quality checked and monitored, which is not viable.

### **Contract as a single Local Authority**

74. Contracting as a single Local Authority would mean setting up a stand-alone Framework for Wiltshire. There would be no incentive for Providers to submit to the tender process for a single Local Authority, so this option would in reality be similar to the do-nothing approach.

### **Join the South-West Framework**

75. This would mean re-joining the same Framework Agreement that Wiltshire has participated in since 2013.

76. This approach would involve lower direct cost (£5,000 up front cost). However, the on-going cost of ensuring good value and high-quality placements would exceed the cost of joining the South-Central Framework. Conducting a quality assurance programme as an individual Local Authority (as required under all other options) would exceed £30,000 a year in officer time.<sup>3</sup>

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<sup>3</sup> Based on a minimum of 1 day per week of Senior Commissioner time, 2 days per week of Assistant Commissioner time and 1 day a month of Category Specialist time each year.



77. In addition, the South-West Framework partners are not intending to provide or support centralised contract management. This reduces the level of accountability providers are held to for delivering strong outcomes for our children and young people.

78. Under this approach, internal commissioning, operational and brokerage capacity would remain focused on day-to-day management of placements, leading to continued upward pressure on the placement budget.

### **Join the South-Central Framework**

79. This approach would involve paying the associated fees to join the South-Central Framework and access the centralised contract management function.

80. This option delivers the greatest benefit to children and young people, by increasing both the number of providers from whom placements can be sourced and the quality of safeguarding and performance data available for each provider, against which carer matches are agreed. This increases the opportunities of finding the right long-term match for children and young people, where they will be able to access the support they need to succeed as independent adults.

81. There are no guaranteed cashable savings, but participation in the South West consortium allows for officer time to be re-focussed to further develop strategic relationships with key providers, who can offer the best quality local placements at the best available value. The impact on the IFA budget will be closely monitored and it is anticipated that related activity will deliver savings at least equivalent to the annual cost (£15,600) of joining the Framework.

### **Conclusion**

82. It is recommended that Cabinet approves Wiltshire Council joining the South-Central consortium for the purchase of IFA placements for Looked After Children, from April 2021.

### **Helen Jones (Director - Joint Commissioning)**

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Report Author: Lucy Lewis, Commissioning Programme Lead, Specialist Services  
[lucy.lewis@wiltshire.gov.uk](mailto:lucy.lewis@wiltshire.gov.uk)

28<sup>th</sup> December 2019

### **Appendices**

1. Equalities Impact Assessment

### **Background Papers**

None

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## Full Equality Impact Assessment (EQIA)

An EQIA Screening has identified that this proposal/policy/project requires a full EQIA. This means there is a risk of significant adverse impact on service users/ residents including 'vulnerable groups' and/or and those from certain protected characteristics. An EQIA shows how you have and intend to ensure equalities issues are taken into account in:

1. making key decisions e.g. there are 3 cost saving proposals and you need to agree one
2. implementing an agreed decision e.g. you have agreed the proposals and need take on board the needs of those affected and reduce any negative impact where possible
3. reviewing the outcome of the decision e.g. reviewing the actual impact on people and whether it was successful in achieving savings

This document is a way of recording processes and is a key part of our obligation to show 'due regard'. The document can be updated and shared with decision makers throughout the project to inform which approaches/ ideas etc. are taken forward, how it is implemented and to review its success.

**Please append all related:**

- **EQIA screenings**
- **Full Equality Impact Assessment (EQIA)**
- **Equality Impact Assessment Quality Assurance Checklist**
- **Proposals- budget/ practice/ policy**

Officers Involved in completing screening	
Officer completing Equality Impact Assessment: <i>Responsible for gathering the information needed for the forms and completing the forms</i>	Lucy Lewis – Commissioning Programme Lead
Head of Service or Operational Director authorising Equality Impact Assessment: <i>Responsible for ensuring that equality impact of any proposal has been fully considered</i>	Helen Jones – Director of Commissioning
Date Equality Impact Assessment completed:	30 <sup>th</sup> December 2019

1. Proposal being Assessed	
Title of Budget Option/ Report: <i>Name of the proposed new or changed legislation, policy, strategy, project or service being assessed</i>	South Central Independent Fostering Agency Framework
Service Area and Directorate:	Children's Commissioning Team – Joint Commissioning
Budget Option:	
Budget Reference: <i>Relevant reference if this screening is being used for a formal budget proposal as part of the budget cycle</i>	N/A
Date proposal to be considered at Cabinet (if known):	March 2020
Is this a new proposal?	Yes
If linked to previous years give details:	N/A
On whom will the policy / decision impact?	<p><b>X Service users</b></p> <p><input type="checkbox"/> Staff</p> <p><input type="checkbox"/> Other public-sector organisations</p> <p><input type="checkbox"/> Voluntary / community groups / trade unions</p> <p><input type="checkbox"/> Others, please specify below</p>
Brief description of policy / decision to be screened:	Wiltshire Council currently participates in the South West consortium of Local Authorities for the procurement of Independent Fostering Agency (IFA) placements for looked after children and young people. A regional framework agreement ensures that Wiltshire Council has access to enough high-quality foster carers as close to Wiltshire communities as possible, so that children and young people in care can be found a permanent, stable home

where they can thrive.

At any one time, approximately 140 children and young people will live with foster carers supported by Independent Agencies. A regional framework ensures these agencies and their carers are adequately quality assured and that children and young people are receiving the support they need at the best possible price.

The recommendation to Cabinet will be to leave the current South West consortium (led by Bath and North East Somerset Council) and join the South-Central consortium (led by Bournemouth and Southampton Councils), from April 2021.

The recommendation is being made because the South Central consortium is much larger than the South West group, offering a stronger voice with which to speak to a key strategic market. The South-Central consortium also has a more developed centralised contract management team, which will allow Wiltshire to drive up the quality of carers available and negotiate the best possible price for our children and young people.

## 2. Reasoning behind the Proposal

**Note: This proposal received an equality risk score that did not require a full Equality Impact Analysis to be completed due to the low level of risk. However, this document has been completed to ensure that stakeholders are aware of the risks identified and to safeguard against them.**

As described above, the proposal is to move from participation in the South-West consortium to join the South-Central consortium for the procurement of Independent Fostering Agency placements for looked after children and young people. The benefits of this approach are:

- Becoming part of a much larger group of Local Authorities (20 instead of 5), with whom to negotiate with providers.
- Accessing a centralised contract management function, allowing internal time and resource to be focused on developing relationships with a smaller number of providers who can offer the best quality local homes for children and young people.
- Accessing data from 20 Local Authorities on the performance of individual providers, allowing Wiltshire Council to make the best possible matches for our children and young people.
- Improving the approach taken to meeting the needs of children and young people with the most complex needs, ensuring these children and young people get the right support at the right price.
- Access to caring households from a greater number of providers (approx. 50 compared to approx. 30)

It is not anticipated that there would be any negative impact on equalities resulting from this proposal.

Currently Wiltshire has access to approximately 30 IFA providers and the proposed approach would increase this to 50, including the existing 30. This increases the opportunity to match children and young people to carers from the same ethnic, religious or cultural backgrounds and increases the pool of specialist carers to support children and young people with disabilities and/or complex needs.

The core terms, conditions and expectations around carer recruitment, training and support for agencies joining the framework will remain the same. If for any reason an existing provider opted not to bid to join the South-Central framework, existing placements would continue under the Terms and Conditions of the current framework and new placements with these providers would be spot purchases, but no children or young people would be required to move or experience any change in their support package. However, it is unlikely that any provider would opt out of joining a larger framework. All providers will be required to meet the standards set out in the procurement exercise and all providers will be regulated and regularly inspected by Ofsted.

Therefore, children and young people should not experience any reduction in the support they receive, or any disruption to continuity of relationships.

Wiltshire will be fully engaged in the procurement process for the new framework, which will begin in March 2020. This provides plenty of time to ensure that existing providers are aware of the South-Central framework and are supported and encouraged to join.

The framework will include multiple Lots for different types of placements, ensuring that the needs of all children and young people can be catered for. The South-Central approach will improve the Lot used to source homes for our most complex children and young people, ensuring that the most vulnerable receive the best possible support.

## Results from the screening

Specify which protected characteristics (and groups within) were identified in the screening as at risk of adverse impact

Age	Disability	Race	Religion or belief	Gender
This Service is open to 0-18 year olds in line with statutory duties and best practice. There will be no reduction in Service compared to current circumstances under this approach.	The Service will have a specific Lot for supporting children and young people with disabilities, ensuring providers can adequately meet their needs. There will be no reduction in Service compared to current circumstances under this	The Service will be open to all races. There will be no reduction in Service compared to current circumstances under this approach.	The Service will be open to all religions. There will be no reduction in Service compared to current circumstances under this approach.	The Service will be open to all gender identifications. There will be no reduction in Service compared to current circumstances under this approach.

	approach.			
<b>Maternity or pregnancy</b>	<b>Transgender</b>	<b>Sexual Orientation</b>	<b>Marriage or Civil Partnership</b>	<b>Socio-economics/ at risk groups</b>
The Service will offer mother and baby placements where a mother is under 18. There will be no reduction in Service compared to current circumstances under this approach.	The Service will be open to all gender identifications. There will be no reduction in Service compared to current circumstances under this approach.	The Service will be open to young people of any sexual orientation. There will be no reduction in Service compared to current circumstances under this approach.	N/A	N/A

<b>3. Making Informed Decisions – Useful Data</b>	
<b>Data Gathering - Summary</b>	
No protected groups will be effected by this change.	
<b>Profile:</b>	<b>Are any groups disproportionately impacted by the changes (who, how and why):</b>
Age profile:	Are any age groups disproportionately impacted by the changes (who, how and why): No
Disability profile:	Are disabled people or those with certain disabilities disproportionately impacted by the changes (how and why): No
Race profile:	Are any ethnic groups disproportionately impacted by the changes (how and why):

	No
Religion or belief profile:	Are any faith groups disproportionately impacted by the changes (how and why): No
Gender profile:	Are male/female residents disproportionately impacted by the changes (how and why): No
Maternity or pregnancy:	Are pregnant women or breastfeeding mothers disproportionately impacted by the changes (how and why): No
Transgender profile:	Are transgender residents disproportionately impacted by the changes (how and why): No
Sexual Orientation profile:	Are heterosexual/ gay/ lesbian/ bisexual residents disproportionately impacted by the changes (how and why): No
Marriage or Civil Partnership:	Are people who are married or who have entered into a civil partnership disproportionately impacted by the changes (how and why): N/A
Socio-economics/ at risk groups profile:	Are any groups disproportionately impacted by the changes (how and why): No
Multiple characteristics : (e.g. males with a learning disability)	Are there any groups which may be impacted in a cumulative way due to multiple protected characteristics? No

#### 4. Making Informed Decisions – Stakeholder Consultation/Engagement

Consultation has been completed with members of the South West consortium and members of the South-Central consortium to understand the benefits and challenges of each approach.

Key internal stakeholders have been involved in the decision, including the Head of Service for Looked After Children and the Director of Families and Children.



At least two market engagement events will be held in 2020 with providers, to ensure that the proposed framework agreement meets the needs of providers as well as participating Local Authorities and to maximise the chances of providers joining the framework.

Consultation with children and young people has not been held, because children and young people should notice no difference at all in a change to the contracting process with the providers supporting their carers.

A full Cabinet paper is being prepared and will be considered by:

- The Head of Service for Looked After Children
- The Head of Service for Joint Commissioning
- Procurement, Finance and Legal
- Public Health

## 5. Overall Impact

The overall impact of the proposal is considered to be low. The proposal is to contract the existing service under a different regional framework agreement.

Following this assessment there are no identified changes to the proposal. It is felt that the risks identified will be mitigated against through the proposed actions.

## 6. EQIA Outcome

**No change – continue to implementation**

**Adjust the policy and continue with implementation**

**Stop and remove**

## 7. Mitigating Action Plan

Action	Anticipated Outcome	Lead	Deadline	Actual Outcome	Comments
A robust tender process to ensure we fully and clearly specify the service required and ensure the successful provider is capable of delivering it.	Wiltshire has identified a Senior Commissioner to fully engage in the regional commissioning exercise, beginning in March 2020.	Jenine Brister	31 Feb 2021		

## 8. Next Steps

Are there plans to provide feedback to the groups or people that have been consulted in preparing for this assessment?	No
How is it proposed that the Mitigating Actions Plan will be monitored?	Through the Placement Commissioning Strategy.
Has the assessment been included with Cabinet papers?	Yes.
Has a review date been identified to revisit this assessment to consider if there has been a significant change in circumstance	As any new information becomes available this EIA would be reviewed at the time should it be required.

<b>Officers Involved in Completing Screening</b>	
Officer completing Equality Impact Assessment	Lucy Lewis – Commissioning Programme Lead
Date submitted	30 <sup>th</sup> Dec 2019
Head of Service or Operational Director sign off	Gary Binstead
Date approved by Head of Service or Operational Director	4 <sup>th</sup> January 2020

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**Wiltshire Council**

**Cabinet**

**24 March 2020**

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**Subject: Service Devolution & Asset Transfer Package - Bradford on Avon**

**Cabinet Member: Councillor Richard Clewer – Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration.**

**Key Decision: Key**

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## **Executive Summary**

Following the approval of the Service Devolution and Asset Transfer Policy in November 2017 Members and officers of Bradford on Avon Town Council (BoA TC) and Wiltshire Council have worked to finalise the detailed package of services and associated assets to transfer from Wiltshire Council to Bradford on Avon.

The final package of services and assets to transfer to BoA TC consists of the following:

### **Services:**

- All grounds maintenance services within the BoA TC Boundary
- All Streetscene services within the BoA TC Boundary
- Responsibility for amenity land hard areas and assets.
- Responsibility for streetscene assets on the highway
- The maintenance of play areas

The responsibility to carry out services and maintenance on all land assets will be discharged by way of an Agency Agreement.

### **Assets to be transferred:**

- Budbury Close Electric Sub Station
- Station Car Park Public Convenience – Long lease
- St Margaret's Hill Scout Hut
- Poulton Field
- Poulton Recreational QEII Pavilion
- Frome Road Centre
- Land South of Bridge Street
- 10 distinct land holdings under one title Including but not limited to:
  - Land Adjacent 10 Deverell Close,
  - Land south of Moulton Drive,
  - Land Adjoining Southway Road,

- Land West of Methuen Close,
- Beddoe Close Open Space.
- Land south east of Bainton Close
- Land adjoining St Margaret's Hall
- St Margaret's Car Park North West (Part title – Walk way only)
- Walk way fronting Swimming Pool
- Bearfield Play Aea
- St Aldhelm Road Play Area
- Greenland View Playground
- Spencers Orchard Play Areas
- Budbury Place Parking Area
- Frome Road Allotments
- Soulder of Mutton Allotments – Long lease - including rights over Avon Close land to the east
- Cemetery Extension
- Cemetery with chapels and lodge.
- Barton Farm Country Park including land north east of Barton Farm

#### Additions

**Section 106** - All S106 monies held by Wiltshire Council relating to assets within the BoA TC boundary will be transferred.

**Capital fund from Wessex Water** – £25k received to improve and develop Barton Farm Country park. Monies remaining following a programme of works will be transferred to Bradford on Avon Town Council

**Allotments & Market Stalls** – any deposits or rental income received will be transferred pro-rata commencing 1<sup>st</sup> June 2020

**Town Lock-up** – Management of the heritage building will be granted to the Town Council. All maintenance and liabilities will remain with Wiltshire Council due to the building's location on the public Highway.

These services and assets meet the criteria set out in the policy and are to be included in this package.

#### Proposal(s)

It is recommended that Cabinet:

- 1) Consider and approve the list of services and assets that will be transferred to Bradford on Avon Town Council. The inclusion of any open space land is subject to consideration of any objections received following the advertising of the disposal in accordance with statutory obligations.
- 2) Delegate authority to the Growth and Investment Director following consultation with the Head of Estate and Development to remove assets

from the final list if site constraints/legal issues are revealed as part of the detailed due diligence process

- 3) Note the net revenue impact to the Council and acknowledge that the Service Devolution programme benefits of cost savings and avoidance will be realised on a cumulative basis as the programme progresses and as more Towns/Parishes complete the process.
- 4) Delegate the implementation of the transfer of assets and the service delegation to the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism,

**Reason for Proposal(s)**

To complete the transfer of the package of assets and services to Bradford on Avon Town Council.

