

## Cabinet

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### **MINUTES OF THE CABINET MEETING HELD ON 21 JULY 2021 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.**

#### **Present:**

Cllr Richard Clewer (Chairman), Cllr Laura Mayes (Vice-Chairman), Cllr Phil Alford, Cllr Ian Blair-Pilling, Cllr Nick Botterill, Cllr Pauline Church and Cllr Simon Jacobs

#### **Also Present:**

Cllr Ross Henning, Cllr Jon Hubbard, Cllr Gordon King, Cllr Sam Pearce-Kearney, Cllr Paul Sample JP, Cllr Ian Thorn, Cllr Antonio Piazza, Cllr David Bowler, Cllr Derek Walters and Cllr Clare Cape

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#### **38 Apologies**

Apologies were received from Cllr Jane Davies and Cllr Dr Mark McClelland.

#### **39 Declarations of Interest**

There were no declarations of interest.

#### **40 Leader's announcements**

The Leader made the following announcements:

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

Councillor Richard Clewer, Leader of the Council and Cabinet member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing reported that a number of questions had been received in relation to the Future Chippenham item and they will be taken at the time the agenda item is considered during the meeting.

Questions were raised by the following Councillors:

- Cllr Ian Thorn – asked questions about
  - the invitation to tender for Furlong Close on the basis of a two year contract and proposals for the period after the two year contract. The Leader, Cllr Laura Mayes, Deputy Leader and Cabinet Member for Children's Services, Education and Skills and officers responded to the question and explained that at this stage it was an unknown, HFT has indicated that the building could

continue to be used for a further two years in its current form to line up with the contract. The outcome of the tendering process would be analysed and an award of contract made to the successful bidder.

- The concerns of residents and family members about future provision at Furlong Close. Officers confirmed that ongoing communication is being undertaken with residents and families about the tendering process, although there was still uncertainty about the future at this stage.
- Cllr Sam Pearce-Kearney asked a question about changes to the rail card policy to include disabled young people and asked for assurances that this would be considered further. Cllr Ian Blair-Pilling confirmed that the recommendations for changes to the rail card were agreed by Full Council on 20 July 2021, although he would meet with Cllr Pearce-Kearney to discuss the matter further.

## 42 **Special Educational Needs and Inclusion Funding**

Cllr Laura Mayes, Deputy Leader and Cabinet member for Children's Services, Education and Skills presented the report which provided information about current risks in Special Educational Needs and Disability & Inclusion (SEND&I) Service and a request for additional investment in Special Educational Needs and Inclusion to mitigate against the risks.

The Deputy Leader commented on the current and future demand pressure in services relating to SEND&I both nationally and locally. There was a need to ensure that the Council is able to undertake statutory obligations in a way which is both legally compliant and meets the needs of Wiltshire families. If this is not undertaken efficiently and effectively, it can lead to families reporting not having received a supportive service from the council. It can also result in reputational damage through the publication of LA level data in relation to statutory performance and through the OFSTED/CQC inspection framework.

The Deputy Leader highlighted one key issue that needed to be addressed being the capacity within SEND&I. Of significance too is the support needed within the early years sector to support SENCOs within settings to identify and support pre-school aged learners with SEND, leading to effective transitions to school. Efficient place planning is also required to ensure that there is an adequate supply of school places for learners with SEND, including within resource base and enhanced learning support provision.

Cabinet members expressed support for the proposals and noted the previous decisions of Cabinet taking the necessary financial steps via the latent demand reserve to support proposals of this nature.

Cllr Jon Hubbard, Chair of Children's Select Committee confirmed that he and the Vice-Chair of Children's Select Committee had received a briefing on 19 July 2021. Cllr Hubbard reported that there was increasing pressure to meet the challenges and highlighted the impact on school staff, young people, their

families and the extended community. The Deputy Leader explained that the additional funding was essential, and the overall strategy is to ensure as many children as possible are in mainstream education.

Cllr Ian Thorn expressed his support for the proposals highlighting that any additional funding was critical. In response to questions about (i) clarification about the use of the Latent Reserve Fund and whether the issue had arisen prior to the pandemic; (ii) Ofsted reports and families seeking redress, and how the Council arrived at this stage. The Leader and Deputy Leader explained that demand has been building through the system over time, in particular through the early years. The situation is monitored on a regular basis and action taken as necessary. It was noted that the pandemic did have a part to play in a delay of the proposals, and now was the time to address the issues raised in the report. The Cabinet noted that Wiltshire Councils SEND & I department was one of the best performing departments in the country.

Cllr Paul Sample highlighted a concern about affordable property for rent or purchase for SEND teachers and potential recruitment difficulties in Wiltshire. He commented on key worker schemes to help employees find homes and the latest government initiative to provide first homes with up to a 30% discount. The Leader referred to the Stone Circle housing company and its role in supporting those unable to access the housing ladder. The Council were aware of the 30% discount scheme and were investigating it further. The Deputy Leader confirmed that SEND Lead Worker posts were not difficult to recruit to as Wiltshire was a good authority with a good reputation.

