

Cabinet

MINUTES OF THE CABINET MEETING HELD ON 30 NOVEMBER 2021 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Jane Davies, Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Pauline Church, Cllr Dr Mark McClelland and Cllr Ashley O'Neill

Also Present:

Cllr Helen Belcher, Cllr Clare Cape, Cllr Gavin Grant, Cllr Nick Holder, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Gordon King, Cllr Dr Brian Mathew, Cllr Dominic Muns, Cllr Nic Puntis, Cllr Pip Ridout, Cllr Martin Smith and Cllr Ian Thorn

76 Apologies

There were no apologies.

77 Minutes of the previous meeting

The minutes of the meetings held on 27 September 2021 and 12 October 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meetings held on 27 September 2021 and 12 October 2021, subject to the following:

- **27 September 2021 – min 60 – Declarations of Interest - Cllr Thorn declaring an interest as a Director of Stone Circle rather than as the Leader of the Liberal Democrats**
- **27 September 2021 – min 63 – Business Plan Principles 2022-2032 – to amend the question asked by Cllr Helen Belcher to a question about the importance of measurables at various points, to understand if the Council is on target and not just changing targets.**

78 Declarations of Interest

There were no declarations of interest.

79 Leader's announcements

There were no Leaders announcements.

80 **Public participation and Questions from Councillors**

General questions were submitted from the following members of public:

- Nick Measham – Viney Farm Site
- Mel Boyle – Station Road Traffic Lights, Chippenham

Cllr Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing explained that the above questions had received written responses which were published on the Council's website prior to the meeting in the agenda supplement, which can be accessed [here](#).

In addition to the above public questions, a number of questions and comments were received from:

- Cllr Jon Hubbard about the Melksham House site and whether funding was secure
- Cllr Ian Thorn
 - Development site next to his ward that was appealed by the applicant. The application was granted by a planning inspector on appeal due to the Council's lack of 5 year housing supply.
 - Funding for market towns in recovery from COVID-19
 - Local doctors' surgery in special measures
 - Cost of school transport

The above questions and comments received verbal responses at the meeting, which are also available on the recording of the meeting [here](#).

81 **Financial Year 2021/2022 - Quarter Two Revenue Budget Monitoring**

Cllr Pauline Church, Cabinet Member for Finance and Procurement, Commissioning, IT, Digital and Commercialisation presented the report which provided detail about the Revenue Budget Monitoring position 2021/22 Quarter 2 (30 September 2021) for the financial year 2021/22 with suggested actions. The report also commented on the latest assumptions for the 2022/23 budget and the updating of the Medium Term Financial Strategy since the position was reported on in September 2021.

Cllr Church reported that the net budget set by Full Council for 2021/22 is £412.562m, being set as a one year holding position which recognised the negative impact of the COVID-19 pandemic on funding and income generating services. It was noted that included within the budget is the planned earmarked reserve drawdowns totalling £8.444m from the Budget Equalisation and Collection Fund Volatility reserve. The budget is also supported by £20.301m

one off Hardship and Emergency Funding Grant from Government in 2021/22. The quarter 2 position forecasts the Council will be underspent by £10.776m at the year end. Cllr Church thanked the finance team and Directors for their commitment in achieving the outcomes detailed in the report.

Cllr Pip Ridout, Chair of the Financial Planning Task Group, informed Cabinet that the Task Group had considered the report at its meeting held on 26 November 2021. Cllr Ridout reported that the Task Group had considered the current budget gap and noted the additional pressures, they discussed the continuing impact of the pandemic and noted that the local economy was recovering. The Task Group also considered the removal of some government business relief and the impact on council income. The Task Group were satisfied that this was being closely monitored.

Cllr Ian Thorn echoed the comments of Cllr Ridout in thanking Cllr Church and the finance team for their commitment in achieving a positive financial position at this stage of the year. In light of the current positive budget position Cllr Thorn highlighted a concern about the underspends and whether this was due to the expected latent demand not materialising or residents not accessing services to the same degree prior to the pandemic. Cllr Church confirmed that, although residents were continuing to access services, the underspends had been achieved through a combination of many factors, which include the financial rigor adopted by the Council, and additional funding from other sources, for instance CCG contributions towards Adult Social Care. Cllr Thorn also commented on the potential for latent demand building over the coming months, its impact on future budgets and whether any modelling was being undertaken in this area. The Leader, Cllr Church and officers confirmed that budgets were constantly monitored and appropriate assumptions on the impact of these types of issue were taken into account.