**Alistair Cunningham**  
**Chief Executive Officer - Place**

## **Wiltshire Council**

### **Cabinet**

**24 March 2019**

---

**Subject:** Service Devolution & Asset Transfer Package - Bradford on Avon

**Cabinet Member:** Councillor Richard Clewer – Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration.

**Key Decision:** Key

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### **Purpose of Report**

To recommend a final package of services and assets to transfer to BoA TC and to provide detailed information in relation to the financial impact this will have on Wiltshire Council.

### **Relevance to the Council's Business Plan**

The council has a Business Plan objective to transfer packages of assets and services, where applicable, to parish and town councils.

### **Background**

Following several decisions made by Wiltshire Council's cabinet (please see appendix 1 for copies of each cabinet report) since 2015 it has been agreed that Wiltshire Council would work with each Town Council to produce a package of services and their associated assets to be devolved to them.

Following the completion of the Salisbury City package transfer in April 2017 the Service Devolution and Asset Transfer policy was agreed by Cabinet in November 2017 (appendix 2); it sets out clear guidelines for the packages and provides a more streamlined process including the use of standardised service delegation agreements, lease agreements and freehold asset transfer documentation.

In a change to the original premise and lessons learned from the package transfers to Devizes and Chippenham town councils, a forensic analysis of assets owned by Wiltshire Council has been completed for BoA TC where all assets identified are being transferred. This approach has and will be adopted for all further package transfers. In cases where a freehold transfer is not possible the asset would become the responsibility of the Town Council via a service delegation agreement. The new policy lays out criteria for those assets which would not be included as a freehold transfer in the first instance, e.g: anything considered strategic for the Council, anything with a revenue income (except for Markets/Cemeteries) and anything which the Council holds a statutory responsibility to deliver.



From the service perspective, the policy states that the entirety of the service must be devolved to enable the best outcome for the transfer as piecemeal delegations are difficult to manage and risk disparate levels of delivery across the area.

## **Main Considerations for the Council**

The proposal is for the transfer of the following:

- Services
  - All grounds maintenance services with the Bradford on Avon Town Boundary (as detailed in Appendix 3)
  - All Streetscene services within the Bradford on Avon Town Boundary
  - Responsibility of amenity land hard areas and assets.
  - Management of the weekly market
  - Management of the two allotment sites
  - Management of the woodland parks/nature reserves
  - Management of the maintenance on all closed church yards within the town boundary
  - Responsibility and management of the Town's open cemetery and cemetery extension land.

The responsibility to carry out services and maintenance on all land assets will be discharged by way of an Agency Agreement.

The transfer of the Grounds Maintenance and Street Scene services is on the basis of a contract novation with IdVerde from 1<sup>st</sup> June 2020 until either the Town Council exit the contract or the contract end date (November 2022). All future amenity and cleaning services within the parish boundary will be the responsibility of BoA TC to manage, including any future land adopted by Wiltshire Council.

- Assets to be freehold transferred:
  - Budbury Close Electric Sub Station
  - Station Car Park Public Convenience (125 year lease)
  - St Margaret's Hill Scout Hut
  - Poulton Field
  - Poulton Recreational QEII Pavillion
  - Frome Road Centre
  - Land South of Bridge Street
  - Land north east of Barton Farm
  - 10 distinct land holdings under one title Including:
    - Land Adjacent 10 Deverell Close,
    - Land south of Moulton Drive,
    - Land Adjoining Southway Road,

- Land West of Methuen Close,
  - Beddoe Close Open Space.
- Land south east of Bainton Close
- Land adjoining St Margaret's Hall
- St Margaret's Car Park North West (Part title – Walk way only)
- Avon Close land to the east
- Bearfield Play Aea
- St Aldhelm Road Play Area
- Greenland View Playground
- Spencers Orchard Play Areas
- Budbury Place Car Park
- Frome Road Allotments
- Shoulder of Mutton Allotments (125 year lease)
- Bradford on Avon Cemetery Extension
- Bradford on Avon Cemetery
- Barton Farm Country Park

The above list has been compiled on the assumption that there are no site constraints or legal issues affecting the asset which would prevent a freehold transfer being undertaken. In such circumstances the Town Council will be given the most appropriate form of responsibility, for example a. lease or licence. In addition, as part of the due diligence process, there may be a need to remove an asset from the final list due to site constraints / legal reasons.

#### Transfer of Funding

There will be no transfer of Wiltshire Council funding as part of this package.

#### Resources

Significant resource from Legal, Finance, Programme Office and Strategic Asset and Facilities Management (SA&FM) will be required to complete the transfer to BoA TC Council, due to necessary due diligence to ensure transfer of service and assets can proceed.

#### Overview & Scrutiny Engagement

In November 2017 Overview and Scrutiny Management Select Committee (OSMC) undertook a scrutiny review of the revised Asset and Service Devolution and Community Asset Transfer Policy, prior to its adoption by Cabinet.

#### Safeguarding Implications

None

#### Public Health Implications

This proposal will have a number of positive public health implications as it allows the Parish Council to manage and enhance the local community services at a local level. A good example would be the redevelopment of the currently closed play areas in the Parish

### Procurement Implications

This proposal affects current contracts and will result in a reduced requirement in future contracts. The procurement team will be involved further where appropriate.

Equalities Impact of the Proposal (detailing conclusions identified from Equality Analysis, sections 4 and 5)

The transfer of assets raises no issues in respect of equalities impact.

### Environmental and Climate Change Considerations

None

### Risk Assessment

Significant resources will be required to complete the work for the transfer.

Risks that may arise if the proposed decision and related work is not taken

- Reduction in budgets due to efficiencies may result in a reduction of services being offered by the Council and potential closures of amenity spaces.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- A removal of the grounds maintenance for the Bradford on Avon area may result in a pro-rata increased costs of the overall services, as overheads will not be reduced and spread across the remaining service
- Customers may be uncertain about responsibilities in some areas, but experience from Salisbury, Devizes and Chippenham shows this can be overcome and a positive working relationship will be formed with Bradford on Avon Town Council
- Freehold titles may contain restrictions that impact on asset transfer, but these can be overcome by detailed due diligence and dialogue between the parties.

## **Financial Implications**

### Ongoing Revenue

Financial analysis has been conducted to examine the impact for the council. The financial model is based on the following assumptions:

The model assumes the transfer will take effect from 1<sup>st</sup> June 2020.

HR, Legal, Finance, SA&FM, Highways staff time costs for processing the transfer are excluded from the table below.

The table below shows a full year effect of the transfer for 2020/21

Service	Expenditure 2018/2019	Income 2018/2019
Grounds maintenance & Streetscene	£154,101.36	N/A
Markets	Approx. £2,700.00	-£9,674.00
Cemetery	£5,236.86 (Grass cutting, and other maintenance included in IdVerde Contract)	-£22,185.00
Allotments	Included in IdVerde contract	-£670.97
Rental (Scout Hut)	£250.00	-£1,500.00
<b>Total</b>	<b>£159,897.42</b>	<b>-£33,795.97</b>

There would be an annual Net Revenue budget saving of **£126,101.39** pro rata from 1<sup>st</sup> June for 2020/2021

The current Streetscene contract expires in June 2020. There is a proposal to extend the contract to 2022 past the Service Delegation and Asset Transfer programme timetable. This will mitigate the risks of considerable rate increases for the whole contract from tendering a service in 2020 without detailed areas and locations over the contract period.

A tender in 2020 would result in a baseline service for rural maintenance, with no guarantee for urban work. Contractors would price accordingly increasing urban rates due to the risk of the loss of this work.

Tendering in 2022 would allow quantities to be known, mitigating the risks of urban rates increases. However, the loss of most of the large urban areas works, close to operational depots (such as: Devizes, Chippenham and Salisbury), will naturally increase the average rate per square meter of any new tender. This will be a challenge to the budget or provision at that time. Service Delegation savings will far exceed the cost increases of the loss of economies of scale, but currently all savings will be surrendered at the time of transfer removing funding from the future service budget.

### Capital

The assets listed have a current value of approximately £17k. This figure reflects the uses, restrictions and agreements that affect the assets. These values do not represent the sums that may be realised, were the properties to be offered to the market, but indicate the

reduction of the Council's asset base that will result from the proposed transfers, if approved.

### Section 106 monies

Around £4,000 of Off Site Contribution capital section 106 monies would transfer to Bradford on Avon Town Council.

Please note these figures are correct as of February 2020, these amounts may change by the time of transfer based on funds being accessed.

### **Legal Implications**

Section 123 of the Local Government Act 1972 ("the LGA 1972") imposes a general restriction on disposals by local authorities which means that Wiltshire Council cannot dispose of its land for a consideration less than the best that can be reasonably obtained in the market, except with the express consent of the Secretary of State. Disposals by way of short term tenancies are not caught by this restriction.

The power of the Secretary of State to give a general consent for the purpose of land disposals by local authorities is set out in section 128 (1) of the LGA 1972. Specific consent is not required for the disposal of any interest in land at less than best consideration where the authority considers that the disposal will help it to secure the promotion or improvement of the economic, social or environmental wellbeing of its area. However, disposal at less than best consideration is always subject to the condition that the undervalue does not exceed £2 million. Therefore, all proposed transactions where the aggregate of "undervalue" exceeds the £2 million threshold will require the specific consent of the Secretary of State.

The properties listed have a current asset value of approximately £945,000. This figure reflects the uses, restrictions and agreements that affect the assets. These values do not represent the sums that may be realised, were the properties to be offered to the market, but indicate the reduction of the Council's asset base that will result from the proposed transfers, if approved

The model community asset transfer and leasehold documentation is drafted on the basis that the use of the property will continue for the benefit of the local community.

- **Open Space Land**

A local authority has a statutory duty to advertise its intention to dispose of open space land in a local newspaper for two consecutive weeks and to consider objections. This will be done before any final decision is taken on the disposal so that proper consideration is given to the responses that are received. This process will need to be factored into the transfer programme for Bradford on Avon Town Council.

- **State Aid**

European State aid law is intended to avoid any state aided subsidies which could distort competition and affect trade between member states. State aid law can potentially apply to town and parish councils and third sector organisations when they receive community assets and/or financial contributions from Wiltshire Council towards the cost of delivering delegated services. State aid can only be found in the situation where the organisation receiving the aid acts on a market. Local Authorities (as well as charities) can in some of their functions be assessed as acting on a market. This assessment is unlikely to be made where the recipient is engaged in carrying out not for profit activities to meet local community need. However, the use of each individual asset or financial contribution must be considered, and Legal Services must be engaged to advise Wiltshire Council on the State aid implications for the transfer package.

If State aid has been granted without European Commission approval (either through a separate notification or by following the terms of the relevant exemption) this would be illegal State aid. The European Commission has the ability to make such orders to correct the perceived market distortion caused by the illegal aid. This could take the form of an order to the recipient to return to Wiltshire Council any assets and/or repay the value of any financial aid, plus interest from the date of the aid to the date of repayment.

Even where there is no illegal State aid in favour of the recipient, care needs to be taken to avoid accidental leakage of aid in the future when the recipient itself deals with the asset or funding. For instance, care needs to be taken by the recipient to avoid giving a third party a competitive advantage by letting a community asset at below market rate, and an EU compliant procurement process must be followed by the recipient when engaging any third party to carry out delegated services. There are clauses in the model legal documentation between Wiltshire Council and the recipient to deal with this.

- **Transfer of employees**

There are two different types of transfer of employees under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) – Service Provision Change or a Transfer of Whole or Part of an Undertaking.

It will be necessary to consider the application or otherwise of TUPE having regard to the circumstances of the case and whether for example redundancy costs may be payable in the event that TUPE doesn't apply. These costs will need to be identified and form part of the financial analysis of the proposed service devolution.

TUPE may occur at the end of the Idverde contract, for any work delegated. The land transfers and contract novation will occur pre expiry of the Idverde contract. BoA TC may receive staff subject to TUPE (staff follow the work) although this is considered unlikely and in any event would be a matter for BoA TC to resolve should this arise.

Section 101 of the Local Government Act 1972 and supporting legislation (the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012)

allows the Council to decide to delegate certain functions relating to services to town and parish councils, including Bradford on Avon Town Council.

There are two levels of service delegation proposed under this report depending on the function involved:

Delegation of service delivery. This type of delegation applies for the Grounds Maintenance and Streetscene service and may be discharged by way of an Agency Arrangement. The function is a statutory function which remains the responsibility of Wiltshire Council, however the delivery of the service may be transferred to BoA TC who will become responsible for the delivery contracted out services. This arrangement must be by way of a written agreement which clearly defines the services being transferred and any conditions to which the transfer is subject.

Delegation of service responsibility. The service (and any land, buildings or assets that are required to run the service locally) will transfer to Bradford on Avon Town Council. This type of delegation can only apply where Wiltshire Council has a high degree of discretion about the provision of the service. Wiltshire Council will cease to be responsible and accountable for the delivery of these services.

It is confirmed that Wiltshire Council has the power to delegate the proposed services by s.101 of the Local Government Act 1972. There is the power for BoA TC to deliver the service however it is for BoA TC to determine its own ability to deliver the service and this was considered at a formal meeting of the Town Council before deciding to accept the service delegation

Officers will instruct Legal Services to draft the required Agency Agreement, so that terms relating to all functions to be delegated can be negotiated with Bradford on Avon Town Council.

In respect of the Section 106 monies a process will need to be defined to ensure that there is a clear understanding of what it can be used for and the date by which it must be spent with the parties entering into legal documentation to set out the arrangements.

Proposal 'c' below in this report; " Delegate the implementation of the transfer of assets and the service delegation including the ability to remove assets where site constraints/legal issues are revealed in the due diligence process the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism," Paragraph 2.2 of the Constitution sets out the issues that must be properly considered and completed when exercising delegated powers, including:

- The views of the relevant Cabinet Member, Committee Chairman and Area Boards following the application of the consultation criteria set out in the Constitution;
- The implication of any Council policy initiative, strategy or procedure. Officers need to be aware of any potential impact of a delegated decision on other services. In such cases, consultation with officers, relevant Cabinet Members(s) or Committee Chairman from any affected portfolio and local members, where the issue relates to a specific area, should take place;
- The range of available options;
- The staffing, financial and legal implications;

- The assessment of any associated risks in accordance with the Council's risk management strategy

The above list is not exhaustive. Please refer to Part 3 Section D Scheme of Delegation to Officers of the Constitution for a complete list of the issues that must be taken into consideration.

### Options Considered

None

### Conclusions

The council can move towards achieving its Business Plan objective to transfer packages of assets and services to parish and town councils with this transfer.

### **Proposal**

It is recommended that Cabinet:

- a. Consider and approve the final list of assets and services listed that will be transferred to Bradford on Avon Town Council
- b. Note the net revenue impact to the Council and acknowledge that the Service Devolution programme benefits of cost savings and avoidance will be realised on a cumulative basis as the programme progresses and as more Towns/Parishes complete the process.
- c. Delegate the implementation of the transfer of assets and the service delegation including the ability to remove assets where site constraints/legal issues are revealed in the due diligence process to, the Growth & Investment Director in consultation with the Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism,.