**Resolved:**

**That Cabinet approve an additional £0.861M draw down from the latent demand reserve to fund the required part year investment in 21-22, rising to a total £1.742M in 2022-23 to increase capacity within SEND and Inclusion Services which can be included in the Medium Term Financial Strategy planning.**

*Reasons for Decision:*

*There are two benefits from the proposed investment.*

*We need to ensure fit for purpose, efficient, quality sustainable, future proof and secure service across SEND&I to deliver the SEND and Inclusion Strategy, to provide an effective service for families and to achieve a positive outcome at the next Ofsted and CQC Local Area inspection. In addition, there is a significant amount of work to be carried out in the High Needs block recovery plan to aid demand management and reduce the burden on the local authority to cashflow the DSG deficit reserve. These can only be achieved by increasing the number of workers within the statutory SEND team and associated posts across the SEND&I service to ensure caseloads are at a sustainable level and preventative services increase so we can manage the increase in service demand seen since the implementation of the children and families act (part 3) in 2014. A robust and effective place planning mechanism for SEND places, both in special schools and in resource base and enhanced learning provision is*

*required to ensure that there are sufficient places for learners with SEND and that future planning is undertaken to inform this.*

*This proposal essentially ensures the Local Authority have the requisite capacity within key statutory and preventative services to deliver on new requests for involvement and to ensure that families who are already known to us receive a service which is timely and compliant.*

#### 43 **Future Chippenham**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing presented the report which provided an update to members on the progress reached on the Future Chippenham programme, seek a decision on the preferred road route for the distributor road, set out in Appendix A and informed Cabinet of the required next steps in the project to ensure appropriate strategies and delegations are in place to ensure smooth and efficient progress.

The Leader outlined the background to the Future Chippenham programme and progress following Cabinet decisions in October 2020 and 29 June 2021 and the subsequent signing of the Grant Determination Agreement (GDA) for Housing Infrastructure Funding (HIF) with Homes England in December 2020. He explained that a separate consultation by Future Chippenham on potential road route options took place between 15 January 2021 and 12 March 2021 and a preferred route has been identified. During the consultation important feedback was received and informed the recommended road route option. In addition, it was acknowledged a large representation of responses were received objecting to the scheme on the grounds of quantum, transport issues, climate change and environmental issues.

The Cabinet noted that there is a need for the Future Chippenham programme to respond in an appropriate way to the feedback received during its consultation on the road route options as well as to the Local Planning Authority's consultation on the Local Plan review and the obligations under the GDA. The benefits of both the funding and the ability to deliver infrastructure led development are clear and remain an important consideration to deliver housing within the county and provide a stimulus for growth and regeneration for communities within Wiltshire.

It was noted that the Council leadership requested further consideration be given to these matters and a programme review and assurance exercise has been conducted and identified some significant risks to the delivery of the whole scheme. The detail was described in the report.

There was an impact on the potential ability for the current whole scheme to be delivered on time and in budget. However, the review has identified an opportunity to develop an alternative approach to deliver a significant and important part of the scheme that meets the principal strategic objectives and benefits for the town centre and residents of Chippenham. In addition, the alternative approach supports the delivery of a significant housing requirement

but with a reduction in the quantum that aligns with the current Local Plan period and leaves the decision on growth beyond that to a future date.

Many Statements and questions were received in relation to this item, copies of which can be found in Supplement 1 at this [link](#) to the agenda page for the meeting.

The following members of the public attended the meeting to expand further on their statements and questions:

- Mel Boyle
- Helen Stride
- Steve Perry
- Tony Wright

The Leader acknowledged that all questions had received a written response which had been published on the Council's website prior to the meeting.

Supplementary questions were received from Steve Perry on behalf of Sue McGill, Ian James and Helen Stuckey. Written responses would be provided following the meeting.

Comments from Cabinet members included the increasing demand for houses due to population increases, poor infrastructure in existing towns and consequential congestion, expansions in Newquay and the need for all to consider more sustainable living.

Cllr Ian Thorn welcomed the passion of the public speakers objecting to the proposals. He commented on the overwhelming majority of consultation responses opposing the road build, the difficulty in assembling land and option sites for the scheme and confirmed that he did not support the proposals being considered. Cllr Thorn suggested that the residents of Chippenham were now distrusting of the Future Chippenham Programme and therefore be more difficult to run a viable and effective consultation in the future.

It was noted that Cllr Jerry Kunkler, Chair of Environment Select Committee and the Vice-Chair of Environment Select Committee had received a briefing on 16 July 2021.