Cllr Thorn further commented on an increase in the level of planning appeals compared to this time in the last financial year, and the forecast budget overspend. He was concerned that the overspend was being offset by an underspend in staffing budgets across the service and felt this was counter intuitive. The Leader and Cllr Nick Botterill explained that although there was a shortage of planning officers nationally, the staffing levels in Wiltshire were now healthier compared to the previous 6 months. However, there were impacts on senior planning officer workloads due to the rise in planning appeals.

Cllr Gavin Grant commented on (i) staffing issues in the Northern Area Planning Team that a number had relocated to other local authorities due to improved salaries. Cllr Botterill confirmed that some officers had sought employment at other local authorities, however, provided reassurance that vacancies were being filled and the Council recruits the best officers possible.; (ii) non-determination of planning applications and its impact on public confidence.

Cllr Brian Mathew commented on the Shared Lives programme and potential underspend.

Cllr Jon Hubbard referred to the underspends in the Mental Health budget and questioned whether funds could be reallocated to front line 3rd sector providers. The Deputy Leader agreed to supply a written response.

Cllr Helen Belcher commented on (i) the number of children in care in comparison to the number forecast. The Deputy Leader confirmed that there was latent demand in this area and in addition it was difficult to predict levels for this area. Assurances were provided that this area is constantly monitored; (ii) recruitment and retention issues generally across the Council. The Leader confirmed that there were recruitment issues nationally and possibly a consequence of the economy we are moving in to.

Resolved:

To note -

- a) the current revenue budget is forecast to underspend by £10.776m by the end of the financial year**
- b) the current savings delivery performance for the year**
- c) the current forecast position of the use of Capital Receipts flexibilities of £3.893m**
- d) the forecast level of reserves and budgeted draw down of £10.444m and £34.076m of section 31 Grant**
- e) the in-year savings achieved through contractual activity and subsequent budget movements**
- f) the updated budget gap for the financial year 2022/23**

Reason for decision:

To inform effective decision making and ensure sound financial management as part of the Councils overall control environment.

To inform Cabinet on the forecast revenue financial position of the Council for the financial year 2021/22 as at quarter 2 (30 September 2021), including delivery of approved savings for the year.

To inform Cabinet on the current position for the setting of the 2022/23 budget, and continuing the focus for setting plans and providing resources that will be essential for delivering on Wiltshire's recovery from COVID-19.

Cllr Pauline Church, Cabinet Member for Finance & Procurement, Commissioning, IT, Digital and Commercialisation presented the report which provided information about the Capital Programme for 2021/22 as of 30 September 2021 for the second quarterly budget monitoring period.

Public questions were received from Richard Curr and Nick Parry in relation to the contents of the report. The Leader acknowledged that the questions had received responses and that these were published on the Council's website prior to the meeting and could be viewed [here](#) at Supplement 1.

Cllr Church reported in detail about movements from the original budget set by Full Council in February 2021 to the revised programme and commented on how the programme is forecast to be financed. The report provided an update on the significant programmes that are planned to be delivered and those that have been reprofiled to future years.

Cllr Pip Ridout, Chair of the Financial Planning Task Group, informed Cabinet that the Task Group had considered the report at its meeting held on 26 November 2021. The Task Group welcomed the continual investment and were reassured that the Capital Budget is being managed well. There were no significant issues raised and the Task group supported the proposals and commended it to the Cabinet for approval.

Cllr Ian Thorn commented on the constant challenge to complete budget investments and questioned whether further work was necessary to improve the efficient spending of the budget. Cllr Church explained that the Council focusses on the deliverability of the schemes detailed in the Capital Programme which in turn provides transformation. It was noted that there was an impact on the deliverability of the Capital Programme due to the Council's response to COVID-19. The Leader confirmed that the Business Plan would contain further information about the Council's budget.