**Alan Richell**  
**Growth and Investment Director**

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Report Author: Hannah Day Programme Office

[Hannah.Day@wiltshire.gov.uk](mailto:Hannah.Day@wiltshire.gov.uk)

24<sup>th</sup> February 2020

### **Background Papers**

The following documents have been relied on in the preparation of this report: None

### **Appendices**

Appendix 1 – Cabinet Papers

Appendix 2 – Service Devolution Policy

Appendix 3 – Grounds maintenance & Streetscene specifications



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## Appendix 1

Cabinet papers relating to CAT Programme and Salisbury City Council Transfer:

- July 2015 – Cabinet Report



Cabinet Minutes Jul  
2015.pdf

- April 2016 – Cabinet Report



Cabinet Minutes April  
2016.pdf

## Appendix 2

- Service Devolution & Asset Transfer Policy



Service Devolution  
Asset Transfer Policy.r

- November 2017 - Cabinet Report



Service Devolution  
and Asset Transfer Ca

## Appendix 3 - Grounds maintenance & Streetscene specifications

### Soft Maintenance Services

Task	Comment	Conditions
Litter Picking	<ul style="list-style-type: none"> <li>Litter examples include:</li> <li>Dead animals (road kill)</li> <li>Dog/ animal faeces</li> <li>Cigarette waste &amp; cigarette packets</li> <li>Beverage and drinks containers</li> <li>Food containers or utensils</li> <li>Publications, magazines and newspapers</li> <li>Shopping and other bags</li> <li>Illegal deposits of commercial and household waste which shall be cleared as fly tipping, see further below</li> <li>Removal of pigeon droppings from pathways and footways</li> <li>Removal of fallen branches, wood, metal and plastic objects</li> <li>Removal of leaf and blossom falls to an approved programme</li> <li>Other similar waste types up to 1 cubic meter</li> </ul>	Must be carried out on both Amenity Land and the Highway
Emptying of Litter Bins		Must be carried out on both Amenity Land and the Highway
Removal of Dead Animals on the Highway		Must be carried out on both Amenity Land and the Highway
Removal of Fly Tipping (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Removal of Fly Posting (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Graffiti Removal (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway
Shopping Trolley Removal (but no enforcement related tasks)		Must be carried out on both Amenity Land and the Highway

Task	Comment	Conditions
Leaf Clearance		Must be carried out on both Amenity Land and the Highway
Balancing ponds, amenity footpaths, Streetscene assets and water courses	Monitor the condition and highlight any health and safety concerns on amenity footpaths, ponds, ditches and any amenity asset and effect their reasonable repair	Must be carried out on Amenity Land
Park and Highway Furniture	Monitor the condition of the furniture and highlight any health and safety concerns and effect their reasonable repair/replacement (subject on each occasion to WC's permission to repair/replace highway furniture)	Must be carried out on both Amenity Land and the Highway. <b>WC's prior written permission must be given in respect of repairing and replacing Highway furniture.</b>
Grounds Maintenance	Shrub Bed Maintenance, Maintenance of Shelterbelt/Plantation Areas/ Hedge Maintenance/ Tree/ Herbaceous Borders and any soft area maintenance.	Must be carried out on Amenity Land and the Highway. <b>WC's consent to maintain the verges of the Highway is hereby given.</b>
Grass Maintenance	<ul style="list-style-type: none"> <li>• Sheltered Housing Schemes</li> <li>• High amenity areas</li> <li>• General grass areas</li> <li>• Low Amenity areas</li> <li>• Highway verge areas</li> <li>• Rough grass areas</li> <li>• Flail grass areas</li> <li>• Wild flower/conservation areas</li> </ul>	Must be carried out on the Amenity Land and the verges of the Highway. <b>WC's consent to maintain the verges of the Highway is hereby given.</b>
Sports Pitch Maintenance (Football and Rugby)		Must be carried out on Amenity Land
Cricket Pitch Maintenance		Must be carried out on Amenity Land
Countryside	Litter clearance and emptying of litter bins	Must be carried out on Amenity Land
Woodlands and Countryside Site	Scavenging and cleaning and/or maintenance	Must be carried out on Amenity Land
Play Areas, Multiple Use Games Areas (MUGA) and Skate Park Inspection and Maintenance		Must be carried out on Amenity Land

<b>Task</b>	<b>Comment</b>	<b>Conditions</b>
Allotments	General up keep and maintenance including: <ul style="list-style-type: none"> <li>• Boundary fencing</li> <li>• Gates and Hedges</li> <li>• Tracks</li> <li>• Car parks</li> <li>• Grass areas and</li> <li>• Footpaths</li> </ul>	Must be carried out on Amenity Land (allotments)
Open Cemeteries	General up keep and maintenance including memorial testing	Must be carried out on Amenity Land (cemeteries)
Closed Churchyards	General up keep and maintenance including memorial testing	Must be carried out on Amenity Land (closed churchyards)
Car Parks and hard areas maintained by WC immediately prior to the Transfer Date	Maintenance of car parks – grounds and street cleaning (as per Idverde Scope)	Must be carried out on Amenity Land and hard areas subject to the exclusions in Column 1
Centre Litter Picking and Sweeping		Must be carried out on Amenity Land and the Highway
Weed Control (amenity hard areas and highways)	Responsibility for all weeds on the highways and service delegated areas	Must be carried out on Amenity Land and the Highway
Bus shelter maintenance	Litter collection, cleaning (graffiti, fly posting, moss etc. removal) and replacement of the structure	Must be carried out on Amenity Land and the Highway

## Hard Area Maintenance Services

Type of Land	
<p>The public open space where the hard asset is managed is:</p>	<ul style="list-style-type: none"> <li>• public gardens;</li> <li>• land used for the purposes of public recreation;</li> <li>• parks;</li> <li>• natural and semi-natural urban greenspaces</li> <li>• derelict open land;</li> <li>• sports pitches;</li> <li>• outdoor sports areas;</li> <li>• play provision;</li> <li>• amenity greenspace;</li> <li>• play areas;</li> <li>• skateboard parks;</li> <li>• outdoor basketball hoops;</li> <li>• and other more informal area (e.g. 'hanging out' areas, teenage shelters);</li> <li>• accessible countryside in urban fringe areas;</li> <li>• cemeteries;</li> <li>• closed churchyards.</li> </ul>
<p>For the avoidance of doubt, hard asset management would not be delegated for:</p>	<ul style="list-style-type: none"> <li>• Play &amp; Display Car Parks</li> <li>• Highway assets (without prior agreement – see below)</li> <li>• Campus or Hub areas</li> <li>• Housing Revenue Areas</li> </ul>
<p>The concept of the delegation would be for hard asset maintenance to be as an asset transfer.</p> <p>As such anything on the asset and anything beneath (but not adopted assets) would become the responsibility of the local council.</p> <p>Hard assets would include: fences; walls; paths; lighting; seats; fixed equipment etc.</p>	

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Wiltshire Council

Cabinet

24 March 2020

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**Subject:** The Maltings – Phase 1 River Corridor Improvements

**Cabinet Member:** Cllr Philip Whitehead - Leader of the Council and Cabinet Member for Economic Development, Cllr Richard Clewer Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration, Cllr Simon Jacobs Cabinet Member for Finance and Procurement

**Key Decision:** Key

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## **Executive Summary**

This report follows previous reports to cabinet and council with respect to the regeneration of the Maltings in October and November 2019.

It identifies the subsequent requirement to deliver flood risk reduction and natural environment enhancements to the River Avon in particular which runs through the Maltings site.

Without addressing this requirement, new development on the site will be constrained as newly released flood mapping shows that more of the site is now in flood zone 2 and 3 than previously shown.

## **Proposal(s)**

- 1. Agree to allocate £1.9m to the Maltings Phase 1 River Corridor Improvements from the 'Other Capital Schemes to be confirmed' approved budget.**
- 2. Agree to grant to the Environment Agency up to £2 million to deliver the Maltings Phase 1 River Corridor Improvements, using Local Growth Fund grant approved by the Swindon and Wiltshire Local Enterprise Partnership.**
- 3. Note that council officers will work collaboratively with the Environment Agency to secure additional funding required to deliver the whole scheme capital costs, the £1.9 million capital allocation serving as a backstop reserve in case this cannot be achieved from other available funding sources**
- 4. Delegate authority to enter into contract with the Environment Agency to the Director Housing & Commercial, in consultation with the Director Highways and Environment and Director of Finance and Procurement.**

**Reason for Proposal(s)**

The proposals of this report will not only re-establish the ability to develop on the Maltings site by mitigating flood risk and enhancing the natural environment, but will have wider benefits to the city of Salisbury, its residents, workers and visitors.

**Alistair Cunningham, Chief Executive Officer, Place**

## **Wiltshire Council**

### **Cabinet**

**24 March 2020**

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**Subject: The Maltings – Phase 1 River Corridor Improvements**

**Cabinet Member: Cllr Philip Whitehead - Leader of the Council and Cabinet Member for Economic Development, Cllr Richard Clewer Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration, Cllr Simon Jacobs Cabinet Member for Finance and Procurement**

**Key Decision: Key**

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### **Purpose of Report**

1. To update cabinet members on progress on delivering the regeneration of the Maltings and to set out how it is related to the delivery of the River Corridor improvements scheme as set out in the Central Area Framework which has recently been consulted on in public. This joint scheme with the Environment Agency will help reduce the flood risk to various areas in the city and improve leisure and recreational uses as well as ecology and biodiversity enhancements. It is vital to the delivery of the Central Car Park and Maltings regeneration scheme. For this reason, this report seeks approval from cabinet to allocate funding towards its delivery in line with the Outline Business Case approved by the Local Enterprise Partnership and the council's strategy to regenerate the Central Car Park and Maltings in Salisbury.

### **Relevance to the Council's Business Plan**

2. This Scheme is vital to the delivery of regeneration on the Maltings and Central Car Park in Salisbury. It is also an important capital scheme in reducing the risk of flooding residences and businesses in the wider city area and enhance the historic and natural environment. Overall, the project will support the council's business plan priorities in growing the economy, and providing housing and development where it is needed.

### **Background**

3. The strategy to implement regeneration of the Maltings and Central Car Park was reported to and approved by cabinet in October 2019, and further reported to Full Council in November 2019 to approve the allocation of capital finance to deliver the project.
4. As reported at that time, the council has been working with the Environment Agency (EA) and a range of stakeholders to plan and deliver improvements to the area around the River Avon and tributaries that pass through the Maltings and central Salisbury.

5. It has now become clear that development, as outlined in the endorsed masterplan, cannot proceed unless there are sufficient flood mitigation and improvements to the local natural environment.

### **Main Considerations for the Council**

6. The delivery of the River Corridor Improvements Phase 1 is intrinsically linked to the successful redevelopment of the Maltings and Central Car Park (MCCP), one of the Council's strategic development sites allocated under Core Policy 21 of the Wiltshire Core Strategy. Since the adoption of the Core Strategy in 2015, a masterplan<sup>[1]</sup> for the MCCP site has been prepared and endorsed (June 2019), setting out detailed requirements and relevant updates. Through further consultation with the EA it has become apparent that recent flood risk remodelling shows increased risk of flooding to the city centre than was previously predicted, with more residential and commercial properties being at risk, including land some of the land earmarked for development on the MCCP site.
7. Subsequently, work has been undertaken as part of the Salisbury Recovery programme on the production of the Salisbury Central Area Framework (CAF). The concept of a 'River Park' is an important element of the CAF, to which there has been a very high level of public support through two stages of public consultation<sup>[2]</sup>. The CAF's River Park concept sets out an illustrative green infrastructure link through the central area of the city, incorporating the river corridors in the MCCP site at its core, extending to the Ashley Road/Fisherton Recreation Ground to the north, and towards Elizabeth Gardens to the south. The first phase River Corridor Improvements Scheme which this report proposes to allocate funding towards constitutes the initial phase of delivery of the 'River Park'. It will include the most critical elements of the scheme in terms of flood risk reduction and is being led by the EA in collaboration with the council, and will be subject to planning and consultation.
8. The key drivers behind the delivery of the River Park are:
  - To reduce flood risk on the Maltings and Central Car Park site and enable strategically important redevelopment of the central car park.
  - To reduce flood risk to existing residents and businesses in central Salisbury and the Ashley Road area.
  - To provide overall betterment to the internationally designated habitat and ecology of the River Avon watercourse and its margins.
  - To create new and improved spaces for public enjoyment of the river and dwell time in the city centre, in line with the endorsed masterplan for the Maltings and Central Car Park.
  - Building climate change resilience, in response to the climate emergency.

9. Phase 1 can be broadly split into three sub areas (A, B and C), as follows:

#### Phase 1A: Land at MCCP (north)

- Formation of a green corridor in accordance with the MCCP masterplan to introduce city centre flood resilience and create a new green park for community use

<sup>[1]</sup> <http://www.wiltshire.gov.uk/spp-spd-maltings-and-central-car-park-masterplan-2019-june.pdf>

<sup>[2]</sup> <http://www.wiltshire.gov.uk/salisbury-future>

- Removal of the Swimming Pool Gate EA sluice structure
- Introduction of a series of rock weirs on the main channel from the Avon/Millstream divergence
- Consideration of the potential need for bridge repairs/replacement
- Improved public interface with sections remodelled to form casual public areas
- Biodiversity protection and enhancement
- Potential improvements to Millstream, subject to EA assessments on the likely impacts on the watercourse and its ecology

#### Area 1B: Ashley Road Open Space

- Installation of a bund along Ashley Road
- Tree planting
- Retention of open space for community/sports uses
- Relocation of the play area to western end of the open space

#### Area 1C: Fisherton Recreation Ground

- Installation of bund the along SE and SW edges of the field
- Removal of Blackwell Hatches EA structure
- Repositioning of the Summerlock Stream offtake to be further upstream, with current connection to the main Avon channel to be infilled
- Creation of wetland habitat along the new reach of the Summerlock Stream for biodiversity and amenity improvements
- Retention/replacement of the sports/MUGA facilities on the western side of the field
- Potential for enhancement to pedestrian/cycle link to residential areas north of the city

#### Proposed timing:

Planning application for Phase 1 elements to be worked up in tandem with the masterplan for the scheme. The current programme objective is to submit a full planning application to strategic planning committee in early 2021.

10. Subject to cabinet agreeing to these proposals, officers will under delegated authority enter the council into a contract for delivery with the EA.

#### **Overview and Scrutiny Engagement**

11. This report is to be presented to the Financial Planning Task Group at its meeting of 19 March 2020.

#### **Safeguarding Implications**

12. The river corridor improvements will enhance the natural and urban environment in Salisbury and provide opportunities for enjoyment to children, young people and vulnerable adults.
13. As with any significant infrastructure project, risk assessments will be undertaken at the appropriate stages to identify and mitigate any risks that their may be of direct or indirect impacts on the safeguarding of children, young people and vulnerable adults. These will include immediate risks that may arise from the construction phase of the scheme to longer terms risks such as mitigating risks of accident associated with the river corridor.

## **Public Health Implications**

14. The River Corridor Improvements will mitigate the impacts that flooding has on the physical and mental health of residents. The proposals will improve significant areas of the natural and urban environment in Salisbury, including air quality, which will bring public health and wellbeing benefits to residents, workers and visitors to the city. By encouraging people to cycle and walk in the city, the project will facilitate healthier living behaviours. They are critical to the regeneration of the Maltings and Central Car park which will also provide new housing, employment and cultural facilities all of which are positive determinants to public health.

## **Procurement Implications**

15. It is proposed to grant funding to the Environment Agency towards delivery of the River Corridor Improvements scheme.
16. The Environment Agency has Frameworks (“Next Generation Supplier Arrangements”) in place, for delivery of the Scheme.

## **Equalities Impact of the Proposal**

17. There are no equalities impacts arising from the proposal.

## **Environmental and Climate Change Considerations**

18. The proposals will result in energy consumption remaining roughly at current levels.
19. The scheme will include new planting that will have a net positive effect on air quality. A wider objective of the scheme is also to encourage modal shift in transport patterns by encouraging people to walk and cycle in the city.
20. Further ground investigations around the area will be undertaken where necessary to ensure that there is a good understanding of ground contamination where present. The scheme Construction and Environmental Management Plan (CEMP) shall provide for the safe control and if necessary removal of contaminants.
21. The scheme will likely be delivered over the course of two years, which means that during that time there may be weather events which increase the risk of flooding during scheme construction. The scheme will therefore be carefully managed to ensure that in the event of extreme weather that flood risk will remain at least as well mitigated as it is at present during the build period.
22. The scheme will improve climate change resilience and proposals will include an appropriate allowance for climate change in line with industry guidance. In other words it will be built to accommodate the predicted increase in peak river flow and peak rainfall intensity.

## **Risks that may arise if the proposed decision and related work is not taken**

23. The regeneration of the Maltings and Central Car Park will not be able to proceed as outlined in the masterplan, and the opportunity to work collaboratively with the Environment Agency to reduce flood risk in the city of Salisbury will

fail to be taken, and funding which has been approved by the Local Enterprise Partnership will be lost.

**Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

- 24. The principle risk is one of cost overrun. At present, the cost estimates upon which the requested capital allocation are based on early contractor involvement and cost consultancy to refine the estimates which include a high level of risk contingency to minimise the possibility that actual costs will be higher.

