

CABINET

MINUTES OF THE CABINET MEETING HELD ON 30 JANUARY 2018 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Baroness Scott of Bybrook OBE (Chairman), Cllr John Thomson (Vice-Chairman), Cllr Richard Clewer, Cllr Laura Mayes, Cllr Toby Sturgis, Cllr Bridget Wayman, Cllr Philip Whitehead and Cllr Jerry Wickham

Also Present:

Cllr Clare Cape, Cllr Pauline Church, Cllr Matthew Dean, Cllr Stewart Dobson, Cllr Peter Evans, Cllr Sue Evans, Cllr Richard Gamble, Cllr David Halik, Cllr Deborah Halik, Cllr Darren Henry, Cllr Alan Hill, Cllr Atiqul Hoque, Cllr Jon Hubbard, Cllr David Jenkins, Cllr Bob Jones MBE, Cllr Gordon King, Cllr Jerry Kunkler, Cllr Stewart Palmen, Cllr Horace Prickett, Cllr Tom Rounds, Cllr Jonathon Seed, Cllr Ian Thorn and Cllr John Walsh

171 **Apologies**

There were no apologies as all members of the Cabinet were present.

172 **Minutes of the previous meeting**

The minutes of the meeting held on 12 December 2017 were presented.

Resolved

To approve as a correct record and sign the minutes of the meeting held on 12 December 2017

173 **Declarations of Interest**

There were no declarations of interest from any members of the Cabinet.

174 **Leader's announcements**

The Leader welcomed all to the meeting, and explained that due the number of members of public in attendance for particular items, she would bring forward the item on the Appropriation of Land at Rabley Wood, Malborough.

The Leader announced that Councillor Chuck Berry had resigned from the Cabinet. Councillor Richard Clewer would take over responsibility for Housing, and the Leader would take over responsibility for Economic Development.

175 Public participation and Questions from Councillors

The Leader noted that members of the public had registered to speak on items on the agenda, and that these representations would be taken under those items.

The Leader noted the question from Mrs Charmian Spickernell on behalf of the CPRE which had been published in supplement to the agenda.

Councillor Bridget Wayman stated that written response would be sent, but that in the interim she stated that the site area and number of containers at the Pewsey recycling centre had reduced, but local residents were still able to recycle a fuller range of materials at other Household Recycling Centres.

Mrs Spickernell stated that should remained concerned over the continuing problems at the site and for its long-term viability.

176 Amendments to the Wiltshire Local Transport Plan (LTP) 2011-2026 - Car Parking Strategy

Councillor Bridget Wayman presented the report which provided details of the consultation responses in relation to Options 2 to 7; asked Cabinet to consider any suggestions from respondents for alternative ways in which the estimated income increase from the options could be met by other means (termed Option 8); and sought approval for the implementation of recommended option proposals through an amendment notice to the relevant Traffic Regulation Orders (TROs).

Matters highlighted in the course of the presentation and discussion included: the financial implications for proposals; that the income generated would help support subsidies for bus services; the changes already made by officers; and the amendments made in the light of the consultation responses.

Councillor Matthew Dean, Chair of the Environment Select Committee, presented a summary of the views submitted as part of the consultation.

Representations were made from David Feather and from Suzanne Humphries, the Secretary of the Friends of Southwick Country Park, who presented a petition from 435 users of the park in objection to the introduction of parking charges.

Councillor Horace Prickett, local division member for Southwick, similarly raised concerns as to the impact of the new charges, including: the relative high level of the proposed charges, that car parks serving similar rural facilities are free, the possibility of displacing parked cars onto the highway, and the options for asset transfer.

In response, Councillor Bridget Wayman agreed to meet with representatives to discuss their concerns and the options for a community asset ahead of the implementation of any decision.

Resolved

- (i) To agree to the implementation of Options 2 to 6 through an amendment to the relevant Traffic Regulation Orders (TROs), subject to the necessary formal consultation process.**
- (ii) To agree that any responses to the formal TRO consultation process be considered by the Cabinet Member for Highways, Transport and Waste prior to the making of the Order(s).**
- (iii) To approve the proposed Sunday and Bank / Public Holiday parking charges as set out in Appendix 5.**
- (iv) To note that if the above proposal is agreed, then a recommendation to remove the following text from Policy PS3 of the LTP Car Parking Strategy would be made to full Council:**

Sunday parking charges will be considered where there is an identified traffic congestion or air quality issue, or where there is a strong and established parking demand from shoppers or visitors.