Resolved:

To note:

- a) the additional capital budgets of £0.164m that have been added to the 2021/22 programme under Chief Finance Officer delegated powers;**
- b) the reduced capital budgets of £2.620m as approved by Cabinet as part of the quarter 1 report;**
- c) The reprofile of £55.759m of budgets into future years under Chief Finance Officer delegated powers;**
- d) Budget Movements between Schemes;**
- e) The Revised 2021/22 Capital Programme as at quarter 1 of £166.340m; and**

f) **The Capital spend as of 30 September 2021 of £43.379m**

To approve:

- g) **Allocate and re-profile £0.275m capital budget from Other Capital Schemes to be confirmed to Electric Vehicle Charing Infrastructure Plan in line with the cabinet recommendations on the 12th October 2021;**
- h) **Allocate and reprofile £0.860m capital budget from Other Capital Schemes to be confirmed to Depot Strategy to cover the forecast overspend on phase 1;**
- i) **Remove the remaining budget of £1.117m from Other Capital Schemes to be confirmed all future new capital requests will need to go to cabinet and then on to Full Council if committing the Council to new borrowing;**
- j) **Increase Capital Receipt Enhancement Budget by £0.500m to fund the demolition of former Christie Miller leisure centre in Melksham, which will be financed from future capital receipts;**
- k) **The change that the tenant at Porton Innovation Centre will now pay for the furnishing and the Council will continue to pay for the Mechanical and Engineering but recover the cost over ten years instead of five as originally approved by Cabinet in June 2021; and**
- l) **That the £0.400m allocated towards the replacement of Millstream Approach East Bridge is no longer required following the outcome of structural assessment work. To approve that £0.150m of this budget can be reallocated to the redevelopment of the coach park and approve the removal of the remaining budget from the capital programme.**

Reason for decision:

To inform effective decision making and ensure sound financial management as part of the Councils overall control environment.

To inform Cabinet on the financial position of the Council on the 2021/22 capital programme as at quarter 2 (30 September 2021).

83 Financial Year 2021/2022 - Mid-year Treasury Management Review

Cllr Pauline Church, Cabinet Member for Finance & Procurement, Commissioning, IT, Digital and Commercialisation presented the report which provided information about the performance of the Council up to 30 September

2021 against the parameters set out in the approved Treasury Management Strategy for 2021/22.

Cllr Church reported in detail on the following matters:

- PWLB borrowing during 21/22 (a further loan funding of £1m from Salix was drawn down)
- Projected underspend in respect of interest receivable/payable of £0.040m, against budget
- No breaches of any of the Council's performance indicators for the period
- The Council did breach the counterparty duration limit for an investment held with Leeds Building Society
- A recommendation to Full Council to approve a revision to the HSBC Bank mandate

Cllr Pip Ridout, Chair of the Financial Planning Task Group, informed Cabinet that the Task Group had considered the report at its meeting held on 26 November 2021. The Task Group welcomed the report and commended it to the Cabinet for approval. Cllr Gavin Grant thanked the Cabinet Member and her financial team for their continual hard work. He indicated that the Task Group was fully aware of the financial pressures being faced by the Council, and endorsed the comments of Cllr Ridout about improvements to reporting standards.

Resolved:

To note:

- a) that the contents of this report are in line with the Treasury Management Strategy 2021/22.**
- b) the performance of the Council's investments and borrowings against the parameters set out in the approved Treasury Management Strategy for 2021/22.**

To approve:

- c) a recommendation to Full Council to approve the revised HSBC Bank Mandate (paragraphs 53 – 56 and appendix 3)**

Reason for Decision:

To give members an opportunity to consider the performance of the Council in the period to 30 September 2021 against the parameters set out in the approved Treasury Management Strategy for 2021/22.

To bring the HSBC Bank Mandate in line with the current Council and Finance Management Structure.

Cllr Phil Alford, Cabinet Member for Housing, Strategic Assets and Asset transfer presented the report which provided detail about (i) capital receipts targets for the last three years and the new targets for the next two financial years; and (ii) confirmed the freehold interest in assets to be declared surplus and reviewed to determine the best financial return for the Council.

A statement was received from Colin Gale on behalf of Rushall Parish Council.