**Financial Implications**

- 25. The Phase 1 Scheme is projected to cost approximately £6 to 7 million.
- 26. Of this, funding either exists or has been allocated from the following funding sources:
  - a. Local Levy via the Wessex Regional Flood and Coastal Committee £1.1 million
  - b. Local Growth Fund via the Swindon and Wiltshire Local Enterprise Partnership £2 million
  - c. Flood Defence Grant in Aid funding via Defra / EA £3 million
- 26. It is also estimated that £1 million Community Infrastructure Levy can be invested in the River Corridor Improvements scheme.
- 27. The EA and the council are working together on a funding strategy to cover both the full costs of the phase 1 scheme and the River Park project as a whole. Officers have noted the Government’s budget announcement that it will be investing a record £5.2 billion towards flood defences between 2021 and 2027.
- 27. The following table compares the overall budget requirement profile to deliver regeneration of the Maltings as reported to cabinet and council in 2019, with the new overall budget requirement which includes the costs of the River Corridor Improvements Scheme:

	October / November 2019 (not including River Corridor Phase 1 scheme)	March 2020 (including costs of River Corridor Phase 1 Scheme)
Overall cost plan	£30 million	£37 million
<i>Of which, the funding sources being:</i>		
LGF	£6 million	£6 million
Council borrowing	£24 million	£24 million
Local Levy		£1.1 million
Grant In Aid		£3 million
CIL		£1 million
Funding from other available funding sources, or as a backstop, from the requested allocation		£1.9 million

from the 'Other Capital Schemes to be confirmed' budget		
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27. The level of new investment sought will enable the delivery of a scheme having a positive land value uplift impact on the Maltings and Central Car Park site, and secure £3 million of match funding via the EA / Defra towards the scheme which in the absence of the council's commitment would be at significant risk.
30. Local Growth Funding must be defrayed by 31 March 2021. Therefore the contract with the Environment Agency will profile Local Growth Funding to be spent by this date, with the balance being spent on the Scheme in following years.
31. There will be ongoing maintenance and repairs costs over the scheme's lifetime of 50 years. Responsibility for maintenance of lies with the relevant landowner which in the case of the Maltings and Central Car Park site is Wiltshire Council. It is expected that there will not be a net overall increase compared with the existing maintenance costs associated with the watercourse, and there may be the opportunity to find savings as the infrastructure is renewed as part of this project.

### **Legal Implications**

27. A Memorandum of Understanding between the council and the EA has been signed by both parties after consultation with Legal Services. The Memorandum sets out shared objectives and guiding principles of how the council and the EA would cooperate to deliver the River Corridor Improvements.
28. Subject to cabinet's agreement of this report's proposals, the council's Legal Services team will be instructed to draw up and agree with the EA's legal advisors a form of contract that both parties are able to enter into to enable the payment of grant to the EA and secure commitments as appropriate to ensure delivery of the project.

### **Workforce Implications**

29. There are no workforce implications arising from this proposal.

### **Options Considered**

30. Do minimum. In this scenario there would be insufficient delivery of flood and environmental mitigation to allow for new development on the Central Car Park and Maltings in line with the Masterplan. This will prevent council from realising value of its assets through regeneration of the site, and fail to realise the benefits that can be achieved by working together with the Environment Agency. It is therefore recommended to reject this option.

### **Conclusions**

31. The River Corridor project will enable delivery of the Maltings and Central Car Park scheme, fulfilling an important council objective and helping to



ensure the long-term economic vitality of Salisbury. It will benefit the wider city of Salisbury by increasing flood and climate change resilience, and producing environmental benefits which residents, workers and visitors to the city will benefit from.

**Parvis Khansari (Director - Highways and Environment), Simon Hendeby (Director - Housing and Commercial)**

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Report Author: Scott Anderson, Richard Walters, Senior Development Officer, Head of Service - Major Projects, [scott.anderson@wiltshire.gov.uk](mailto:scott.anderson@wiltshire.gov.uk), [richard.walters@wiltshire.gov.uk](mailto:richard.walters@wiltshire.gov.uk), Tel: 01722 434689,

06 March 2020

**Appendices**

None

**Background Papers**

The following documents have been relied on in the preparation of this report:

Cabinet report Maltings and Central Car Park Regeneration Scheme October 2019

Council Report Maltings and Central Car Park Regeneration Scheme November 2019

Outline Business Case Submission to Swindon and Wiltshire Local Enterprise Partnership: Executive Summary for Publication December 2019

Maltings Masterplan and Salisbury Central Area Framework documents

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**Wiltshire Council**

**Cabinet**

**24 March 2020**

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**Subject: Wiltshire Council's Housing Board Annual Report**

**Cabinet Member: Cllr Richard Clewer Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration**

**Key Decision: Non Key**

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## **Executive Summary**

The purpose of this report is to update Cabinet regarding the activities of Wiltshire Council's Housing Board between December 2018 and November 2019 and comply with its Terms of Reference which requires an update to be provided to Cabinet.

Throughout this period, the Board has engaged in a range of activities to shape the service offered to residents and their families, further increase service quality via appropriate monitoring mechanisms, encourage resident engagement and protect the reputation of the council as a landlord by ensuring a robust Business Plan is implemented.

Areas focused on by the Board are detailed in the main body of the report, with the primary focus of the Housing Board being:

- Housing Revenue Account (HRA) Business Plan
- Asset Management Plan (AMP)

Key achievements of the Housing Board over the past 12 months are (additional details are provided in the main report):

- Revised Housing Revenue Account (HRA) Business Plan
- Maintained momentum toward delivering 1 thousand new homes in the future
- Small Improvements Bids were agreed to deliver works which had been specifically requested by HRA residents
- Introduction of 3 themed sub-committees to enable more involvement in policy development

The Board is regularly updated about the budget position of the HRA and the implications of welfare reform and policy amendments, including the rent reduction of 1% per annum for 4 years which is coming to an end. Members are also regularly updated about Key Performance Indicators (KPIs), with the targets for said indicators being decided between the service and a sub-group of the Board.

When considering the strategic direction of the service, and the main current and future strategic risks and actions, Board members act in such a way as to complement the council's corporate Business Plan and objectives.

There is engagement between the Housing Board and the Environment Select Committee (ESC), and the Board has a scrutiny group sitting below it comprised of volunteer residents – the Challenge and Change Group.

Reforms suggested by the Board and/or the scrutiny group, have been incorporated into our work. Members have been involved in shaping the services' Forward Work plan.

The Board's Annual General Meeting included an overview of the year, presented by the Chairman and an update on the budget position.

Board members operate in a fair and balanced manner, maintain their independence and make recommendations to Housing Services; the Board can also make recommendations to Cabinet; however, powers cannot and have not been conferred on the Board so as to enable it to make binding decisions, as outlined in the Paper passed by Cabinet on 22 January 2013.

The Housing Board is in its second cycle of 4 years, which is linked to the council's local electoral cycle.

#### **Proposal(s)**

For Cabinet to note this Annual Report.

#### **Reason for Proposal(s)**

Wiltshire Council's Housing Board's Terms of Reference require an Annual Report to be presented to Cabinet.

**Alistair Cunningham**  
**Chief Executive Officer – Place**

## **Wiltshire Council**

### **Cabinet**

**24 March 2020**

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**Subject: Wiltshire Council's Housing Board Annual Report**

**Cabinet Member: Cllr Richard Clewer Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration**

**Key Decision: Non Key**

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### **Purpose of Report**

1. To update Cabinet regarding the activities of Wiltshire Council's Housing Board between December 2018 and November 2019 and comply with its Terms of Reference which requires an update to be provided to Cabinet.

### **Relevance to the Council's Business Plan**

2. As part of their Away-Day's and their regular meetings, the Board set future priorities, which are constructed to complement the Council's Business Plan. In respect of the Business Plan 2017-2027, the Board contributes toward creating strong communities in Wiltshire, protecting those who are most vulnerable and being innovative and effective. There is emphasis on sustainable development, safe communities, personal wellbeing, community involvement, commercialism, people, change, digital, performance and delivering together.

### **Overview and Scrutiny Engagement**

3. This report is for noting by Cabinet and provides an update on the activities of Wiltshire Council's Housing Board. It does not require a decision to be made. The Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing, Climate Change and Military-Civilian Integration presented this report to the Environment Select Committee (ESC) at their 4 March 2020 meeting.

### **Background**

4. At its 22 January 2013 meeting, Cabinet resolved that it approved the setting up of a Management Board for the governance of council housing consisting of an equal number of Councillors, tenants and independents, with a recommendation that such a panel should be in place by April 2013.
5. Appointments to the Board were made in November 2013 and December 2013 and the Board held its inaugural meeting on 17 December 2013. In January 2014, the Board introduced 'Open Sessions' at the beginning of each

meeting where residents could attend and put questions to Board members. In October 2019, the Board introduced 3 sub-committees:

- a) Development and Investment ('Place') sub-committee
- b) Finance and Policy ('Pounds') sub-committee
- c) Performance and Risk ('People') sub-committee

6. Board meetings are approximately held on a bi-monthly basis:

- a) For the year 2019, meetings were scheduled and held in January, March, May, July, September (held in October) and November (held in December).

7. Sub-committee meetings are held on an ad-hoc basis:

- a) For the year 2019, the Development and Investment ('Place') and Performance and Risk ('People') sub-committees met in November.
- b) The Finance and Policy ('Pounds') sub-committee met in January.

8. The Board's Annual General Meeting was held on 5 December 2019.

### **Key Achievements of the Housing Board over the past 12 months**

#### **9. Revised Housing Revenue Account (HRA) Business Plan**

- a) Board members worked with the service, including the specialist finance function, throughout the year to finalise the main priorities for the Business Plan. They focused on the need to invest in the HRA's current stock and build new dwellings for future needs.
- b) At the September 2019 away-day event held at County Hall, Trowbridge, Board members were presented with the HRA 30 Year Business Plan. This was discussed and agreed.
- c) Board members was satisfied that the correct balance had been struck between investing in current stock to better meet the needs, wants and desires of current residents and their families, and also building new council housing to assist the council with its focus on meeting the needs of the whole county, now and into the future.
- d) The Chairman of the Housing Board, and Deputy Leader of Wiltshire Council, presented the HRA 30 Year Business Plan to the council's Cabinet on 8 October 2019. The Cabinet minutes for 8 October 2019 note the following (emphasis as appeared):

"Cllr Richard Clewer, Deputy Leader and Cabinet Member, introduced a report which presented a Housing Revenue Account Business Plan model and a Phase 3 Development Programme. It was noted the development was entirely funded through borrowing, grants and Right to Buy receipts.

The Leader expressed support for the building of council houses and a commitment to support this in the future.

It was noted the buildings would be designed to a high standard.

Resolved:

**a) To agree the Housing revenue account business plan 2020/21-2050 as set out in Appendix 1**

**b) To agree to Council house, build programme phases 3.1 and 3.2 as set out in Appendix 1 at total cost of £18.717m and £18.754m**

[...]"

#### **10. Maintained momentum toward delivering 1 thousand new homes in the future**

- a) As above, the council's Cabinet agreed the third phase of building new council houses. This has been publicly celebrated by the council in an article entitled '1,000 council homes over 10 years proposed by Wiltshire Council', published in the 'News' section of our website.

The salient points to note include:

- There has been development on Housing Revenue Account (HRA) land.
- Affordable housing has been procured from developers in lieu of affordable housing obligations (section 106).
- Properties sold under 'Right to Buy' have been purchased.

#### **11. Small Improvements Bids were agreed to deliver works which had been specifically requested by HRA residents**

- a) Throughout the year, Board members worked with the service to develop a budgeted scheme which would permit HRA residents, and local groups representing HRA groups, to bid for funding of specific external improvement and environmental works. Those bidding were asked to complete an application form, include evidence of community support (for example, a list of signatures) and provide a cost analysis.
- b) The purpose of the Small Improvements Bids was to foster even greater community relations between the council and its residents and their families, whilst at the same time ensuring that high quality works, funded by the HRA, were delivering on residents' actual priorities.

- c) Board members were presented with the application forms, a quote from a contractor used by the HRA (or in a limited number of cases, considered monies being paid directly to another entity) and listened to the applicants as they had been invited to attend a Board meeting and present their bids.
- d) Noting that initial costings suggested the works would exceed the allocated budget of £100 thousand (maximum £10 thousand per bid), the Housing Board minutes for 10 October 2019 note the following (emphasis as appeared):

**“The Board thanked everyone for attending and agreed:**

- **To approve all Small Improvement Bid(s), with a maximum spend of £10 thousand per bid and some mild flexibility around the total overall budget, subject to HRA officers approaching *idverde* and seeking a more accommodative arrangement.”**
- e) After further discussion the following amendments to bids were made:
- i) 1 element of 1 bid was removed
  - ii) 2 bids were amended, with the same or similar outcomes being achieved but using slightly different materials or minor changes
  - iii) 1 bid was unable to be progressed as part of the Small Improvement Bids due to circumstances after the Housing Board meeting, however the service worked to ensure that the bid was still able to be delivered, albeit delayed slightly, and via a different funding source
- f) The service was able to deliver upon residents and their families’ expectations and received excellent positive feedback. The Housing Board minutes for 10 October 2019 note the following:
- “Attendees noted the improved relationship between the service and residents, as a result of the scheme. Attendees being invited to speak directly to Board members, and Board members having listened to the attendees, was also greatly appreciated. The Resident Engagement department has provided excellent support throughout the process.”

## **12. Introduction of 3 themed sub-committees to enable more involvement in policy development**

- a) Development and Investment (‘Place’) sub-committee

Areas of responsibility:

- i) Investment Programme
- ii) Asset Management Plan



- iii) Design guide (including climate change)
- iv) Garage Strategy
- v) Sheltered Housing Strategy
- vi) Development Programme
- vii) Audit
- viii) Regeneration Strategy (including better use of stock)
- ix) Local Plan Policies as consultee (including Neighbourhood Development Plans)

b) Finance and Policy ('Pounds') sub-committee

Areas of Responsibility:

- i) Business Plan
- ii) Income (including bad debt)
- iii) Rents and service charges
- iv) Budgets
- v) Efficiency
- vi) Audit

c) Performance and Risk ('People') sub-committee

- i) Operational policies
- ii) Key Performance Indicator(s) (including benchmarking)
- iii) Challenge and Change Group (scrutiny) reports
- iv) Risk Register
- v) Community and Resident Engagement
- vi) Regulatory Framework
- vii) Customer satisfaction
- viii) Service development (for example, voids process and specification)
- ix) Audit
- x) Annual Report
- xi) TPAS (Tenant Participation Advisory Service)

d) Whilst all members are able to attend any or all of the sub-committees, membership of the sub-committees is as follows:

<b>Housing Board member</b>	<b>Development and Investment ('Place')</b>	<b>Finance and Policy ('Pounds')</b>	<b>Performance and Risk ('People')</b>
<b>Rachael Arnott</b>	<b>✘</b>	<b>✘</b>	<b>✓</b>
<b>Angela Britten</b>	<b>✓</b>	<b>✘</b>	<b>✘</b>
<b>Robert Chapman</b>	<b>✓</b>	<b>✓</b>	<b>✘</b>

<b>Councillor Richard Clewer</b>	✓	✓	✓
<b>Cindy Creasy</b>	✗	✓	✗
<b>Councillor Brian Dalton</b>	✓	✓	✗
<b>Jacqui Evans</b>	✓	✗	✓
<b>Lorraine Le-Gate</b>	✓	✓	✓
<b>Councillor Fred Westmoreland</b>	✓	✗	✓

### Overview (December 2018 – November 2019)

13. The Board did not have a meeting scheduled for December 2018.

14. Between January 2019 and March 2019, the Board hosted the National Consultancy Manager from the Tenant Participation Advisory Service (TPAS) who presented a plaque to recognise that the service had achieved TPAS Pro Accreditation for its resident engagement opportunities. The Board also considered the strategic direction of the Housing Revenue Account (HRA) with particular emphasis on financial and budgetary matters, including:

- a) The rent reduction of 1% per annum.
- b) Savings that had been attributed to repairs and maintenance.
- c) Expansion of the DLO.
- e) If currently approved programmes for planned and cyclical maintenance and Council House Build Programme are completed, forecast reserves at 31 March 2019 would likely be £11.948 million (revenue) and £Nil (capital).
- f) Provision for £100 thousand to be made available for the Small Improvement Bid (SIB) scheme.