- (v) To agree the proposed action related to each of the currently free car parks (or part of) identified in Appendix 6.**
- (vi) To agree to the withdrawal of free event parking from town / city councils in the months of November and December.**
- (vii) To approve the proposed season ticket charges as set out in Appendix 7.**
- (viii) To agree that a two tiered charging regime is introduced where residents' permits would be:**
 - £50 for the first permit and £70 for the second permit (at the same address) in limited waiting zones; and**
 - £80 for the first permit and £100 for the second permit (at the same address) in residents' only zones.**
- (ix) To agree that the hours of operation of residents' permit schemes are extended from 8am – 6pm to 8am – 8pm.**
- (x) To agree that the parking grace period is retained at 15 minutes.**

- (xi) **To agree that none of the alternative funding proposals suggested through the consultation could realistically replace the income uplift forecast under Options 2 to 7.**
- (xii) **To approve the technology and operational improvements set out in paragraphs 58 to 62 and paragraph 63 respectively for implementation by parking services in 2018/19.**

Reason for decisions:

To seek approval for the implementation of Options 2 to 6 through an amendment to the relevant Traffic Regulation Orders (subject to the necessary formal consultation process).

To seek approval for the implementation of a number of technology and operational improvements.

177 **School Capital Programme 2018-2021 Report**

Councillor Laura Mayes present the report which asked Cabinet to agree the Schools Capital Programme for 2018 – 2021.

Matters highlighted in the course of the presentation and discussion included: the duties of the council and the impact of the army rebasing programme; the short and longer term needs addressed in the programme; the progress made in previously approved schemes; and how the schemes are prioritised and funding.

In response to a question raised by Councillor John Hubbard, Councillor Laura Mayes confirmed that whilst there were no current plans for items such as additional SEND resources spaces this did not exclude the possibility of there being future plans to include them.

Resolved

- 1. To note the progress on previously approved schemes at Appendix A**
- 2. To consider and approve the new Basic Need schemes subject to planning approval and completed S106 agreements requiring a total Basic Need contribution of £1.530m as outlined at Appendix B.**
- 3. To approve the Schools Planned Maintenance Programme totalling £2.5m for 2018/19 as outlined at Appendix C.**
- 4. To authorise the Corporate Director for Children Services 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 decision:

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 inclusions 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.

178 School Admissions Policies 2019/20

Councillor Laura Mayes presented the report which presented the school admissions policy for approval.

In presenting the report, Council Laura Mayes recorded her thanks to Clare Medland, the outgoing Head of School Place Commissioning, for her hard work and professionalism. The Leader also added her thanks to the officer with particular reference to work in support of the army rebasing programme

Resolved

To approve the following: -

- a) the proposed scheme for the co-ordination of admission to secondary schools for 2019/20.**
- b) the proposed scheme for the co-ordination of admissions to primary schools for 2019/20.**
- c) the proposed admission arrangements for Voluntary Controlled & Community Secondary Schools for 2019/20.**
- d) the proposed admission arrangements for Voluntary Controlled & Community Primary Schools for 2019/20.**

Reason for decision:

The Local Authority has a statutory duty to have a determined admission policy for 2019/20 in place on or before 28 February 2018.

179 **Freehold of assets to be sold**

Councillor Toby Sturgis presented the report which recommended that Cabinet declare that freehold interest of the four assets can be sold by the Council.

Resolved

1. **To confirm that freehold interest of the 4 assets can be sold by the Council.**
2. **To note the continuing approach set out in paragraph 8**
3. **To authorise the Director for Housing and Commercial Development to dispose of freehold interest of the assets.**

Reason for decision:

To confirm the freehold interests of the assets can be sold in order to generate capital receipts in support of the Council's capital programme.

180 **Warminster King George V Field**

Councillor Toby Sturgis presented the report which sought approval to taking all steps necessary to ensure the transfer of the Legal Title to King George V Field within Warminster Park to Warminster Town Council following the transfer to it of the majority of Warminster Park on the 21st November 2016.

Resolved

- a) **That Wiltshire Council, in its capacity as sole trustee of the King George V Field - Warminster (the Trust), make any changes to the Trust documents that may be necessary to appoint Warminster Town Council as a trustee of the Trust and to resign as a trustee following that appointment;**
- b) **That officers should, if appropriate, liaise with the Charity Commission and Fields in Trust to seek, if required, the approval of either of those bodies for the appointment of Warminster Town Council as trustee of the Trust;**
- c) **That following the securing of any such approval and the appointment of Warminster Town Council as trustee of the Trust to transfer the Legal Title to the King George V Field, Warminster to Warminster Town Council and then resign as trustee of the Trust; and**
- d) **To authorise the Corporate Director for Growth Investment & Place to enter into any legal documentation which is required to enable the above to be implemented.**

Reason for decision:

To enable the Legal Title of the area of Warminster Park that is the subject of the Trust to pass to Warminster Town Council in the most cost effective and efficient way.