The Leader acknowledged that the statement has received a written response which had been published on the Council's website prior to the meeting. He also confirmed that a further comment was received from the Parish Council prior to the Cabinet meeting, which was circulated to Cabinet members and can be viewed in the updated Supplement 1 [here](#).

Cllr Ian Thorn raised a question about the disposal of assets and the possibility of capital receipts to fund revenue activities. Cllr Alford and officers confirmed that this action was possible as long as the revenue activity is associated with transformation of services that deliver savings across the public sector and it had to be clear in terms of the business case. The facility has been used over a number of years and formed part of the budget setting process, through Cabinet, Overview & Scrutiny via the Financial Planning Task Group and finally by Full Council.

Cllr Gordon King commented on the proposal for land north of Bitham Park, Westbury to be declared surplus, highlighting that it could be considered a suitable development for social housing by Stone Circle. Cllr King reported that Westbury's Neighbourhood Plan Team has subsequently earmarked the land as a potential location for a community land trust, and he had provided the Team with the appropriate details in order to express an interest.

Resolved:

- 1. That Members note the position in respect of disposals for financial years 2021/22 and the projected receipts for 2022-4.**
- 2. That Members confirm that freehold interest of the 4 assets can be sold by the Council.**
- 3. Authorise the Director for Housing and Commercial to dispose of the freehold interest in the assets or in his absence the Corporate Director - Resources**

Reason for Decision:

To note the current position in respect of capital receipts and the new targets for the next two financial years and confirm the freehold interest in the assets can be sold to either generate capital receipts in support of the Council's capital programme or reuse to generate income for the Council.

Cllr Ian Blair-Pilling, Cabinet member for Leisure, Libraries, Governance, Facilities Management and Operational Assets, and Cllr Phil Alford, Cabinet Member for Housing, Strategic Assets and Asset Transfer presented the report seeking delegations to award the Planned and Reactive Maintenance Contracts that are subject to tender.

Cllr Blair-Pilling explained that current arrangements for planned and reactive maintenance contracts required to operate and maintain the council's General Fund and Housing property estates are coming to an end in April 2022 and April 2023 and there is a need to re-procure these services. Currently most of the contracts are managed and delivered separately and their approximate annual values were detailed in the report.

The new approach will, where appropriate, combine activities across the two estates bringing together similar activities into single contracts whilst maintaining separation.

The Cabinet noted that the procurement activity would be split in two phases. The focus of phase one would be 'housing first' with contracts specific to Housing starting in July 2022. The contracts covering general fund assets and many of the joint contracts would follow in phase two to be procured during 2022 for an April 2023 start.

Cllr Gavin Grant, Vice-Chair of the Financial Planning Task Group, informed Cabinet that the Task Group had considered the report at its meeting held on 26 November 2021. Cllr Grant thanked Cllr Parks for his input and explained that the market had been robustly tested by officers and confirmed that the Task Group were satisfied that all matters had been rigorously dealt with. The Task Group did comment on the need for greater clarity in relation to which portfolio the ownership and responsibility for certain aspects of the service were placed. The report was welcomed by the Task Group who supported the proposals and commended it to the Cabinet for approval.

The Cabinet welcomed the observations of the Financial Planning Task Group and indicated that the issues raised by the Task Group about ownership and responsibilities would be considered further going forward.

Cllr Ian Thorn welcomed the excellent and timely report and supported the opportunity for additional budget savings.

Resolved:

- 1. Note the proposed procurement strategy.**
- 2. Delegate the award of successful tenders to the Cabinet Member for Housing, Strategic Assets, and Asset Transfer and the Cabinet Member for Leisure, Libraries, Governance, FM and Operational Assets.**

Reason for Decision:

To use the termination of the existing contracts to implement a revised approach to deliver benefits across the Housing and General Fund property estates. The value of the contracts to be awarded require Cabinet approval thus the request for delegations.

86 **A350 Melksham Bypass**

Cllr Dr Mark McClelland, Cabinet Member for Transport, Waste, Street Scene and Flooding presented the report reviewing the responses received to the second public consultation on the proposals for the A350 Melksham Bypass scheme.

Andrew Nicolson read a statement on behalf of Wiltshire Climate Alliance.