15. Furthermore, between January 2019 and March 2019, the Board contributed toward creating, reviewing and refining the HRA Business Plan and new HRA model, in the context of the main current and future strategic risks. Short, medium and long-term priorities served to strategically link the service with corporate objectives.

16. Also, between January 2019 and March 2019, the Board received Budget Updates, Key Performance Indicators (KPIs) data, maintained the risk register and contributed toward the Garages and Sheltered Housing Review. The Challenge and Change Group (C&CG) is the Housing Board's scrutiny group which ensures we are compliant with the Regulatory Standards which require

scrutiny. The C&CG is comprised of volunteer residents who conduct scrutiny exercises; the Board received:

- a) An update on the Housing Board Chairman's annual meeting with the C&CG's Chair in order to inform the formal evaluation of the Group.
- b) A general update paper, including agreeing to refine and update the C&CG's Terms of Reference, the shared Roles and Relationships Protocol, the Housing Board's Terms of Reference, and the C&CG's work-plan.
- c) An additional Management Update Report in respect of the C&CG's 'Planned Maintenance: Key Performance Indicator' project, along with information around general satisfaction levels for planned maintenance.

17. Participants also considered and made recommendations, between January 2019 and March 2019, on parking matters that were raised by public attendees and information around sewerage works, including monies available, works undertaken or planned. Rent and arrears information was also presented amid concerns around the impact of Universal Credit. A leaseholders' briefing paper was presented to the Board and members were informed of the services' intention to review its HRA Aids and Adaptations Plan to ensure that the council makes the best use of HRA adapted properties.

18. In April 2019, a small number of Board members met for the annual sub-group to set targets for the services' Key Performance Indicators (KPIs) for the year 2019/20. Attendees were presented with an End of Year Performance Report alongside the proposed targets; 3 targets were amended by the sub-group; some targets were contingent on resource allocation levels.

19. In May 2019, members continued a focus on risk management and Key Performance Indicators, which included more in-depth information around complaints and compliments, alongside the 2017/18 End of Year report and the sub-group reporting back, which included agreed targets for the year 2019/20 which were constructed to complement the Board's priorities. Environment Works Survey results were presented and utilised to refine the HRA Business Plan. Members also received budget updates, a business case for bringing the sewerage works' contract in-house, and agreed to develop the idea of introducing 3 new sub-committees to allow more granular involvement in making recommendations:

- a) Finance sub-committee
- b) Development and Investment sub-committee
- c) Performance sub-committee

20. The May 2019 meeting also included the end of year 3 progress report in respect of the Asset Management Plan (AMP):

- a) 45 Action Items (2 were later removed by agreement with the Board)
- b) Yet to Start – 0
- c) Underway – 16

d) Completed – 27

21. At its July 2019 meeting, the Board investigated Key Performance Indicators performance and received its 2019/20 Q1 budget update. Board members agreed that they needed to be provided more clear explanations for any variance and for the Capital Budget's budget lines to be agreed by element, what is programmed, what is committed, what should be committed and actual spend each quarter, along with rectifying actions, where appropriate.

22. Also, at the July 2019 meeting, members were provided with the SWAP Audit Report on Rents, case studies for mental health support workers, and a detailed report on rent arrears actions; this was to address concerns around the impact of Universal Credit. The structure and content of a letter used by the service to raise rent arrear concerns with residents was passed to the C&CG to comment on. Additional resource for the Housing Income department was supported. The Annual Report for Tenants and Leaseholders 2018/19 was supported, subject to certain changes. Sheltered housing refurbishment information was also provided, along with a new approach to electrical safety and smoke alarm checks. Broad topic areas for each of the proposed 3 sub-committees were covered, with further information to be decided at an away-day event to be held at County Hall, Trowbridge.

23. The Boards' scheduled September 2019 meeting was delayed until October 2019, so that the away-day event could be held. The HRA 30 Year Business Plan was presented, discussed and agreed; it was later presented to Cabinet. Members determined the sub-committee remits, agreed the level of service from each member and also amended the names of the 3 sub-committees to:

- a) Development and Investment (alternatively the 'Place' sub-committee)
- b) Finance and Policy (alternatively the 'Pounds' sub-committee)
- c) Performance and Risk (alternatively the 'People' sub-committee)

24. At the Boards' October 2019 meeting (originally September), members welcomed members of the public to present their Small Improvement Bids (SIBs) which were then duly considered for funding. The Board also reconsidered a new approach to electrical safety and smoke alarm checks, formally agreed the introduction of 3 sub-committees and their remits, updated their own Terms of Reference, and received a presentation on the HRA 30 Year Business Plan and council house build programme.

25. The Board's October 2019 meeting also updates around:

- a) Tenancy Visits.
- b) Proposed New PIs.
- c) Needham House.

26. In November 2019, the Board held their first sub-committee sessions for the:

- a) Development and Investment (alternatively the 'Place' sub-committee)
- b) Performance and Risk (alternatively the 'People' sub-committee)

27. Arrangements were made for the third sub-committee, Finance and Policy (alternatively the 'Pounds' sub-committee), to be held in January 2020.
28. In December 2019 (originally scheduled for November 2019), the Board held its sixth Annual General Meeting, which included a Housing Revenue Account (HRA) Finance Update and the Chairman's overview of the year. Opportunities were provided for questions to be put to the Chairman. There were no public attendees beyond the members of the Challenge and Change Group.
29. Immediately following the AGM meeting, the Board held its regular meeting, which was dedicated to 4 significant priority items (with some having been considered in more detail at the sub-committees and now requiring formal agreement of the Housing Board to the sub-committee recommendations):
- i) Agreeing funding for a request that had previously been submitted as a Small Improvement Bid.
  - ii) KPIs for 2019/20 Q2.
  - iii) Expanded DLO Operations (6 months review).
  - iv) An HRA Grounds Maintenance Business Plan.
30. The Challenge and Change Group works with the Housing Board. For the applicable period, the group has produced a number of reports:
- (a) **Project #10 – 'Planned Maintenance: Key Performance Indicator' (September 2018).**  
The report and management response were presented at the Board meeting held on 26 November 2018. A management response update was not required and thus not timetabled. Board members later opted to receive a management response update, which was presented at the Board meeting held on 25 March 2019.
  - (b) **Project #11 – 'Communication in Responsive Repairs' (February 2019).**  
The report was presented to the service on 13 February 2019.
  - (c) **Project #12 – 'Aids and Adaptations' (September 2019).**  
This report was presented to the service on 10 September 2019.
  - (d) **Project #13 – 'Sheltered Housing Service Charges' (date n/a).**  
This report is nearing completion and will likely be presented to the applicable sub-committee, which Board members deemed the scrutiny groups' work to fall under.

## Priorities

31. The Board has previously recommended to the service that the following strategic matters be prioritised, as noted in the minutes of their meeting held on 23 May 2016:

a) “That the main 2 priorities, in respect of the Housing Revenue Account, be:

- Asset Management [Plan].
- Housing Revenue Account Business Plan.

Furthermore, in respect of the 2 priorities, above:

- The Board endorses the service having the flexibility to utilise additional resource, as and when required, within the overall finances of the Housing Revenue Account.
- That when the first version of the Asset Management [Plan] is presented, it will include proposals for resident consultation, and the full Asset Management [Plan] is to be delivered over the coming 12 to 18 months.”

32. Board members operate in a fair and balanced manner, maintain their independence and make recommendations to Housing Services; the Board can also make recommendations to Cabinet; however, powers cannot and have not been conferred on the Board so as to enable it to make binding decisions, as outlined in the Paper passed by Cabinet on 22 January 2013.

#### **Membership and Attendance Record (December 2018 – November 2019)**

33. Attendance relates to Board meetings only (that is, the figures exclude Away-Days, sub-committees, etcetera).

34. Of the 6 meetings held in 2019 (Councillor Ashley O’Neill attended on 25 March 2019; after a change of duties, there is no further involvement), attendance was:

<b>WCHB Member</b>	<b>28/01</b>	<b>25/03</b>	<b>20/05</b>	<b>15/07</b>	<b>10/10</b>	<b>05/12</b>	<b>Total</b>
Councillor Richard Clewer	✓	✓	✓	✓	✓	✓	6 (100%)
Rachael Arnott (Tenant Member)	✓	✗	✓	✓	✗	✓	4 (66.6%)
Angela Britten (Tenant Member)	✓	✓	✗	✗	✓	✗	3 (50%)
Robert Chapman (Independent Member)	✓	✓	✓	✓	✓	✓	6 (100%)
Cindy Creasy (Independent Member)	✓	✓	✗	✓	✗	✗	3 (50%)
Councillor Brian Dalton	✓	✓	✓	✓	✓	✓	6 (100%)
Jacqui Evans (Independent Member)	✓	✗	✓	✓	✓	✗	4 (66.6%)

Lorraine Le-Gate (Tenant Member)	✓	✓	✓	✓	✓	✗	5 (83.3%)
Councillor Fred Westmoreland	✗	✓	✓	✓	✗	✓	4 (66.6%)

### **Safeguarding Implications**

35. There are no significant safeguarding implications associated with this report.

### **Public Health Implications**

36. There are no significant public health implications associated with this report.

### **Procurement Implications**

37. There are no significant corporate procurement implications associated with this report; although should the Board make recommendations regarding procurement of services to be delivered to residents, then this will become a consideration.

### **Equalities Impact of the Proposal**

38. All Board members operate in and treat all residents in a fair and balanced manner, maintain their independence and make recommendations to Housing Management. Board members do not represent a particular area; they represent all council residents in the county of Wiltshire and make recommendations in the best interests of all council residents in Wiltshire.

### **Environmental and Climate Change Considerations**

39. There are no significant environmental or climate change implications associated with this report.

### **Risks that may arise if the proposed decision and related work is not taken**

40. Wiltshire Council's Housing Board would fail to meet the requirements of its Terms of Reference, namely to provide an Annual Report to Cabinet and potential deterioration of or missed opportunity to improve services if the Board were not to focus their efforts on the identified priorities. This paper is only for noting.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

41. Wiltshire Council's Housing Board may fail to make recommendations which improve services for residents and their families, missing an opportunity for improvement, or make recommendations which leads to a deterioration of service quality. This paper is only for noting.

42. Powers cannot and have not been conferred on the Board so as to enable it to make binding decisions, as outlined in the Paper passed by Cabinet on 22

January 2013. The Board makes recommendations to Housing Management and can make recommendations to Cabinet.

### **Financial Implications**

43. There are no significant financial implications associated with this report.

### **Legal Implications**

44. There are no significant legal implications associated with this report.

### **Options Considered**

45. A formal report to Cabinet is required. No alternative options were considered.

### **Conclusions**

46. There is increasing evidence that Wiltshire Council's Housing Board is having a positive impact on the quality of service provision to residents and their families, has itself created an additional opportunity for residents to engage with the service and shaped further engagement opportunities.

### **Proposal**

47. For Cabinet to note this Annual Report.

### **Reason for Proposal**

48. Wiltshire Council's Housing Board's Terms of Reference require an Annual Report to be presented to Cabinet.

### **Simon Hendey (Director - Housing and Commercial)**

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7 January 2020

### **Appendices**

None.

### **Background Papers**

The following documents have been relied on in the preparation of this report:

None.



**Wiltshire Council  
Cabinet**

**24 March 2020**

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**Subject: Future Chippenham (formerly known as Chippenham Housing Infrastructure Fund Bid)**

**Cabinet Member: Cllr Philip Whitehead, Leader of the Council and Cabinet Member for Economic Development**

**Key Decision: Key**

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## **Executive Summary**

Wiltshire Council has been awarded a grant under the Government's Housing Infrastructure Fund (HIF) scheme to enable the delivery of significant infrastructure works to the east and south of Chippenham.

**The HIF grant is specifically awarded to deliver a new road that unlocks land to support the delivery of 7500 homes in the Chippenham housing market area.**

In addition, the grant will enable the Council to deliver...

- benefits in traffic congestion and flow across both new and existing road network
- high quality housing development in the long term to a set of planning and design principles plus construction standards laid down at the outset
- controlled access to land enabling long term future development that aligns to the Council's Vision of
  - creating strong communities
  - delivering economic growth
  - protecting our most vulnerable citizens
- town centre improvements in Chippenham yielding an improved experience for residents and visitors alike
- control and influence over future housing and infrastructure development to support the Council's commitment to deliver a carbon neutral future within Wiltshire

The first phase of the programme is focused on

- getting into contract with Homes England (HE)
- applying for and securing planning permission for the HIF funded road
- procuring the right contractor(s) to build the road
- conducting engagement and consultation work with stakeholders as required and as appropriate
- working with third party landowners and Council tenants to agree a land assembly arrangement
- delivering the road construction by the end of March 2024.

The contract negotiations with (HE), who are managing the fund on behalf of Ministry of Housing Communities and Local Government (MHCLG), have begun with a timetable to complete by September 2020.

As noted in the report to Cabinet on 8<sup>th</sup> October 2019, a considerable amount of work is required to deliver the main elements of this first phase of the programme within the HIF grant's limited timeframe.

The HIF grant is terminated, and funds are no longer available, without exception, on 31<sup>st</sup> March 2024 irrespective of the status of the road build or the amount drawn down from the fund at that date.

Therefore, a fast paced, compressed programme of works, with some work being done at risk and components being undertaken in parallel with others, is required to support delivery of the programme to achieve the timelines required and take advantage of the HIF Grant award.

## **Proposal(s)**

### **Members are asked to:**

1. Note the contents of this report
2. To approve the advance of £4.220m from the Capital Pipeline budget, to the Future Chippenham Team; under the supervision of the section 151 officer, prior to the receipt of the £75m HIF Grant in order to progress this programme within the timeframes available.
3. To approve a capital budget of £1m from the Other Capital Budgets to be approved budget to fund the Future Chippenham Team. This cost cannot be claimed from the HIF grant, but is an integral part of the overall scheme.
4. Agree the proposed delegated authority provisions detailed below to enable the Council to complete the first phase of the programme;
  - a. Delegated authority is given to the Chief Executive Officer (Place) and his/her designated nominee to establish a Future Chippenham team, entirely separate and distinct from the Council in its role as Local Planning Authority, to support the Executive functions of the Council and
    - i. Lead contract negotiations with HE
    - ii. Create the scheme masterplan
    - iii. Manage the planning process
    - iv. Manage the procurement process
    - v. Manage the associated business case
    - vi. Plan and conduct consultation and engagement activities with all appropriate stakeholders
    - vii. Agree a land assembly arrangement with third party landowners and Council tenants
    - viii. Ensure the delivery of the new road
  - b. Delegated authority is given to the Future Chippenham Programme Director, or his / her successor, to
    - i. negotiate on behalf of the Council, terms and conditions of the Grant Determination Agreement (GDA) with HE following consultation with the relevant Cabinet Member and Director of Legal Services Director.
    - ii. consult on behalf of the Council in its role as developer, with all stakeholders, as to the optimum road route alignment and continue to consult and engage as appropriate to support programme delivery.
    - iii. approve the procurement exercise for the procurement of the road under Wiltshire Council regulations, including early

contractor involvement, finalise the documentation, and execute the resulting contracts following consultation with the relevant Cabinet Member, Director of Legal Services and Director of Finance & Procurement.