181 Proposed development of Council owned land at Sadlers Mead, Chippenham

Councillor Toby Sturgis presented the report which sought approval for the proposed redevelopment of Sadlers Mead car park in Chippenham as Phase 2 of the Chippenham Station Hub scheme, including the options of disposing of the site to attract private investment.

Matters highlighted in the course of the presentation and discussion included: where the proposals fit with the wider development scheme; that the scheme, overall, would result in more car parking spaces; and that the implications of additional traffic should be considered as part of the wider scheme.

Resolved

- i) To approve the proposal for developing the Sadlers Mead car park at Chippenham.**
- ii) To delegate authority to the Director Economic Development and Planning, in agreement with the Chief Finance Officer and the Head of Strategic Assets and Facilities Management with the Cabinet Member for Economic Development and Housing and the Cabinet Member for Finance, Performance and Risk to oversee project development and delivery (including any disposals).**
- iii) To delegate authority to the Corporate Director for Growth Investment and Place, in agreement with the Cabinet Member for Corporate Services, Arts, Heritage and Tourism, and the Cabinet Member for Finance, Procurement, ICT and Operational Assets, to dispose of the asset.**

Reasons for Decision:

To enable the development and delivery of Phase 2 of the LGF funded Chippenham Station Hub scheme, which in line with the masterplan, will provide high quality commercial office space and increased car parking at the site. To enable the Council to have detailed discussion with potential end users of the office development. To secure best value for the Council through the development opportunity created by the LGF funding.

182 Appropriation of Land at Rabley Wood Marlborough

Councillor Toby Sturgis presented the report which sought agreement to appropriate land, as identified in this report, for disposal of the Site.

Representations in objection to the proposal were received from Mrs Jayne Baker, Councillor Guy Loosmore of Marlborough Town Council, and from Mr Stewart Dobson. The meeting noted the questions and answers circulated in the agenda supplement.

It was noted that Stewart Dobson, having declared a pecuniary interest, spoke in a personal capacity.

In response to the objections raised, Councillor Toby Sturgis reiterated the planning history of the site including the decision made by the Planning Inspector in relation to the suitability of the land identified for alternative recreational use. He also stated that he was satisfied that issues such as flooding could be dealt with through the planning conditions attached to the planning permissions.

In making his proposal, Councillor Sturgis suggested an amendment to make reference to the objections made, and to confirm the original decision made in 2012 to dispose of the land.

Resolved

- 1. That having considered the objections set out in the consultation and included in the supplement to the report, to appropriate for planning purposes the land at Rabley Wood Marlborough (as shown on the plan in Appendix 1 of the report) under section 122 of the Local Government Act 1972 which is currently held as open space; and**
- 2. To confirm the decision, made at the meeting of the Cabinet Capital Assets Committee held on the 24 July 2012, that authority be given to proceed with the disposal of the land at Rabley Wood, Marlborough including the delegation for the completion of necessary legal transactions to the Corporate Director, or as permitted by the scheme of delegation.**

Reason for decision:

To ensure the land can be disposed of free of any rights and obligations arising from its use as public open space.

183 Wiltshire Council Adoption Service: 2017 Q1-2 6 Month Report

Councillor Laura Mayes presented the report which provided an interim six-month update regarding the performance of the Adoption Service within Wiltshire Council to enable Cabinet, as required by statute, to satisfy itself that: the Adoption Agency complies with the conditions of registration, is effective and is achieving good outcomes for children.

In response to a question from the Leader, Councillor Laura Mayes that the Council remained committed to finding families for all children even those with

more complex needs that were harder to place, and that this was done, in part, by targeting recruitment at potential adopters with the right capacity to take in these cases.

In response to ongoing concerns expressed by Councillor John Hubbard in his capacity as Chair of the Children's Select Committee, Councillor Laura Mayes stated that she believed that maintaining scrutiny of the service was essential as it transferred to a regional partnership.

Councillor Alan Hill, Vice-Chair of the Overview & Scrutiny Management Committee, encouraged Councillor Hubbard to raise the issue of continuing scrutiny at the next meeting of the Committee.

In response to a question from Councillor Ian Thorn, Councillor Laura Mayes stated that some children are fostered by families ahead of a final decision to adopt in a process termed 'twin tracking'.

The Leader joined Councillor Mayes and Hubbard in seeking to record the meeting's thanks for the extraordinary job undertaken by officers on behalf of children and families who are supported by the adoption service.

