

## CABINET


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MINUTES of a MEETING held in COUNCIL CHAMBER - COUNCIL OFFICES,  
MONKTON PARK, CHIPPENHAM, SN15 1ER on Tuesday, 6 November 2012.

Cllr John Brady	Cabinet Member for Finance Performance and Risk
Cllr Lionel Grundy OBE	Cabinet Member for Children's Services
Cllr Keith Humphries	Cabinet Member for Public Health and Protection Services
Cllr John Noeken	Cabinet Member for Resources
Cllr Fleur de Rhé-Philipe	Cabinet Member for Economic Development and Strategic Planning
Cllr Jane Scott OBE	Leader of the Council
Cllr Toby Sturgis	Cabinet Member for Waste, Property, Environment and Development Control Services
Cllr John Thomson	Deputy Leader and Cabinet Member for Adult Care, Communities and Housing
Cllr Dick Tonge	Cabinet Member for Highways and Transport
Cllr Stuart Wheeler	Cabinet Member for Transformation, Culture, Leisure and Libraries

Also in Attendance:	Cllr Allison Bucknell
	Cllr Trevor Carbin
	Cllr Chris Caswill
	Cllr Peter Colmer
	Cllr Linda Conley
	Cllr Christine Crisp
	Cllr Andrew Davis
	Cllr Peter Doyle
	Cllr Richard Gamble
	Cllr Mike Hewitt
	Cllr Jerry Kunkler
	Cllr Laura Mayes
	Cllr Jemima Milton
	Cllr Bill Moss
	Cllr Jonathon Seed
	Cllr Carole Soden
	Cllr Anthony Trotman
	Cllr Fred Westmoreland
	Cllr Christopher Williams

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

118 **Apologies**

There were no apologies

119 **Minutes of the previous meeting**

The minutes of the meeting held on 23 October 2012 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 23 October 2012**

120 **Declarations of Interest**

There were no declarations of interest.

121 **Leader's announcements**

The Leader thanked everyone for their good wishes in respect of her husband's illness and said that he was making a good recovery.

The Leader thanked everyone who had been involved in resolving issues following the bad weather last weekend.

122 **Public participation**

The Leader commented that members of the public were welcome to participate in the discussion on items on the agenda.

123 **Future Delivery of the Waste Management Service** 

Councillor Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control Services introduced the report. The Council were looking at options including more efficient ways to deliver the service and also carrying out benchmarking exercises to ensure that informed decisions were made in respect of options for future service delivery.

Options considered by cabinet are detailed in the report.

**RESOLVED:**

**To approve:**

1. **The draft, updated Wiltshire Council Waste Management Strategy 2012.**
2. **The commencement of formal consultation with staff and relevant trade unions on the adoption of new working patterns for the waste collection service.**
3. **Development of a business case for the waste collection service for:**
  - (a) **In-house service delivery**
  - (b) **An out-sourced service**
4. **Development of a business case for:**
  - (a) **Terminating the FCC Environment waste collection contract in 2014**
  - (b) **Extending the FCC Environment contract to be co-terminus with the Hills contract in 2016**
5. **Use of a single service provider to deliver an integrated collection service from 2016.**
6. **Development of the detailed business case to tender the provision of the following waste management services as three lots:**
  - (a) **Landfill capacity**
  - (b) **Garden waste composting facility**
  - (c) **Materials recovery facility, transfer stations, wood waste and servicing household recycling centres (rates to be invited for tender and a percentage share of income from sale of recyclable materials).**

#### **Reason for the decision**

To ensure that the Council continues to deliver sustainable and affordable statutory waste collection and waste disposal services and wider waste management services that will enable achievement of the targets confirmed in the updated Wiltshire Council Waste Management Strategy.

#### **124 Integration of Public Health**

The Leader introduced the report. It was explained that public health becomes the responsibility of Wiltshire Council in 2013 and public health teams including the Director of Public Health will come over to the Council. Cabinet were asked to consider the options presented in the report regarding the transfer and integration of the post of Joint Director of Public Health.