- iv. instigate negotiations and agree a land assembly strategy with other landowners forming part of the scheme following consultation with the relevant cabinet member, Director of Housing and Assets, Director of Finance and Procurement.
  - v. make all relevant decisions in respect of Blight notices, land assembly (including Compulsory Purchase Orders (CPO) and acquisitions, in consultation with the relevant Cabinet Member, Director of Legal Services and Director of Finance and Procurement.
  - vi. in consultation with the Chief Executive (Place), to continue to develop the design of the road together with the master planning of the overall scheme. Both will be necessary to support a full planning application for the road and outline application (or hybrid of the two) for the site by June 2021
- c. Delegated authority is given to the Head of Estates and Development to negotiate and agree surrender terms with tenants of Wiltshire Council owned farms, having given appropriate notice to terminate their tenancies to all tenants at the earliest possible opportunity, notably in September 2020 and March 2021.
5. To note that all work associated with the Future Chippenham programme, including the ability to use the HIF grant, is subject to;
- a. a successful planning consent for the road build and
  - b. allocation of all sites forming part of the scheme for housing development as an outcome of the separate Local Plan Review,
6. To note that the timelines for the planning application do not align with the Local Plan Review timelines and there is a risk that consent will not be granted, and the site not allocated for housing.
7. To note that if the risks identified in 5 & 6 above occur, all funds put into the Future Chippenham programme must be considered spend at risk and could revert to revenue spend in the same financial year, if an alternative source of capital cannot be identified.
8. To note that should contract negotiations with HE to secure the HIF funds fail then the Council will need to consider mitigation strategies for expenditure incurred which may include for example;
- a. Land sales to defray costs incurred to date providing the overall programme is still delivered
  - b. Agreement with a joint venture private sector partner(s) to undertake development, reducing the Council's commercial gain in the long term, but securing by other means this much needed scheme for the benefit of Chippenham and the County as a whole.

**Reason for Proposal(s)**

In order to meet the deadline associated with the HIF grant, the Council will need to forward fund, at risk, the establishment of a team to support delivery of the required outputs detailed above. Some of these funds will be recoverable from the HIF grant once contracts are signed with HE, but some will not be recovered until the second phase of the programme, post 2025. To begin with this will require a commitment of £5.220m capital in the 2020/2021 financial year, as detailed above. This budget, if assigned, is done so at risk and on the assumption of successful HIF grant contract negotiations and Council agreement to proceed.

**Alistair Cunningham, Chief Executive Officer - Place**

## Wiltshire Council

### Cabinet

24th March 2020

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**Subject: Future Chippenham (formerly known as Chippenham Housing Infrastructure Fund Bid)**

**Cabinet Member: Cllr Philip Whitehead, Leader of the Council and Cabinet Member for Economic Development**

**Key Decision: Key**

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### Purpose of Report

- The purpose of this report is to seek approval
  - for a budget of £5.220 m for 2020-2021 for the Future Chippenham programme.
  - to initiate CPO proceedings on third party owned land forming part of the scheme, albeit only as a last resort following detailed negotiations with each landowner aimed at reaching consensus and formal agreement
  - to give notice to Wiltshire Council tenants involved in land forming part of the scheme to secure vacant possession for both the road corridor and subsequent housing and other development. This will be done in parallel with surrender negotiations and detailed attempts to reach consensus with all tenants
  - to consult with all stakeholders on the optimum road route alignment

### Relevance to the Council's Business Plan

- The Council's award from HIF talks directly to all three priorities in the Business Plan
  - growing the economy
  - creating strong communities and
  - protecting the vulnerable.

In addition, the Council will be able to leverage the HIF grant and have a positive impact on all the goals within each priority.

Finally, success in the HIF process will demand innovation from the Council in its own delivery mechanisms and the Council will need to drive effective ways of working with partner organisations, all in the very long term.

### Background

- It has been known for some time that development in and around Chippenham is constrained. Housing starts are below the number that is needed to keep pace with demand resulting in house price inflation exceeding the national average.

- Developers cite the costs of delivering infrastructure as a bar to bringing forward schemes that would overcome this situation.
- Those schemes that do come forward tend to seek a reduction in the percentage of affordable housing below the Council's policy threshold, to render them affordable to the developer.
- The opportunity for the Council to apply for a HIF grant arose in 2017 and an Expression of Interest was submitted in March 2018 successfully passing to the second stage a few months later.
- Stage Two demanded that the Council prepare a full business case which was done and submitted in March 2019.
- In October 2019, a report to Cabinet gained approval to continue to work in advance of any award notice because of the highly constrained timeline for delivery.
- Cabinet also resolved in principle, to utilise Compulsory Purchase Orders (CPO), should these be deemed appropriate to support the delivery of the road and the 7,500 new homes set out in the bid.
- In November 2019 the Council was awarded the full amount of the HIF bid of £75m. Contract negotiations with HE have now begun with the aim of arriving at a mutually acceptable set of terms and conditions and a signed agreement by the end of 2020.
- In December 2019 a Future Chippenham Board was established and work continues on the development and implementation of full programme scope
- Legal Counsel's opinion is being sought on the optimum planning strategy, and the approach needed to best navigate the options available and mitigate risks that may arise.
- Note that a cut-off date for the availability of HIF funds is set at 31<sup>st</sup> March 2024. This is not negotiable and is the last date on which HIF funds will be available, meaning that the last drawdown claim must be submitted by the beginning of March 2024.
- In January 2020, the Future Chippenham Steering Group was established and has commenced work on the scope and planning for the programme.

### **Main Considerations for the Council**

- The establishment of the proposed team and continued work on the design of the road will be done at financial risk to the Council, driven by the need to work at pace because of the 31<sup>st</sup> March 2024 end date for HIF fund availability. Such work is therefore in advance of the full terms and conditions being negotiated and the contract signed with HE.
- Public consultation on draft road route options is planned for late April 2020 at the time of writing this report.

### **Overview and Scrutiny Engagement**

To date engagement with Overview and Scrutiny has not taken place. We anticipate this will become necessary when the Council is successful in getting in to contract with HE and delivery of the Future Chippenham project is confirmed

### **Safeguarding Implications**

- There are no safeguarding implications at this stage

### **Public Health Implications**

- No public health implications arise at this stage

### **Procurement Implications**

- If contracting with HE is successful, then a major procurement exercise will need to be undertaken to identify and contract the right road contractor. Discussions with procurement have already begun to prepare the ground for activity as soon as necessary.
- Given the pace at which the programme must run to make use of the HIF grant, procurement is one of the principal areas in which a great deal of work will need to be done at risk.
- We will need to use the Early Contractor Involvement (ECI) process and will need to ask a contractor to engage in necessary set up and preparation works prior to planning permission being granted.

### **Equalities Impact of the Proposal**

- No Equalities implications arise at this stage
- An early EIA has been completed and will be conducted again as part of the business case development and will be kept under review during the life of the project.

### **Environmental and Climate Change Considerations**

The bid submission responded directly to specific questions with reference to environmental and climate change considerations and how they are being managed in the context of the overall development. All such matters will be the subject of detailed Environmental Impact Assessments at the appropriate time, and all necessary mitigations will be put in place.

The Council has declared a climate emergency and set an ambitious target of becoming a carbon neutral county by 2030. Achieving carbon neutrality will require the Council not only to account for carbon in development plans but also to find ways of delivering new development with significantly reduced carbon emissions, and for which any residual carbon emissions are offset or sequestered so that the net input into the atmosphere is zero.

Defined requirements for new infrastructure, homes and businesses will be delivered alongside the need to protect and enhance the environment. Natural capital approaches which allow for the monetisation of ecosystem services, including the social cost of carbon, will be employed in better informed cost-benefit analysis for all new development.

A programme such as Future Chippenham is the ideal long-term enterprise in which to develop and deploy initiatives and measures that demonstrate commitment to these aspects. The Council will publish as much as it can as soon as it can (subject to statutory exemptions) and will progress plans with the environmental aspects very much to the forefront.

The Future Chippenham scheme will produce new energy demand for the area under development. As part of the master planning process, alongside the Environmental Impact Assessment, the programme will work on initiatives that manage, reduce and offset the cost of carbon in the short medium and long term, and will work to be policy compliant with bio diversity net gain requirements.

The carbon cost of the Future Chippenham development will be calculated and published along with the mitigations and measures deployed to manage this aspect actively.

The environmental impact of the Future Chippenham scheme will be thoroughly assessed at the master planning stage. This will allow the programme to build in all necessary mitigation measures from the outset.

The Future Chippenham scheme, at its current scale of 7,500 new homes plus 1m.sq.ft. of employment space and all associated social infrastructure, is designed to be delivered over a 25-year period to the mid-2040s, assuming a timely start. The design will, from the outset, account for and build in all good practice guidelines and will future proof the scheme against projections over the whole development period.

### **Risks that may arise if the proposed decision and related work is not taken**

- A risk to the successful and timely negotiation of the HIF grant terms and conditions resulting in a failure to contract with HE, and the consequent failure to deliver the road, with the potential loss of all or part of the grant award.
- A risk that, if an alternative source of capital is not found, the £2 million already spent/committed as at 2019/2020 could revert to revenue if the scheme does not proceed.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

- There is a risk that planning consent for the road and allocation for the housing sites do not come forward in the Local Plan Review resulting in a failure to build the road, and the loss of the HIF grant. Any spending incurred by Wiltshire Council, and allocated as capital, would revert to Revenue if the scheme does not proceed.

### **Financial Implications**

The £75 million Housing Infrastructure Fund (HIF) was included in the capital programme 2020/2021 to 2029/2030 programme that was approved by Full Council in February 2020 and was profiled with £5 million budget in 2020/2021. This budget was fully funded by the HIF grant.



By approving the advance of £4.220 million prior to contract the Council would be operating at risk. In the event that contracts cannot be concluded or that timescales are not deliverable; the spend would need to be financed by an alternative funding source.

How it is funded would depend on whether the programme proceeds. If the programme proceeds but is rescope to be delivered without HIF funding through a joint venture or other mechanism then it could be funded by capital receipts, borrowing or CIL.

If the programme does not proceed then capital costs incurred could revert to revenue. This could have a significant impact as they would include the £2 million already spent/committed on the programme up to 2019/2020, so could be a total pressure of £6.220 million.

In addition, this report is seeking to approve £1 million from the "Other Capital Schemes to be approved" budget, to HIF. The £1 million allocation will leave £16.976 million in the Council's Capital contingency budget. This budget is funded from borrowing. Borrowing costs have been included for this as part of budget setting and would be circa £0.062 million.

The £1 million HIF budget is to fund the Future Chippenham Team, providing money for the resources set out to deliver the programme. The programme resource cost was not included in the HIF bid but was included as part of the wider overall scheme which includes the housing delivery.

As above, the risk with this is that if the programme does not proceed these costs could revert to revenue. This would take the total risk to £7.220 million.

The mitigation strategies for this are to proceed with the programme by way of other mechanisms, for example joint ventures and the sale of land.

### **Legal Implications**

The Future Chippenham project is in line with the Council's adopted Business Plan and is likely, if successful, to deliver, via various services within the Council, a number of benefits to residents of Wiltshire.

However, the Council needs to ensure that there is separation between the function of the Council as Local Planning Authority and the Executive (Cabinet overseen) function including but not limited to, Local Highway Authority, Land owner, Economic Generation, Communities, Housing; Development Management etc.

The development of a dedicated team supporting such executive functions provides clear evidence of such separation and will ensure its maintenance separation whilst enabling, as far as possible, the delivery of the project to the tight time scales required.

A representative from the Council's legal team sits on both the Future Chippenham Board and the Future Chippenham Steering Group.

Internal Legal resource has been assigned and is actively working with the programme to negotiate terms and conditions with HE.

The Legal team representatives will throughout the project be available to advise, review and support the team during the development of the full business case and throughout the lifecycle of the programme for the road and the outline business case for the housing delivery phase.

External legal support will be utilised when expertise or capacity is not available in house and is currently engaged to advise on matters such as planning strategy & approach, including Counsel's opinion, and agricultural tenancy matters.

The delegations proposed are consistent with the Council's constitution and are necessary to allow the project to meet the tight time scales involved. Whilst individual Cabinet Members will be consulted when such delegated authority is exercised it is recommended that regular update reports be provided to full Cabinet on the project particularly at key milestones to ensure openness and transparency.

### **Workforce Implications**

To support the early stages of delivery for Future Chippenham a Wiltshire Council dedicated team is required to

- control the programme for the benefit of the Council and...
- ...operate as promoter of the road plus housing and employment parcels coming forward subsequently.

It is intended that the team will consist of 10 FTE at any one time.

- It is anticipated that 6.5FTE will be permanent positions made up of full and part time roles, aligned to the delivery of critical programme outputs. Wherever possible these roles will be sourced internally. If a particular specialism is required, or internal resources cannot fulfil the role needed, then external sources will be used.
- The remaining 3.5 FTE will be on fixed term contracts both full and part time, consisting mainly of specialists' roles and roles that are required for defined periods of time.

The team will be located in Chippenham and Trowbridge and, as well as working on specific deliverables, will provide the Council with assurance for any work commissioned on behalf of the scheme. The team will report through the Future Chippenham Programme Director to the Chief Executive Place.

Having done the analysis, developing and maintaining this team as far as possible in house is approximately half the cost of commissioning resources externally. This is due to the highly competitive contractor market in this sector which is driving up the daily rate for specialists. As an example, an internal project delivery manager currently, costs about £38k + on costs. Externally the daily rate is £600 resulting in an annual cost of £156k.

The programme team will track its expenditure on resources and will provide regular reporting to its Programme Board on progress, milestones achieved, and value delivered.

## Options Considered

- **Option 1:** appoint a team to complete the business case only so that all risks and implications are known to the Council at the time of the decision being made.  
*Discounted: this does not align with the timeline required to deliver the road and carries a significant risk of the Council losing the grant award. The outline business case for both the road and the housing were part of the HIF Bid and have been successful already in passing the first phase of scrutiny to gain the award.*
- **Option 2: Continue to develop the programme and build a team to control and deliver the outputs required to support the HIF grant award and road build programme plus all necessary associated activity detailed herein.**  
**PREFERRED: - This is the option considered most appropriate to meet the delivery of the outcomes of the programme.**
- **Option 3:** Do nothing.  
**Discounted** as it provides no long-term benefit to the organisation.

## Conclusions

- Taking all the above information in to account the best option for the cabinet to approve is Option 2 immediately above – “continue to develop the programme and build a team to control and deliver the outputs required to support the HIF Grant award and road build programme plus all necessary associated activity detailed in this report”
- Having regard to the risks inherent in the Option 2 approach Cabinet are asked to note Paragraph 7 in the Proposal above, repeated here for ease of reference...
  - “To note that should contract negotiations with HE to secure the HIF funds fail then the Council will need to consider mitigation strategies for expenditure incurred which mitigation may include for example;
    - i. Land sales to defray costs incurred to date providing the overall programme is delivered
    - ii. Agreement with a joint venture private sector partner(s) to undertake development, reducing the Council’s commercial gain from the scheme in the long term, but securing by other means this much needed scheme for the benefit of Chippenham and the County as a whole.”

### **Alan Richell (Programme Director, Growth and Investment)**

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Date of report – 16 March 2020

## Appendices

None

**Background Papers**

The following documents have been relied on in the preparation of this report:

'None'

**Wiltshire Council**

**Cabinet**

**24 March 2020**

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**Subject: Interim Management Arrangements for the Contracted Leisure Centres**

**Cabinet Member: Cllr Allison Bucknell Cabinet member for Communications, Communities, Leisure and Libraries**

**Key Decision: Key**

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## **Executive Summary**

A cabinet decision on 12 December 2017 determined that the previously agreed insourcing of the Places for People Leisure Ltd (PfP) managed leisure sites as of 01 April 2018, was 'paused' pending work to review the facility stock, assess amalgamation and co-location of services, identify where facilities were best located and to agree the most appropriate model of delivery.

In 'pausing' the insourcing cabinet agreed to 'extend the PfP contract by a period of up to three years commencing 1 April 2018'.

Whilst some work has been undertaken to review the community assets, most of the work has not been completed. The consequence of this has culminated in a point where the PfP sites (and/or the Wiltshire Council managed sites) cannot be moved directly into the appropriate Cabinet approved future operating model in time for 1st April 2021, as anticipated. It is essential that the review process follows a sequential programme of works so that the council has a clear direction of travel before agreeing future levels of provision and management model.

In order to ensure the continuation of leisure provision at these sites while progressing with a wider leisure facility review and needs assessment, Cabinet is requested to approve a short-term procurement exercise for the management of the currently outsourced Wiltshire leisure sites.

Of the options assessed the procurement route is the most cost and resource effective and the only one that can be achieved within a twelve month timeframe.