Resolved

- 1. That the contents of the report are noted and accepted.**
- 2. To record the thanks for the meeting to all the officers who work extraordinarily hard to provide an excellent service**

Reason for decision:

Wiltshire Council is an Adoption Agency registered with Ofsted. The 2014 Adoption Minimum Standards (25.6) and 2013 Statutory Guidance (3.93 and 5.39) describe the information that is required to be regularly reported to the executive side of the local authority to provide assurance that the adoption agency is complying with the conditions of registration whilst being effective and achieving good outcomes for children and service users.

184 Extension of Intermediate Care Bed Service contract for 2018-2019

Councillor Jerry Wickham presented the report which requested that, an extension to the Intermediate Care bed service contract is agreed for a further year. In presenting the report, Councillor Wickham highlighted how the beds were utilised as part of the approach to maximising the number of people able to remain living at home and reducing the total number of people who are permanently admitted to a care home.

Councillor Gordon King and Councillor John Walsh, from the Health Select Committee, stated that intermediate care beds, as part of work looking into the operation of the Better Care Plan, would be subject to further review.

Resolved

To approve an extension of the Intermediate Care bed service contract, due to expire on 31 March 2018, for an additional year to expire on 31 March 2019.

Reason for decision:

For the request of the extension of the current contracts we would be advising that 70 beds are continued with, but that within the next year there will be a review to determine the total beds required for the following year.

The plan would be to reduce the number of beds over time, to consider the impact of Adult Care Transformation in reducing the bed base demand.

185 Urgent Items

There were no urgent items.

186 Exclusion of the Press and Public

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 Items Number 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).

187 Extension of Intermediate Care Bed Service contract for 2018-2019 (Part ii)

Resolved

That the additional information in the appendix be noted.

188 Acquiring Property through the use of Compulsory Purchase Order

The Leader presented the report which sought the support of Cabinet for actions to be taken to protect a property in the County, up to and including making a Compulsory Purchase Order (CPO).

Resolved

To approve the recommendations contained in the report presented

(Duration of meeting: 9.30 - 11.50 am)

These decisions were published, earlier, on the 1 February 2018 and will come into force on 9 February 2018

The Officer who has produced these minutes is Will Oulton of Democratic Services, direct line 01225 713935, e-mail william.oulton@wiltshire.gov.uk

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Questions from Anne Henshaw, Chair of the CPRE.

Councillor Bridget Wayman – Cabinet member for Highways, Transport and Waste

RE: Everleigh Household Recycling Centre

At a meeting of the Pewsey Area Board held on 8th January 2018, Wiltshire Council provided an update in respect of the Everleigh HRC, which is known to be under scrutiny currently by the Environment Agency because of drainage problems. The update highlighted various issues as follows:

- a). Concerns expressed by the Council’s new contractors, FCC Environment, who became responsible for the site on 2nd October 2017, that previous operation of the site did not conform with Environmental Regulations.

- b). As of 6th October 2017, local residents have been banned from recycling an extensive range of otherwise normally recyclable materials to the site. They have been directed to place these materials in the container for household waste.

Please see below for details of the materials which cannot currently be deposited separately at Everleigh HRC.

Non Landfilled Material	Alternative recycling options	Can material be placed in non-recyclable waste bin at Everleigh if brought onto site?
Cardboard	Kerbside collection service, other local household recycling centres	Yes
Food and Drinks Cartons	Local household recycling centres	Yes
Rigid Plastics (including bottles, pots, tubs and trays and hard household plastics)	Local household recycling centres, plastic bottles in kerbside collection service	Yes
Car Batteries	Local household recycling centres, scrap merchants	No – Hazardous waste cannot be sent to landfill
Domestic Batteries	Local household recycling centres, supermarkets and shops	No – Hazardous waste cannot be sent to landfill
Engine Oil	Local household recycling centres, car garages	No – Hazardous waste cannot be sent to landfill
Tyres	Local household recycling centres, car garages	No – Tyres cannot be sent to landfill
Low Energy Light Bulbs	Local household recycling centres, some supermarkets	No – Electrical items cannot be sent to landfill
Household chemicals (oil based paints, cleaning chemicals, household pesticides)	Local household recycling centres	No – Hazardous waste cannot be sent to landfill

c). FCC Environment's further concerns relating to the condition of the sealed drainage tank, and potential leakage therefrom, could appear to be justified in the light of the Council's admission that the "concrete retaining walls are heavily cracked and a significant amount of corroded reinforcement bar is visible." Prima facie, this admission might be regarded as displaying negligence on the part of the Council, and/ or the previous Operator, due to failure to properly inspect and maintain the site. Such defects normally occur only over a considerable period of time, and concrete degradation in such circumstances is a common and widely known problem.

d) The Council's update refers to estimated costs to rectify matters being established, prior to a submission to Cabinet to decide on priorities for capital investment. Information obtained informally by CPRE indicates that the sum involved to rectify the situation at Everleigh would be in the region of £80,000.

