

## CABINET

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MINUTES of a MEETING held at COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES on Tuesday, 19 October 2010.

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

Also in Attendance:	Cllr Allison Bucknell
	Cllr Trevor Carbin
	Cllr Linda Conley
	Cllr Peter Doyle
	Cllr Howard Greenman
	Cllr Jon Hubbard
	Cllr Chris Humphries
	Cllr David Jenkins
	Cllr Jerry Kunkler
	Cllr Laura Mayes
	Cllr Jemima Milton
	Cllr Jeff Osborn

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140. **Apologies**

No apologies were received, all Cabinet members present.

141. **Minutes of the previous meeting**

The minutes of the meeting held on 14 September 2010 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 14 September 2010.**

142. **Leader's Announcements**

Order of agenda

The Leader announced a re-ordering of the agenda reflected in the order of these minutes.

Report on Air Quality Strategy

The Leader reported that this item was deferred to a future meeting when an updated report would be considered taking into account updated information and relevant Government directives.

143. **Declarations of Interest**

Cllr Allison Bucknell declared a personal interest in the statement from Mrs Gunning and the discussion which ensued on the Portage Service by virtue of being Chairman of the North Wiltshire and Devizes Portage Service.

The Leader also declared a personal interest in the same issue by virtue of having previously used the Portage Service albeit several years ago.

Cllr Toby Sturgis declared a personal interest in the item on the Review of the Development Control Service by virtue of having submitted a planning application which had yet to be determined.

144. **Public participation**

Declarations of interest

Cllr Allison Bucknell declared a personal interest in this item by virtue of being Chairman of the North Wiltshire and Devizes Portage Service.

The Leader also declared a personal interest in this item by virtue of having previously used the Portage Service albeit several years ago.

Mrs Gunning – Portage Service

Mrs Leila Gunning read out a statement expressing her concerns at the procurement process for the portage service and the impact she considered this could have on the service receiving local authority funding in 2011. She expressed concern that such changes could ultimately result in the service not being considered viable to run. She sought an assurance the service would not be lost and that families who need the service would still be able to receive it.

Cllr Grundy, Cabinet member for Children's Services responded by referring to the procurement process, the revision to the service to meet local needs and reducing the number of contracts from seven to four to provide better value for money. He appreciated the concerns and acknowledged that it was an important service to those who received it.

In the discussion which ensued, the Leader explained that she would be meeting the following day with Cllr Linda Conley to discuss the service and that she would take on board the issues raised at this meeting.

Mr Michael Sprules – Chairperson RADAR - Adopted Housing Provision for Chippenham

Mr Sprules, Chairperson of RADAR (Residents Against Development Affecting Recreation Land) presented a question in respect of the housing provision for Chippenham.

Cllr John Brady, Cabinet member for Economic Development, Planning and Housing provided a response. Mr Sprules thanked Cllr Brady for such a positive response.

The Leader explained that as usual, she would be happy to allow members of the public to speak at the start of each item if they wished to do so.

145. **Budget Monitoring**

(a) **Revenue Budget Monitoring 2010-11 (as at the end of Period 5)**

Cllr Fleur de Rhe Philippe Cabinet member for Finance, Performance and Risk presented a report which advised Cabinet of the revenue budget monitoring position as at 31 August 2010 (period 5) for the financial year 2010-11. The report also sought Cabinet's views on a proposal to recommend to Council the approval of virements from reserves as detailed in the report presented.

It was noted that this period had seen an increase in service related pressures within the Department for Community Services arising largely from a higher than expected demand for services. However overall action resulted in the forecast overspend for the Council being reduced further and as at the end of this period now stood at £1.038 million.

Cllr de Rhe Philippe explained that the Council would need to assess the implications arising from the Government's public spending review which would be announced the following day.

In response to a query raised by Cllr Hubbard on behalf of Cllr Peter Colmer, it was agreed to circulate a written response to those Councillors on the reasons for the variances referred to in the revenue budget details.

**Resolved:**

That Cabinet note the report pending future monitoring reports that will highlight actions being taken to continue to reduce the overspend back to balanced budget.

**Recommended to Council:**

That in accordance with paragraph 15.7 of the Financial Procedure Rules, Cabinet recommends to Council the approval of the virements from reserves as highlighted at paragraphs 10 and 11 of the report presented.

**Reason for Decision**

So that Members can approve a corporate approach to managing the financial pressures and government reductions.

(b) **Capital Budget Monitoring 2010-11**

Councillor Fleur de Rhe Philippe Cabinet member for Finance, Performance and Risk presented a report which reflected the position of the 2010-11 capital programme as at 31 August 2010.

**Resolved:**

That Cabinet:

- (i) notes the current position of the 2010/11 capital programme and
- (ii) notes the budget changes in section 1 of Appendix B to the report presented.

**Reason for Decision**

To inform cabinet of the current position of the 2010-11 capital programme and identify issues which need to be resolved as a result of cuts in funding from Central Government.