Taking into account the legal position and the current guidance available there were four options to be considered for the integration of the post of joint director

of public health. After due consideration it was proposed that Option 1 be adopted, this being:

Moving the current joint director of public health into the council in advance of the integration of public health and formalise the contractual relationship with the post holder as an employee of Wiltshire Council. This will enable consultation on a re-structure of the senior management team to be completed for implementation on 1<sup>st</sup> April 2013 when the integration of public health takes effect. The options to re-structure are to merge the responsibility for public health (a statutory responsibility from 1<sup>st</sup> April 2013) with:

- a. the corporate director (CD) role with statutory responsibility for adult social services to create a new corporate director role with statutory responsibility for services delivering adult social services & public health, **or**
- b. the CD role with statutory responsibility for children's social care to create a new corporate director role with statutory responsibility for delivering public health, education and children's social care services,

There is nothing in the wording of section 73A of the NHS Act 2006 (as inserted by section 30 of the Health and Social Care Act 2012) to prevent the same officer holding two different statutory appointments. However the council would need to be satisfied that the officer concerned has the right qualifications and experience to deliver the requirements of the two roles and this should be a key consideration of the appointments process.

There are clear synergies with the statutory director of adult social services and it is with this role that the joint responsibility is recommended in this option.

This option would allow the joint director of public health to be included in the consultation for changes to the senior management structure. As part of this consultation the appointments and redundancy policies & procedures for chief & senior officers will apply to all corporate directors, and the joint director of public health.

The appointment, which must be made jointly with the Secretary of State for Health, acting through Public Health England following a selection process, could take effect on 1<sup>st</sup> April 2013 which would support the integration of public health and meet the guidance relating to the appointment of director of public health.

To change the employment relationship with the joint director of public health in advance of the transfer of public health this would need the agreement of both the post holder and the PCT. Consideration would have to be taken of the terms and conditions that would apply, and the appointment would have to be approved by the Officer Appointments Committee.

Legal advice has confirmed that this is an option available to the council, if the joint director of public health and the PCT are willing to agree to this. Currently, PCTs are required to have a member of their Board with responsibility for public health but this does not necessarily have to be an employee of the PCT. Section 113 of the Local Government Act 1972 allows a local authority to make one of its employees available to an NHS trust (such as a PCT) to perform certain functions.

**RESOLVED:**

- 1. To approve in principle option 1, as detailed above and for arrangements to move the current joint director of public health into the council in advance of the integration of public health and formalise the contractual relationship with the post holder; and**
- 2. To agree in principle the proposal outlined in option 1 to combine the statutory roles for adult social services and public health into one corporate director with joint responsibility for adult social services and public health, and the subsequent formal consultation process to enable appointment to the joint statutory role by 1 April 2013 to support the integration of the public health service; and**
- 3. To agree that the implementation of option 1 is delegated to the Service Director HR and Organisational Development as the Council's Head of Paid Service, in consultation with the Leader of the Council.**

**Reason for the decision**

To advise Cabinet of the available options with regard to the transfer and integration of the post of joint director of public health and to determine the best way forward taking into account legal advice and guidance over the integration of public health.

**125 Public Health Transition Update**

Councillor Keith Humphries, Cabinet member for Public Health and Public Protection presented the report which provided an update on the Public Health transition project and outlined progress that had been made in respect of finance, IT and communications. It was expected that staff would undertake an induction in the next few weeks and the final move would take place on 1 December.

Decisions were being taken in line with national guidance on the Public Health transfer and by using the Public Health Transition Project Board chaired by

Councillor Keith Humphries. The PCT and Council are represented on this project board and this feeds into the joint PCT cluster transition programme board.

**RESOLVED:**

**To note and approve the progress report**

**Reason for the decision**

To advise Cabinet of Department of Health National Guidance.