Question

1. Why was the fitness for purpose of the Everleigh site evidently not monitored properly over what is likely to have been a considerable period of time and timely work, maintenance and repairs not carried out?

Answer

The fitness for purpose of Everleigh and other sites has been monitored and work, maintenance and repairs carried out where needed. Historically, the maintenance focus has been on the operational function of the site. To that end inspections have taken place of fencing, gates, condition of the access road, containers, compaction plant and signs. There has been no inspection of the drainage system or the retaining wall, both of which now require significant repair. The retaining wall is not normally visible as containers are placed immediately in front of it. The contract was signed in 2003 and was more generic in nature than new contracts would be. The regime for monitoring and the obligation for carrying out maintenance and repairs would be more explicitly defined in the new contracts.

The Environment Agency have made visits to the site checking for compliance with the waste management licence for the facility throughout the contract period.

Question

2. In order to establish who was ultimately responsible for this failure to act, what statutory, or other legal obligations applied to

- a) Wiltshire Council, as the Owner of the site
And
- b) Hills Waste Management as the previous Operator thereof, and what, if any, were the provisions written into the contract between the Owner and the previous Operator with regard to responsibility for inspection, maintenance and repairs?

Answer

- a) As the owner of the site Wiltshire Council has responsibility, with its contractor, to ensure that the site was safe for use by the staff employed by the contractor at the site and for residents to access and use the site. The council has carried out visits to ensure that the council's contractor was complying with statutory consents, the waste management licence and planning permission for the site. The contract between the council and its contractor places obligations on the contractor to ensure that its operations comply with these requirements.
- b) The council's contractor has obligations as the operator of the site to comply with the planning permission and, as holder of the waste management licence, the waste management licence for the site. The contract required the council's contractor to maintain and make available for use by the public and operate the household recycling centres throughout the contract period. The contractor was obliged to ensure that during the contract period it was licensed by the Environment Agency to manage the household recycling centres. In more general terms there was an obligation under the contract for the contractor, at all times in providing the service, to comply with all legal duties imposed upon it whether arising by way of statute, environmental law or common law including any provision in any site licence or planning permission or conveyance lease or licence relating to a site or any requirement of a statutory government body. Given the generic nature of the obligation for the council's contractor to maintain and make available the household recycling centre it would be difficult to argue that they should have been responsible for inspecting and maintaining the drainage system and the retaining wall. These problems have arisen with the passage of time and are not due to the nature of the operation of the site. The drainage which had not been installed was not identified by the council, the council's previous contractor or the Environment Agency. Now that it has been identified by the council's new contractor it is for the council to decide whether or not to install the drainage required to return the site to previous operating levels.

Question

3. Will Cabinet confirm that any necessary expenditure to rectify the situation will be funded by the Council and made available forthwith to restore this site to full function pending resolution of who may be legally liable and to what extent for the cost of rectification? Similarly, will Cabinet also confirm that it will fund any associated clean-up costs at the site should these be required?

Answer

Cabinet will consider the level of investment required before making a decision on whether to fund the expenditure required to rectify the problems which have been identified at Everleigh.

Question

4. Can Cabinet confirm that a full and proper inspection has been made of all the other Council owned waste recycling sites, and that the Council, and FCC

Environment, as the new incoming Operator, are fully satisfied that no similar (or different) problems exist at any of these sites, that would impede full operation in accordance with all existing regulations?

Answer

Inspections have been carried out and reports prepared on the condition of each of the sites. The only outstanding issue identified as a result of these inspections and reports is a smaller scale drainage issue at Churchfields household recycling centre, Salisbury and a plan is being drawn up to rectify this.

Question

5. Local residents are well aware that it has long been the Council's wish to close the Everleigh site down on the grounds of expense and usage, without, however, seemingly ever appreciating its value and importance to a very rural community. Will Cabinet provide an undertaking that Everleigh will NOT be closed down either because of its present problems, or for any associated drop in usage, given that these difficulties, prima facie, would seem to have been due to a serious lack of competence on the part of the Council, as the Owner of the site, and/or Hills Waste Management as the previous Operator?

Answer

Cabinet will not provide an undertaking that Everleigh will not be closed down. Cabinet will consider the level of investment required before making a decision on whether to fund the expenditure required to rectify the problems which have been identified at Everleigh.