## **Proposal(s)**

This report requests that Cabinet:

- i. Agree to undertake a short-term procurement exercise for the management of the current outsourced Wiltshire leisure sites.
- ii. To authorise the Director of Communities and Neighbourhood Services to enter into an interim contract for the management of the sites on completion of the procurement exercise.
- iii. To progress at pace the Leisure facilities review and determine through Cabinet by no later than January 2021, proposals for the long-term facilities needs and management of all Wiltshire's leisure facilities.
- iv. In making this decision Cabinet is requested to consider the corporate procurement, legal and financial implications of this decision covered in this report.

One additional recommendation is included in Part 2.

#### **Reason for Proposal(s)**

PfPs contract for the management of ten of Wiltshire Councils leisure facilities is due to expire on 31 March 2021. It was intended that a full review of community assets and future management models would be completed in sufficient time to enable the transition of sites into the approved management model as of 01 April 2021.

Whilst some work has been undertaken to review the community assets, most of the work has not been completed. The consequence of this has culminated in a point whereby the PfP sites (and/or the Wiltshire Council managed sites) cannot be moved directly into the new model.

A decision is required to determine how the PfP sites will be managed in an interim period to ensure the continuation of leisure services. Of the options assessed the procurement route is the most cost and resource effective and the only one that can be achieved within a twelve month timeframe.

**Alistair Cunningham, Chief Executive Director - Place**

## **Wiltshire Council**

### **Cabinet**

**24 March 2020**

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**Subject: Interim Management Arrangements for the Contracted Leisure Centres**

**Cabinet Member: Cllr Allison Bucknell Cabinet member for Communications, Communities, Leisure and Libraries**

**Key Decision: Key**

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### **Purpose of Report**

1. This report sets out consideration to the interim management arrangements for the council's leisure centres currently managed by Places for People Leisure Ltd (PfP).
2. A cabinet decision on 12 December 2017 determined that the previously agreed insourcing of the PfP managed sites as of 01 April 2018, was 'paused' pending work to review the facility stock, assess amalgamation and co-location of services, identify where facilities were best located and to agree the most appropriate model of delivery.
3. In 'pausing' the insourcing cabinet agreed to 'extend the PfP contract by a period of up to three years commencing 1 April 2018'.
4. Whilst some work has been undertaken to review the community assets, most of the work has not been completed. The consequence of this has culminated in a point whereby the PfP sites (and/or the Wiltshire Council managed sites) cannot be moved directly into the appropriate Cabinet approved future operating model in time for 1st April 2021, as a sequential programme of works needs to be implemented.
5. In order to ensure the continuation of leisure services at these sites while progressing with a wider leisure facility review and needs assessment, Cabinet is requested to approve a short-term procurement exercise for the management of the Wiltshire leisure sites that are currently outsourced.

### **Relevance to the Council's Business Plan**

6. The purpose and recommendations noted in the report reflect the following areas of the Business Plan 2017 - 2027:
  - 6.1 Strong Communities: 'We want people in Wiltshire to be encouraged to take responsibility for their well-being, build positive relationships and to get involved, influence and take action on what's best for their own communities

– we want residents to succeed to the best of their abilities and feel safe where they live and work’.

- 6.2 The third goal for Personal Wellbeing (Prevention) references ‘improved leisure provision through new campuses, sports and leisure centres and community hubs (including libraries and community engagement)’ and a ‘healthier population’.

## **Background**

### **Previous Related Cabinet Decisions**

7. Wiltshire Council currently operates a mixed management model for its stock of 21 Leisure Centres. Ten are managed in house, ten are outsourced to Places for People Leisure Ltd (PfP) and one is managed by a community trust (Cricklade Leisure Centre). The recommendations contained in this paper relate to the PfP managed sites only.
8. On 10 November 2015 Wiltshire Council’s Cabinet considered three options for the future management operation of the Council’s leisure centres:
- a. Option 1 – all facilities managed in house, resulting in the eleven\* leisure centres managed and operated by PfP to be in-sourced. (\*Now ten leisure centres due to the closure of Christie Miller Sports Centre on 19 October 2018).
  - b. Option 2 – all facilities outsourced, resulting in a procurement exercise to contract out all 21 leisure centres (excludes the community trust managed facility).
  - c. Option 3 – a mixed model based on the current outsourced facilities, resulting in a procurement exercise to re-procure the contract for the eleven contracted facilities and retaining in-house management for the other ten facilities (excludes the community managed facility).
9. Cabinet approved Option one, which would result in the in-sourcing of the PfP sites, effective as of 01 April 2018. Leisure Services proceeded to work towards this insourcing with the fixed transfer date occurring on 1 April 2018.
10. Over the two years following this decision, financial pressures and provision of several Campus facilities required that the Council reassess its assets and services. A further paper was presented to Cabinet on 12 December 2017 that requested the insourcing of the PfP managed sites was ‘paused’ pending work to; review the facility stock, assess amalgamation and co-location of services, identify where facilities were best located; agree the most appropriate model of delivery.
11. Cabinet resolved:

*‘To agree to pause the insourcing of the eleven leisure centres managed by Places for People Leisure Management Ltd for a period up to 3 years,*



*commencing 1 April 2018, on the understanding that the review referred to in paragraph 4.1 (of the attached Cabinet Report dated 12 December 2017) and any procurement resulting from it will be undertaken in the shortest period achievable with strict project governance, including oversight by a member and officer task group and regular reporting of progress to cabinet, the first progress report to be made in 6 months from the date of this decision.*

*To agree to extend the Places for People Leisure Management Ltd contract by a period of up to three years commencing 1 April 2018 subject to negotiation of revised terms taking into account the council's financial position for this period;*

12. It was also noted by Cabinet that 'agreeing to pause the previous Cabinet decision was not considered to be a reversal of that decision'.
13. Following the 2017 Cabinet decision, a high-level timeline was put in place to deliver the following key objectives:
  - Variations to PfPs contracts
  - Identify and progress all interdependencies
  - Review community assets
  - Review management options
  - Implement the new management model
14. Achieving each of these strands would ensure that the appropriate needs assessments and analysis would have been undertaken in order to inform the future management models. It was the councils' intention to then transition into the agreed management model directly at the end of PfPs contract. (01 April 2021).

#### **Current Position**

15. Of the five high level objectives noted above, only the first has been fully completed.
16. Whilst a good amount of background work has been undertaken to review the community assets, the information has not been comprehensively drawn together. The consequence of this has culminated in a point where the Places Leisure sites (and/or the Wiltshire Council managed sites) cannot be moved directly into the appropriate future operating model in time for 1<sup>st</sup> April 2021, as a robust and sequential programme of works needs to be implemented to inform Cabinets decision making process.
17. A new Director for Communities and Neighbourhood Services started in post in November and to move the programme forward, Max Associates have been appointed to undertake the leisure facility needs assessment. This will identify the number, location and facility mix of leisure centres that is appropriate for the Council to provide to meet the future growth and demand of the Wiltshire population.

18. A set of recommendations will be provided by Max Associates by the end of March 2020. Included in the agreement is funding to produce four detailed business cases which will assess the capital and revenue costs of identified facilities. These are scheduled to be developed by July 2020.
19. Once the council has received a set of recommendations, a review of future management and delivery models can commence. This is envisaged to take six months with final recommendations for both facilities and management models to be taken to Cabinet no later than January 2021.
20. In order to progress the implementation of the agreed future facilities requirements and management model from January 2021, an interim management approach is required for the PfP sites. As noted above, the current contract with PfP ends on 31<sup>st</sup> March 2021. There is no further option for extension, as the 2017 Cabinet decision extended the contract beyond the contract terms and an extension would now be unlawful.
21. There is now an opportunity for the Council to test the leisure market and work in partnership with a future/existing operator to maximise the income generation of these leisure sites, enhance the physical activity benefits to our communities and bring to Wiltshire the latest thinking and ideas for leisure delivery. This will also benefit how the council operates or procures its leisure facilities in the future.

### **Main Considerations for the Council**

22. The contractual arrangements for the ten leisure centres managed by PfP are scheduled to expire on 31<sup>st</sup> March 2021. Pursuant to contract, an exit plan is to be agreed with PfP that will specify the transfer of the services to the council or to a replacement service provider, including timelines, to ensure a smooth transition of the services. Should an exit plan not be developed, the centres will automatically revert back into the council's direct management at the time of expiry.
23. Prior to moving to the future operating model, it is essential that the council understands not only the leisure facility requirements for the future but has a clear purpose for providing broader sport and physical activity opportunities for and with the community that meet the demographic changes and health, wellbeing and social needs of individuals and communities. The council will also have to determine a clear timeline for any recommended outcomes that impact on the facility stock.
24. It is important that the council understands the future number of facilities that it wishes to operate prior to analysing and testing which management model is appropriate to meet the needs of the community and also provide the most financially sound prospect for the council to ensure the long-term sustainability of the facilities.
25. As this cannot be achieved until at least late 2020/January 2021 it is not possible to implement any subsequent new management model for 01 April 2021.

26. Four options have been considered in making the final recommendation. These options are contained as Part 2 documentation, as the analysis contains sensitive data.
27. Of the four options that have been considered, only the interim procurement option can realistically be achieved within the timeframe and without causing significant staff and financial resource issues.
28. To provide sufficient time for the interim measure to be put in place a decision has to be taken prior to 31 March 2020. In addition, whilst PfPs contract would fall away on 31 March 2021, as a respected operator of our sites, it is only right that they are given 12 months' notice of our intentions.

### **Overview and Scrutiny Engagement**

29. A report outlining the Cabinet proposals and recommendations was taken to Environment Select Committee on 04 March 2020. Feedback and recommendations will be incorporated into this report.
30. Environment Select Committee resolved to:
  - a. Endorse the proposal as presented
  - b. Be engaged at the appropriate time in the process of agreeing the final leisure facility provision for the county and future management options

### **Safeguarding Implications**

31. Under any management, or contractual arrangement, adherence to safeguarding policies, procedures, training and safer recruitment will be expected. Safeguarding clauses are built into the current contract. The requirements will be built into the specification and contract as part of the tender process. Any new contractor will be expected to provide evidence of compliance.

### **Public Health Implications**

32. Leisure facilities provide the opportunities for people to lead healthy and active lifestyles. Increasing physical activity can help to improve the physical and mental health and wellbeing of the population, improve healthy life expectancy and reduce inequalities. As a result, this can alleviate the reliance on health and social care, reduce sickness absence and therefore significantly reduce the cost associated with providing these services.
33. Access to leisure facilities supports the aim of increasing the number of people meeting physical activity guidelines and reducing the proportion of 'inactive' adults and children and young people.
34. Public health aims to increase participation by those people living in quintile 1, the most deprived areas of the county. These residents are also most likely to be the most economically disadvantaged in our community. Targeted work

with priority groups who meet health inequality criteria as defined in the Joint Strategic Needs Assessment will also increase the focus on the use of leisure facilities and services to mitigate ill health and its long-term results in the population.

35. The specification for the contract will include a requirement for any contractor to deliver a range of key health improvement programmes and support the council in engaging with individuals and communities beyond the leisure centre buildings themselves. The specification will be drawn up in such a way that the contractor will be required to meet the council's requirements in relation to Public Health that may not yet be known, or articulated.

### **Procurement Implications**

36. Following discussions with both legal services and procurement, a short-term procurement process is the advised direction. This mitigates the risk of challenge associated with extending PFPs contract. The legal advice indicates that a further extension of the contract would be in violation of the procurement regulations and therefore unlawful.
37. In order to gauge interest from the market and support the development of the specification, a preliminary market consultation will be held in accordance with Regulation 40 of the Public Contracts Regulations.

### **Equalities Impact of the Proposal**

38. An Equalities Impact Assessment has been completed and this will act as a 'living' document to support the proposals. (Attached as Appendix 4).
39. Under any management, or contractual arrangement similar levels of adherence to Equality Duty would be expected:
- a. Due regard to the need to eliminate unlawful discrimination
  - b. Due regard to the need to advance equality of opportunity between those who share a protected characteristic and those who do not
  - c. Due regard to the need to foster good relations between those who share a protected characteristic and those who do not
40. Key equalities clauses will be included in the tender specification.

### **Environmental and Climate Change Considerations**

41. The council has stated its aspiration for the county of Wiltshire to be carbon neutral by 2030.
42. Wiltshire Council pays utilities bills for all leisure centres, including those outsourced to the current contractor. Leisure centres are some of the highest energy users in the building estate due to long opening hours, high footfall, need for air conditioning, lighting, heating and water. The proposal will result

in energy consumption associated with the service are remaining at current levels.

43. Whilst the current contractor is signed up to ISO14001, environmental performance is not a KPI written into current contractual arrangements and there are no financial incentives to reduce energy usage/emissions in centres under their operation. Appropriate revisions will need to be written into the revised specification that demonstrate behaviours and management of and carbon savings targets.
44. Wiltshire Council is also responsible for maintenance and servicing of facilities and as systems are replaced/upgrade, the council will implement more energy efficient systems designed to reduce carbon emissions. A contractor will be required to support the development and implementation of capital projects that enable the council to drive forward this agenda at their sites.

## **Risk Assessment**

### **Risks that may arise if the proposed decision and related work is not taken**

45. If the proposed decision is not taken, the management contracts with PfP would fall away on 31 March 2021 and the centres and staff would revert to Wiltshire Council management. A significant amount of work goes into transferring staff, systems and customers into any new operating model and this has to be proactively managed. A decision therefore has to be made to commence this otherwise in-sourcing would happen by default and in the absence of any planning, processes, consultation with staff regarding TUPE arrangements, ICT networking and systems, customer engagement and membership transfers.
46. If the proposed decision is not taken, then an alternative interim management arrangement must be agreed so that appropriate measures can be activated.
47. There would be significant risks to the stability of leisure provision in the west and north of the county, resulting in further health inequalities.
48. The current operator would start to make arrangements to exit from the contract.

### **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

49. There is a risk that the market does not return a viable tender, or that a return is less favourable than the current contract value. Keeping the specification as similar to the existing version will mitigate these risks.
50. If a new contractor wins the contract, they will need to work closely with the Council and the current contractor to build strong community relations in a short space of time. There is a risk with any change of operator that memberships and customers may not get transferred onto new systems. However,

contractors are well versed in managing operational transfers within relatively short timescales.

### **Financial Implications**

51. The financial implications of the proposal and recommendations are contained in the Part 2 documentation.

### **Legal Implications**

52. Legal advice confirms that it would be unlawful to enter into a further extension of the contract without re-tendering. This would be a breach of the Public Contracts Regulations 2015 and the risk-management approach as previously agreed in the 2017 Cabinet report would no longer be appropriate.

53. The proposed course of action is consistent with the council's duty to secure 'best value' under the Local Government Act 1999.

### **Workforce Implications**

54. There are no specific workforce implications for the procurement aspect of the proposal. Legal services and the Corporate Procurement Hub are supporting the process.

### **Options Considered**

55. Four options have been considered in making the final recommendation. These options are contained as Part 2 documentation.

56. Of the four options that have been considered, only the interim procurement option can be achieved within the timeframe and without causing significant resource issues in terms of both staff and finances.

### **Conclusions**

57. Following the options appraisal and analysis it is noted that options 1 and 2 are resource heavy both in terms of costs to deliver and officer time to set up and manage the process.

58. Legal advice confirms that it would be unlawful to enter into a further extension of PfPs contract without re-tendering and therefore option 4 has been discounted.

59. Option 3 is therefore the only option that officers consider achievable successfully within the 12-month period and without incurring significant resource costs.

60. Cabinet is therefore requested to:

- i. Agree to undertake a short-term procurement exercise for the management of the Wiltshire leisure sites that are currently outsourced.
- ii. To authorise the Director of Communities and Neighbourhood Services to enter into an interim contract for the management of the 9 sites on completion of the procurement exercise.
- iii. To progress at pace the Leisure facilities review and determine through Cabinet by no later than January 2021 proposals for the long-term facilities needs and management of all Wiltshire's leisure facilities.
- iv. In making this decision cabinet is requested to consider the corporate procurement, legal and financial implications of this decision covered in this report.

### **Reason for Proposal**

61. PfPs contract for the management of ten of Wiltshire Councils leisure facilities is due to expire on 31 March 2021. It was intended that a full review of community assets and future management models would be completed in sufficient time to enable the transition of sites into the approved management model as of 01 April 2021.

62. Whilst some work has been undertaken to review the community assets, most of the work has not been completed. The consequence of this has culminated in a point whereby the PfP sites (and/or the Wiltshire Council managed sites) cannot be moved directly into the new model.