126 **Controlled Waste Regulations 2012 and Proposed Changes to the Council's Charging Policies**

Councillor Toby Sturgis, Cabinet member for Waste, Property, Environment and Development Control Services presented a report which set out changes to the powers of local authorities for making charges for waste collection and disposal as defined in the Controlled Waste Regulations 2012, which replaced the 1992 Regulations. The main issue was how to identify the premises that were referenced in the Regulations and work was being undertaken to code these premises accordingly.

The option of not applying charges to organisations where permitted by the legislation had been considered, but pursuing that option would have been counter to the government's reason for reviewing the legislation. Not applying charges would result in council tax payers funding the waste management costs of organisations who have a duty to manage their waste.

It was requested that the Council communicates to the organisations that are affected in user-friendly language and that it is explained to them that it is Wiltshire Council's statutory duty. Cllr Carole Soden also requested that further communication should also be made to Village Hall committees, copied to Parish Councils and local members, to explain the process.

**RESOLVED:**

**To**

- 1 Approve the provision to charge non-domestic organisations for waste collection and disposal in accordance with paragraphs Error! Reference source not found. to Error! Reference source not found. of the report and any associated actions required to introduce these charges.**

- 2 Approve the harmonisation actions identified in paragraphs Error! Reference source not found. to 65 of the report, including the provisions to apply charges where indicated.**
- 3 Communicate in a user-friendly language to all affected organisations, explaining that it is the Council's statutory duty and also to communicate to Parish Councils via the Parish Newsletter so that they are aware of the process.**

#### **Reason for the decision**

To ensure that:

- (i) The Council's waste policies are updated to take account of the new regulations, including harmonisation of anomalies in current practice.
- (ii) The changes to policy prevent council tax payers from funding the costs of waste management for organisations which are responsible for the waste that they produce.

#### **127 Council Tax Support and Technical Changes**

Councillor John Thomson, Cabinet member for Adult Care, Communities and Housing introduced the report which provided options in response to the Coalition Government's Welfare Reform changes that see a significant reduction in the Council's funding of Council Tax Benefit. It proposed a local, means tested, method of calculating a reduction in council tax; as well as a number of technical changes to council tax discounts and exemptions to go in part to meet that imposed funding gap. A consultation had taken place and it was reported that there had been no significant changes to the results since the publication of the agenda and the conclusions therefore still stood, but that these would be reported in full to Council on 13<sup>th</sup> November before the decision is taken.

Cabinet considered the options presented in appendix 1 of the report.

#### **RESOLVED:**

**To recommend to Council that:**

- 1. A local council tax support scheme is introduced, as set out at paragraphs 16 to 18 of the report.**
- 2. Technical changes are made to the way in which council tax discounts for second homes and exemptions for properties in classes A, C and L are applied from 1<sup>st</sup> April 2013, as set out at Appendix 2 of the report, and paragraph 20.**
- 3. Council introduce a discretionary fund to be administered in conjunction with the discretionary housing payments (DHP) and**

**ring fence the Social Fund grant allocation to mitigate the impact of transition from the old scheme to the new, in cases where householders may feel the impact of other changes to benefit entitlement, under-occupancy costs, for example. Criteria for awards under this scheme to be approved by Cabinet and Council by January / February 2013 and implemented from 1<sup>st</sup> April 2013.**

#### **Reason for the decision**

For the purpose of setting 2013/14 council tax it is also important that a decision is made now to ensure that having maximised the period for consultation on the draft scheme, the council is able to introduce the scheme within its budgetary timetable and the statutory timetable ending 31 January 2013.

#### **128 Volunteering in Wiltshire**

Councillor John Thomson - Adult Care, Communities and Housing presented a report which updated councillors on the work to develop volunteering across the County and requested agreement to the proposals set out in the report. It was noted that volunteering in the Libraries had been a great success and the Spice Time Credits Scheme had worked very well. The Council would use the learning about volunteering support to provide further opportunities for staff to volunteer to support community activities and events in the forthcoming year.