Cllr Clare Cape asked a number of questions including (i) that the outcome of the Local Plan Review will inform whether or not the housing and road is required and is appropriate and that this proposal therefore is perceived to be at risk of predetermination of the Local Plan; (ii) following the consultation would the development to the east of Chippenham the low Marden and Avon valleys be removed permanently and irrevocably meaning the sites would no longer be available to developers; (iii) that the proposal for half a HIF Road did not form a part of the consultation nor did the no road option, therefore it must be consulted on before the scheme proceeds; (iv) would the Cabinet undertake to provide a fully evidenced assessment of the real housing need for Wiltshire as a whole and then for the Chippenham area taking account of the houses that

have already been built and permissions granted in the last three years and taking account of the climate and ecological emergencies and the need for only fully sustainable development in the future. In response The Leader confirmed that (i) there is no predetermination of the Local Plan; (ii) He was unable to provide a response as there is no predetermination of the Local Plan; (iii) this was a valid way to proceed; (iv) The Council will need to deliver the minimum number of homes required by the government.

Cllr Sam Pearce-Kearney asked a question about Homes England and the outcome if they don't fund the road. In response the Leader explained that the outcome was dependant on the how the negotiations proceeded. The Leader indicated that if Homes England refused the funding the Council would not be able to forward fund the infrastructure to support the homes that the Local Plan review supported.

Cllr Derek Walters asked questions about Climate Change, the size of the document and detail of the masterplan. In response the Leader agreed that climate change is one of the biggest issues of our age, in addition good quality affordable housing and the economy were also issues. There was a need to address the housing crisis in the country and the housing issues that Wiltshire have when looking at where to build is determined by the local plan. The report was 27 pages long. The masterplan is determined through consultation and that's how the Council will shape it and that's the point to become involved and put across the points about what the Masterplan should look like and how it was shaped.

Cllr Gordon King highlighted that (i) residents need to be involved in shaping their space, place and environment, which includes developments; and (ii) The road is becoming dangerously close to a bypass, not a distributor road. In response the Leader confirmed (i) that there should be a conversation in line with land constraints. (ii) that the road is a distributor road not a bypass

Cllr Antonio Piazza commented on the Community Infrastructure Levy – (CIL) and asked how Parish and Town Councils were able to use this funding. The Leader confirmed how CIL was allocated, with 15% to Parish/Town Councils increasing to 25% if a Neighbourhood Plan was in place with the remainder to the Local Authority.

**Resolved:**

- 1. Note the consultation response to the Future Chippenham road route options at Appendix B and to agree the preferred road route as set out in Appendix A subject to the Local Plan review, masterplanning, Homes England agreement and an approved scheme.**
- 2. See minute 46 below.**
- 3. Agree to initiate masterplanning of the approved scheme including entering into detailed design and planning negotiations with other**

landowners to achieve a high quality and consistent outcome addressing climate change issues.

4. **Agree to implement the compulsory purchase order strategy and receive a further report on progress.**
5. **Agree to contact Homes England to discuss changes to the Grant Determination Agreement to reflect the southern scheme and associated changes to the delivery plan for the scheme and delegate to the Corporate Director Resources and Deputy Chief Executive in consultation with the Leader authority to enter into the revised contract subject to the Local Plan review, masterplanning, Homes England agreement and an approved scheme.**
6. **Agree to delegate authority to the Corporate Director Resources and Deputy Chief Executive to make representations and agree for revisions to terms and conditions of the Grant Determination Agreement (GDA) with Homes England following consultation with the relevant Cabinet Member and Director of Legal and Governance, as required during the lifetime of the contract.**
7. **Note work on Chippenham town centre regeneration and agree the principle of reinvestment of Community Infrastructure Levy (CIL) receipts generated from the Future Chippenham development into Chippenham (including the regeneration of the town centre).**

*Reasons for Decision:*

*To respond appropriately to feedback from the community to the consultation undertaken by Future Chippenham on the road options and separately by the LPA on the Local Plan review and to continue to meet the terms and conditions of the GDA.*

44 **Urgent Items**

There were no urgent items.

45 **Exclusion of the Press and Public**

**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 Number 9 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.**

46 **Future Chippenham**

Cllr Richard Clewer, Leader of the Council and Cabinet Member for MCI, Economic Development, Heritage, Arts, Tourism and Health & Wellbeing

presented Appendix C which summarised the key elements of the proposed land assembly transactions with the various landowners with an interest in the Future Chippenham Programme.

It was noted that in the event of a planning application being submitted and considered in connection with the Future Chippenham Programme, the regulations concerning exempt information do not apply.

Cllr Ian Thorn congratulated the Future Chippenham Team on the work undertaken in connection with the land assembly transactions. Officers responded to comments from Cllr Thorn on the following – the variability of Terms set out in the report and opportunities to offer a consortium agreement to deliver greater equalisation across the scheme; joint venture delivery partner; and project timescales.

**Resolved:**

**Agree to enter into contract with landowners to facilitate the road delivery, subject to the Local Plan review, masterplanning, Homes England agreement and the approved scheme, should it proceed substantially on the terms as set out in Appendix C and delegate authority to Director of Housing and Commercial in consultation with the Director of Legal and Governance, to agree any non material amendments to the terms outlined in Appendix C.**

*Reasons for Decision:*

*To respond appropriately to feedback from the community to the consultation undertaken by Future Chippenham on the road options and separately by the LPA on the Local Plan review and to continue to meet the terms and conditions of the GDA.*

(Duration of meeting: 10.00 am - 12.55 pm)

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