The Leader thanked Mr Nicolson for his comments and confirmed that it would be published alongside the agenda on the Councils website.

Cllr Dr McClelland reported that the A350 Melksham Bypass is a Large Local Major scheme which had been awarded development funding by the Department of Transport (DfT) to take it to Outline Business Case (OBC) stage. It would be a major improvement to the A350 Primary route which provided vital transport links between the M4, the towns of western Wiltshire and the south coast. The Melksham Bypass is required to address current growth trends and future planned growth within Wiltshire. Cllr Dr McClelland commented in detail about the options for the scheme and the second consultation, including scheme publicity and responses received as contained in the report, along with proposals for moving the scheme forward.

The Cabinet commented on the proposals and in particular the need to respond to climate change issues, a call for reductions in carbon emissions and the promotion of alternative forms of transport. However, the Cabinet noted that Wiltshire was a rural county with an economy increasingly reliant on vehicles. The growth in the number of hybrid and electric vehicles was welcomed. It was noted that many vehicles, including HGV's travel through the centre of Melksham, very close to residential properties and a bypass would help to ease congestion and subsequent health issues being experienced by residents along town centre routes.

Cllr Ian Thorn encouraged the Cabinet to be brave in making its decision on the proposals, based on the evidence before them. He felt that on balance the opportunities outweighed any negatives of the scheme.

Cllr Jon Hubbard thanked the Cabinet and officers for a good consultation, including attendance at Town Council and Area Board meetings, which offered the public an opportunity to raise any issues. Cllr Hubbard confirmed that congestion was a major issue in Melksham and the proposals were welcomed.

Cllr Nick Holder reported that there appeared to be a misunderstanding amongst residents that a final decision was being made by Cabinet at this meeting. Cllr Dr McClelland and officers confirmed the next stages of the scheme were detailed in the report which indicated that a final decision on the scheme would take a number of years to be made and was dependant on an outline business case, a full business case, further non-statutory consultation, preparation of a planning application, statutory orders and review by the Department for Transport, if approved funding would be provided to enable the construction of the scheme.

Cllr Gordon King commented on the projected start date for the project and highlighted the ongoing request for a Westbury bypass.

Cllr Brian Mathew welcomed the schemes inclusion of walking routes for residents of Melksham and commented on the reconsideration of the Stonehenge tunnel and the possibility of reassigning those funds to a Westbury bypass.

Cllr Clare Cape commented on the investment to release a bottleneck in one part of the scheme and the potential for it to rematerialize in another area.

Cllr Helen Belcher commented on the need to retain countryside views where the proposed bypass joins the road in the vicinity of Lacock. She also commented on the traffic volumes on the A365 as a consequence of the closure of Cleveland Bridge in Bath and whether an assessment had or would be completed on this. Cllr Dr McClelland explained that discussions would be held with the National Trust in relation to the junction near Lacock and further data analysis would be undertaken on the closure of Cleveland Bridge, Bath as a result of fluctuating traffic levels during the pandemic.

Resolved:

- 1. The response to the second public consultation and the views of the town and local parish councils and others are noted and taken into account in the scheme development,**
- 2. In view of the comments made in response to the consultations the route variants should be the subject of further investigation and consultation as appropriate after the OBC has been approved,**
- 3. The possibility of improving walking and cycling facilities in the area in conjunction with the scheme or separately should continue to be explored,**
- 4. Further consideration should be given to the scheme when the results of National Highways' M4 to Dorset Connectivity study and the DfT's comments on the OBC are available.**

Reason for Decision:

The A350 Melksham Bypass is a Large Local Major scheme which was awarded development funding by the DfT to progress it through to OBC stage. It represents a major improvement to the important A350 Primary north-south route which provides vital transport links between the M4, the towns of western Wiltshire and the south coast.

Various options have been considered and a potential route corridor has been identified to the east of the town which meets the transport objectives and appears to meet the criteria for funding to develop to the next stage in the business case process.

Further survey and development work is required to prepare the scheme to the level of detail necessary to submit a planning application and environmental impact assessment. This would include further consultations with the public, town and parish councils, the Area Board, and other relevant organisations.

87 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.00 am - 12.50 pm)

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