63. A decision is required to determine how the PfP sites will be managed in an interim period to ensure the continuation of leisure services. Of the options assessed the procurement route is the most cost and resource effective and the only one that can be achieved within a twelve month timeframe.

**Jessica Gibbons, Director Communities and Neighbourhood Services**

Report Author: Louise Cary, Head of Service – Community Development

Date of report: 24 March 2020

### **Appendices**

Appendix 1: Cabinet Report Interim Management Options Report, Part 2, Exempt

Appendix 2: Cabinet Report Interim Management Options Appraisal, Part 2, Exempt

Appendix 3: Indicative Timeline for Interim Management Options of Wiltshire Council Contracted Leisure Sites

Appendix 4: Equality Impact Assessment

### **Background Papers**

The following documents have been relied on in the preparation of this report:

[Cabinet Report: Leisure Provision Part 1, 12 December 2017](#)

Cabinet Report: Leisure Provision Part 2, Exempt, 12 December 2017

Cabinet Report: Management and Operation of Wiltshire Council's Leisure Centres, 10 November 2015 – Part 2 Exempt



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Wiltshire Council

Cabinet

24 March 2020

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**Subject:** Clarendon Swimming pool, Trowbridge Sports Centre

**Cabinet Member:** Cllr Ian Blair-Pilling Cabinet Member for IT, Digitalisation and Operational Assets and Cllr Allison Bucknell Cabinet member for Communications, Communities, Leisure and Libraries

**Key Decision:** Key

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## Executive Summary

Since September 2019, the council has been investigating structural concerns at Trowbridge Sports Centre relating to corrosion of the steel frame of the main pool building and reception area. In December 2019 exploratory bore holes were drilled to ascertain the extent of the problem with a view to designing a programme of remedial works. Following the exploratory work, structural engineers recommended the issuing of a Section 78 Unsafe Structures Notice and closure of the site. The Council's Building Control officer confirmed this recommendation on 23rd December and the site was closed.

The dry side of the centre, which includes the sports hall, squash courts, offices and dry change is unaffected and following minor works were re-opened on 20<sup>th</sup> January 2020. The swimming pool remained closed while an assessment of required repairs has been undertaken.

## Proposal(s)

This report requests that Cabinet:

- i. Approve the Capital funding required to undertake the repair works to Clarendon swimming pool bringing the pool back into use and maintaining it over a 5-year period.
- ii. Confirm Cabinet's commitment to invest in, and deliver, a financially viable town-centre leisure facility to include gym and swimming facilities for residents of Trowbridge and the surrounding area. This to be taken forward as part of the Future High Streets Fund with recommendations and options from this work to be brought back to Cabinet.

## Reason for Proposal(s)

Trowbridge Swimming Pool has been closed since 23<sup>rd</sup> December 2019 due to structural issues. Repairs are possible and will provide up to five years additional usage of the facility. The proposals contained in this report seek to

ensure that there is continued swimming provision in Trowbridge whilst also seeking to enable Trowbridge Town Centre to thrive through sustainable service led growth integrating leisure facilities to provide a catalyst for this.

**Alistair Cunningham, Chief Executive Director - Place**

**24 March 2020**

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**Subject: Clarendon Swimming pool, Trowbridge Sports Centre**

**Cabinet Member: Cllr Ian Blair-Pilling Cabinet Member for IT, Digitalisation and Operational Assets and Cllr Allison Bucknell Cabinet member for Communications, Communities, Leisure and Libraries**

**Key Decision: Key**

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## **1. Purpose of Report**

- 1.1. This report seeks Cabinet approval for the Capital funding needed to repair Clarendon swimming pool and bring the pool back into use; with the aim of reopening to the public by the end of Summer 2020.
- 1.2. The report asks Cabinet to agree resources to explore options for a future Trowbridge Town Centre site to provide gym and swimming facilities to the residents of Trowbridge and the surrounding area. Ensuring these communities have a modern gym and swimming pool to meet their needs in 5 years' time when the life span of the Clarendon pool expires. Our vision is for a future development that enables Trowbridge Town Centre to thrive through sustainable service led growth integrating a leisure offer.

## **2. Relevance to the Council's Business Plan**

- 2.1. The purpose and recommendations noted in the report reflect the following areas of the Business Plan 2017 - 2027:
  - 2.1.1. Strong Communities: 'We want people in Wiltshire to be encouraged to take responsibility for their well-being, build positive relationships and to get involved, influence and take action on what's best for their own communities – we want residents to succeed to the best of their abilities and feel safe where they live and work'.
  - 2.1.2. The third goal for Personal Wellbeing (Prevention) references 'improved leisure provision through new campuses, sports and leisure centres and community hubs (including libraries and community engagement)' and a 'healthier population'.

### **3. Background**

- 3.1. Since September 2019, the council has been investigating structural concerns at the Clarendon Swimming Pool, Trowbridge Sports Centre relating to corrosion of the steel frame of the main pool building and reception area. In December 2019 exploratory bore holes were drilled to ascertain the extent of the problem with a view to designing a programme of remedial works.
- 3.2. These investigations revealed deficiencies to the concrete pads used in the foundations at the base of the steel structure, and extensive corrosion below ground of the steel uprights. It was also discovered that the sealant (paint) originally used on the structure was sub-standard, which has resulted in accelerated and excessive corrosion.
- 3.3. Following the exploratory work, structural engineers recommended the issuing of a Section 78 Unsafe Structures Notice and closure of the site. The Council's Building Control officer visited the site on 23rd December and advised closure.
- 3.4. The extent and nature of the issues is such that immediate works are required to make the structure safe. Any significant weather event such as high winds or lying snowfall will increase the risk of major failure including potential collapse.

### **4. Current Position**

- 4.1. Whilst the immediacy of the situation required the whole site to be closed, the areas affected were limited to the swimming pool, wet change and reception area. The dry side of the centre, which includes the sports hall, squash courts, offices and dry change was unaffected by the issues.
- 4.2. Work has been undertaken to isolate the dry side of the facility, relocating the reception to the side of the building, managing the dynamics of school and public access and isolating the wet side of the facility.
- 4.3. The dry side re-opened on 20<sup>th</sup> January 2020. The wet side remains closed.
- 4.4. The site is managed on behalf of the Council by Places for People Leisure Ltd (PfP). Officers have been working with PfP to support communications to customers and to seek alternative swim provision particularly for swimming lessons while the pool is closed.

### **5. Main Considerations for the Council**

- 5.1. Release of Capital funding to repair the Clarendon Swimming, Trowbridge Leisure Centre extending the working life of the site for 5 years.

- 5.2. The implementation of a programme of works and the initial resources required for this to assess options for a future Town Centre leisure site working towards a future gym and swimming provision for Trowbridge.

## **6. Short Term Considerations**

- 6.1. Swimming pools provide the community with opportunities for physical and mental health and well-being, social interaction, opportunities for volunteering, skill development and employment. They provide children with the ability to develop a life-long and potentially life-saving skill, and swimming contributes generally to reducing levels of obesity, diabetes, social isolation and health inequalities, enabling people to manage their long-term health conditions.
- 6.2. Should a decision be taken not to make the repairs, this would leave the community without a pool for a minimum of 3 years and potentially longer depending on preferred future locations. It is estimated that any new facility will take a minimum of 33 months to develop, once the location is identified (15 months to design and seek planning consent, 18 months to build).

## **7. Long Term Considerations**

- 7.1. A county-wide leisure facilities review is currently taking place, which includes the future leisure needs of the Trowbridge community. Alongside this it is recommended that options for a future Trowbridge Town Centre site are explored to provide gym and swimming facilities to residents of Trowbridge and the surrounding area once the life span of the Clarendon site expires.
- 7.2. Our vision is for a future development that enables Trowbridge Town Centre to thrive through sustainable service led growth integrating a leisure offer. We will take the development of this forward linked to the Trowbridge Future High Streets Fund opportunity.

## **8. Overview and Scrutiny Engagement**

- 8.1. There has been no Overview and Scrutiny engagement in this item. As plans for the future of leisure provision of Trowbridge are developed these will be taken to the Environment Select Committee for scrutiny.

## **9. Safeguarding Implications**

- 9.1. Not applicable to the recommendations. Safeguarding clauses are built into the contractual arrangements for the site requiring the operator to adhere to safeguarding policies, procedures, training and safer recruitment will be expected.

## **10. Public Health Implications**

- 10.1. Leisure facilities provide the opportunities for people to lead healthy and active lifestyles. Increasing physical activity can help to improve the physical and mental health and wellbeing of the population, improve healthy life

expectancy and reduce inequalities. As a result, this can alleviate the reliance on health and social care, reduce sickness absence and therefore significantly reduce the cost associated with providing these services.

- 10.2. Access to leisure facilities supports the aim of increasing the number of people meeting physical activity guidelines and reducing the proportion of 'inactive' adults and children and young people.
- 10.3. Public health aims to increase participation by those people living in quintile 1, the most deprived areas of the county. These residents are also most likely to be the most economically disadvantaged in our community. Targeted work with priority groups who meet health inequality criteria as defined in the Joint Strategic Needs Assessment will also increase the focus on the use of leisure facilities and services to mitigate ill health and its long-term results in the population.

## **11. Procurement Implications**

11.1 Appointment of contractors to undertake the repair works will follow procurement regulations.

## **12. Equalities Impact of the Proposal**

- 12.1. Under any management, or contractual arrangement similar levels of adherence to Equality Duty would be expected:
  - 12.1.1. Due regard to the need to eliminate unlawful discrimination
  - 12.1.2. Due regard to the need to advance equality of opportunity between those who share a protected characteristic and those who do not
  - 12.1.3. Due regard to the need to foster good relations between those who share a protected characteristic and those who do not

## **13. Environmental and Climate Change Considerations**

- 13.1. Leisure centres are some of the highest energy users in the building estate due to long opening hours, high footfall, need for air conditioning, lighting, heating and water. The proposed immediate repairs are to the structure of the building only and will not affect a change in current levels of energy consumption.
- 13.2. For any new provision of leisure facilities Wiltshire Council will seek to provide a carbon neutral building that meets the latest environmental standards.

## **14. Risk Assessment**

Risks that may arise if the proposed decision and related work is not taken

- 14.1. Not agreeing to release the capital required to repair Clarendon swimming pool would mean repairs could not be undertaken. This would leave the Trowbridge community without a swimming pool. This would have a significant impact on the health and wellbeing of the residents in the area



and in particular, those who are most vulnerable in the community. This could place additional pressure on health and social care.

- 14.2. A significant number of young people will not be able to learn to swim, whether this is through their schools (impact on Key Stage 1/Key Stage 2 attainment targets), or through swim school programme.
- 14.3. Additional activities will need to be provided for the community to replace the loss of swimming provision.
- 14.4. Not undertaking the feasibility study could significantly delay the identification of a preferred future leisure site and the development of a future facility when the life span of the Clarendon site expires.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 14.5 There will still be an approximate six-month closure of the swimming pool whilst the works are undertaken. Officers have been working to develop a solution for the required repairs and have consulted procurement to agree the most appropriate route to market. Officers are ready to procure the work as soon as Capital funding is agreed.
- 14.6 Officers will continue to work with PfP to relocate swimmers to other sites and develop additional communications.
- 14.7 While the swimming pool is closed revenue is lost to PfP leading to additional contractual costs to the Council.
- 14.8 The repairs will only give the site a maximum of five years additional usage. It is possible that a new facility is not in place in this timeframe. It is essential that officers progress with the proposed feasibility study and outcomes at pace.

## **15. Financial Implications**

- 15.1. This report asks for the release of Capital funding to repair Clarendon swimming pool.
- 15.2. The Capital requirements are as follows:
  - £500,000 to repair and bring back into use.
  - £300,000 to maintain the swimming pool over the 5-year period.
- 15.3. This would need to be allocated from the approved "Other Capital Schemes to be approved" 2020/21 budget. The £800k allocation will leave £17.976 million in the contingency budget. The revenue costs of financing the borrowing were included for this budget as part of budget setting and would be circa £50k.
- 15.8 Due to the closure of the swimming pool income is being lost from this site. This will continue during the repair period. We will be working with our

Leisure provider to minimise the impact of any loss which will have to be managed in the overall service budget.

- 15.9 Options works required to identify future town centre sites for leisure provision will be funded from the Future High Streets Fund.

## **16 Legal Implications**

- 16.1 The legal implications are set out in the body of the report and no further comment is required.

## **17 Workforce Implications**

- 17.1 Not applicable

## **18. Options Considered**

- 18.1 Due to the nature and scale of any works, and considering that immediate attention is required, options have been limited to undertaking a short-term repair, or not repairing. This is assessed in the context of the structure nearing the end of its life and will need to be replaced within 5 years.

### **Option 1 – Repair and Re-open Swimming Pool – recommended option**

- 18.1.1 This would require the installation of new concrete pads and bracing steel works throughout and would give a maximum of 5 years temporary use. The swimming pool would remain shut until the works are completed, estimated to be 9 months total closure (Jan 2020 – September 2020). Further maintenance/lifecycle issues will materialise over the next 5 years requiring further work and investment.

- 18.1.2 Repairing the pool will enable swimming to be re-provided for the community, vital for a range of benefits including opportunities for physical and mental health and well-being, reducing levels of obesity and diabetes, reducing social isolation and health inequalities, enabling opportunities for volunteering, skill development and employment.

- 18.1.3 This option alleviates the impact of the current closure, where the majority of swimmers will not be able to be catered for and negates the need for alternative activities to be provided. This enables the provision of swimming to continue whilst the future redevelopment plans for leisure are developed and implemented in line with the wider regeneration of Trowbridge.

### **18.2 Option 2 – Close Wet-side permanently and decommission - discounted**

- 18.2.1 The swimming pool would close permanently. The pool structure would be immediately removed, which will take approximately three to four months.

The dry side will remain open. Further maintenance/lifecycle issues will still be required to the dry side until a new facility is provided. There will be a requirement to provide alternative activities particularly for the more vulnerable individuals/communities for a minimum period of three years.

18.2.2 With this option, the community will not have a swimming pool for at least three years which will have a significant impact for clubs, schools, young people learning to swim, Key Stage 1/2 educational attainment targets and health and wellbeing. This timeframe is likely to be longer as the appropriate future redevelopment site has yet to be identified.

18.2.3 Alternative activities would need to be considered for the community, which will be challenging to establish and deliver.

## **19 Conclusions**

19.1 Whilst it will cost more to repair the swimming pool than to close it, the additional cost will retain swimming provision in Trowbridge. This is vital in maintaining the health and wellbeing of the community and ensuring that children develop a life skill and potentially life-saving skill.

19.2 It is evident that the community would be without a swimming pool for a minimum of three years if the repairs were not undertaken. There is currently no identified site for a future leisure facility for the community and therefore this feasibility work needs to take place. It is noted in making the recommendations that:

19.2.1 the only option that does not require the pool to close for a significant period is to repair the swimming pool and redevelop a new site in Trowbridge.

19.2.2 repairing the swimming pool and then developing future provision at that site is the most expensive revenue option.

### **19.3 Cabinet is therefore asked to:**

19.3.1 Release the Capital funding required to undertake the repair works to Clarendon swimming pool bringing the pool back into use and maintaining it over a 5-year period.

19.3.2 Confirm Cabinet's commitment to invest in, and deliver, a financially viable town-centre leisure facility to include gym and swimming facilities for residents of Trowbridge and the surrounding area. This to be taken forward as part of the Future High Streets Fund with recommendations and options from this work to be brought back to Cabinet.

## **20 Reason for Proposal**

20.1 Trowbridge Swimming Pool has been closed since 23<sup>rd</sup> December 2019 due to structural issues. Repairs are possible and will provide up to five years additional usage of the facility. The council needs to balance the cost of

undertaking this work with the impact to the community of closing and decommissioning the building, for which there is also a cost.

- 20.2** The proposals contained in this report seek to ensure that there is continued swimming provision in Trowbridge whilst a long-term solution is determined and implemented.

**Jessica Gibbons, Director Communities and Neighbourhood Services**  
**Simon Hendey, Director Housing and Commercial**  
**Sam Fox, Director Economic Development and Planning**

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Date of report: 24 March 2020

### **Appendices**

None

### **Background Papers**

None

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