#### **RESOLVED:**

##### **That Cabinet**

- 1. Commits to its community leadership role in relation to employee volunteering, so that it can be seen by local businesses to be a key partner to Wiltshire Responsible Employer Network and a role model to local businesses.**
- 2. Agrees that the Council will use the learning about volunteering to support the work of the Legacy Board with further opportunities for staff to volunteer to support community activities or events next year.**
- 3. Delegates the fine detail of the employee volunteering scheme to the Cabinet member for Adult Care, Communities and Housing who will work with the Communities and Voluntary Sector Support Team (with links to the HR Policy and L& D teams) to implement it and refer to the Staffing Policy Committee if deemed appropriate**

#### **Reason for the decision**



Cabinet is requested to commit to its community leadership role in relation to employee volunteering so that it can be seen by local businesses to be a key partner to Wiltshire Responsible Employer Network and a role model to local businesses.

**129 Interim Report on Treasury Management Strategy 2012-13**

Councillor John Brady, Cabinet member for Finance, Performance and Risk presented the report. This was an interim report covering the period from 1 April to 30 September 2012. It was noted that no external borrowing would be undertaken thereby reducing the cost of borrowing.

**RESOLVED**

**To note the contents of the report in line with the Treasury Management Strategy.**

**Reason for the decision**

The report is a requirement of the Council's Treasury Management Strategy.

**130 Housing Management Repairs and Maintenance Contract **

Councillor John Thomson, Cabinet member for Adult Care, Communities and Housing presented the report which requested Cabinet's approval to sign off up to five separate contracts for the delivery of repairs, maintenance and improvements to the council's housing stock. The new arrangements will deliver extra investment in to existing stock and five separate contracts will help to spread the risk.

There were options around what type of contract to use, and after careful consideration a partnering style contract was agreed on, on the basis of being more flexible in use, and to gain greater efficiencies throughout, as well fitting the ethos of the councils to work in partnership, the re-structuring of landlord services has been developed around this approach.

**RESOLVED:**

**That Cabinet**

**1 Approves the expenditure of up to £ 61 million pounds over the next five years split across five contracts, which has already been assumed with the HRA self financing model**

**2 Approves to the signing of five contracts for the repairs, maintenance and improvements to the Councils housing stock, to be delegated to the Service Director of Communities in consultation with the Cabinet member for Adult Care, Communities and Housing**

**Reason for the decision**

The existing contract arrangements covering works detailed in this tender process ends March 2013, therefore the re-tendering was required.

Due to the OJEU process, and the timescales involved it is necessary to get approval at this cabinet meeting, as the evaluation process is not complete, we have asked for the final approval be delegated.

**131 Budget Monitoring Period 5 August 2012**

Councillor John Brady, Cabinet member for Finance, Performance & Risk presented the report. The Council were on track for a balanced budget by the end of the year.

**RESOLVED:**

**To note the outcome of the Period 5 (August) budget monitoring**

**Reason for the decision**

To inform effective decision making and ensure a sound financial control environment

**132 Urgent Items**

There were no urgent items.

**133 Exclusion of the Press and Public**

Further notice was given 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.

**RESOLVED:**

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 117 below because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in 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).

No representations had been received on the question of taking the item in private.

#### 134 **Agency and Temporary Staff Contract Award**

Councillor John Noeken, Cabinet member for Resources presented the confidential report which sought Cabinet approval for the “Agency and Temporary Staff” award of contract.

Options for various types of service model were detailed in the report.

#### **RESOLVED:**

#### **That Cabinet**

**Agrees to give delegated authority to the Service Director, Finance, following consultation with the Cabinet member for Resources, to award a contract through the Mstar framework with an intended contract start date of 19<sup>th</sup> November 2012 and to be in place for 3 years with an option to extend for one further year.**

#### **Reason for the decision**

To award the agency and temporary staff contract.

(Duration of meeting: 11.00 am - 1.15 pm)

These decisions were published on the 9 November 2012 and will come into force on 19 November 2012
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The Officer who has produced these minutes is Pam Denton, of Democratic Services, direct line 01225 718371 or e-mail [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)  
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