Cllr Toby Sturgis, Cabinet Member for Waste, Property and Environment presented a report which:

- a) reported the results of the public consultation on transformation of waste collection and recycling services carried out during June, July and August 2010;
- b) sought agreement to implementation of the proposal;
- c) updated Cabinet on the details of the proposal, and sought agreement of key policies for the new services.

Cllr Sturgis explained that the transformation of waste and recycling proposals had been long awaited and delayed primarily as a result of the General Election in May on the basis that a change in Government could bring about national changes. He also reminded Cabinet that the harmonisation of waste service was a commitment in the Council's bid for one Council for Wiltshire.

Cllr Sturgis guided Cabinet through the proposals and the responses and response rates from the consultation exercise.

It was noted that the Chairman and members of the Waste Task Group had been invited to this meeting to participate in the discussion. Cllr Chris Humphries, Chairman of the Task Group indicated that he was content with the proposals being presented.

Councillors expressed their appreciation for the enormous amount hard work in bringing this project to fruition in particular to Cllrs Sturgis and Conley, members of the Task Group and officers. Cabinet added its personal thanks to Tracy Carter, Service Director for Waste Management Services for her dedication and exceptional management of the project.

**Resolved:**

**That Cabinet:**

- (a) notes the results of the public consultation "Waste Collection and Recycling – Proposing a first class service for all households in Wiltshire" carried out during June, July and August 2010, and agrees to the implementation of that proposal;**
- (b) notes that implementation of the proposal requires management of a number of significant risks, in particular the procurement and development of waste management sites, the availability of depot space for additional vehicles and temporary storage facilities for additional bins and the procurement of vehicles, bins and bags which will determine the timescale for implementation;**

- (c) gives delegated authority to the Corporate Director, Neighbourhood and Planning in consultation with the Cabinet Member for Waste, Property and Environment to implement the policy;**

**Agrees to:**

- (a) the proposed area by area phasing of new services, to minimise disruption and to control the very substantial logistical issues, such as bin delivery and staff availability to assist residents during the change;**
- (b) a phased communication and education programme prior to, during and subsequent to the roll out of service changes, commencing at least six months prior to roll-out;**
- (c) the key decisions on service delivery and policy, as set out at paragraphs 25 to 44 and in Appendix 7 of the report presented;**
- (d) policies for non-collection of overfull bins or side waste being implemented after a “settling down” period of six months for the new services;**
- (e) enforcement action by the Council being limited to repeated failure to use receptacles provided for recycling or creation of side waste and warnings being issued before any formal enforcement action is taken;**
- (f) residents being invited to apply for the garden waste collection, but that this would be provided on request only except in west Wiltshire, where the service already existed;**
- (g) charging for provision of additional garden waste bins and their collection (ie more than one bin per household) at £30 per additional bin per year (2011-12) with prices subject to annual review and**
- (h) budget provision being made for the capital and revenue costs of the service changes, as set out in paragraphs 71-73 and Appendix 2 of the report presented, commencing in 2011-12, with timing subject to the emerging dates for implementation.**

Reason for Decision

To seek agreement to commence implementation of the Cabinet’s proposal for harmonisation of waste collection and recycling services across Wiltshire, following a positive response to public consultation.

147.  **Visit Wiltshire - Business Plan 2010-14**

Cllr John Brady, Cabinet Member for Economic Development, Planning and Housing presented a report which:

- a) briefed Cabinet members on the main proposals within the new VisitWiltshire Business Plan 2010 -14;
- b) identified the implications for operations and staff;
- c) sought Cabinet's agreement to the VisitWiltshire Tourism Partnership establishing itself as an independent company limited by guarantee and
- d) sought approval to de-couple the management of Tourist Information Centres (TICs) that are currently operated by Wiltshire Council from the VisitWiltshire Tourism Partnership, review their cost base and explore the feasibility of securing greater local control.

Cllr Brady emphasised that tourism was a very important generator of income and that the Council was examining how best to fund this area of work in order to maximise the benefits to the County. Councillors agreed that Wiltshire was a hidden gem which needed better marketing to attract people to the area. It was noted that a number of initiatives were being explored.

**Resolved**

**That Cabinet:**

- (a) agrees to VisitWiltshire Tourism Partnership establishing itself as an independent company limited by guarantee. The focus of this company, will be on destination marketing and building and supporting membership;**
- (b) approves bringing in-house the management of TICs that VisitWiltshire currently manages on the Council's behalf;**
- (c) provides delegated authority to the Service Director for Economy & Enterprise in consultation with the Cabinet Member for Economy and Enterprise, to review the cost base of the TICs and explore with local stakeholders the feasibility of securing greater control with a view to presenting options to Cabinet by December 2010;**
- (d) subject to the outcome of the above investigations, confirms the level of funding that the Council is prepared to make available to the new VisitWiltshire company;**

- (e) **approves consultation with trade unions, existing VisitWiltshire staff and other stakeholders regarding these proposals and complete a due diligence exercise to assess the feasibility of the TUPE transfer of staff to the new VisitWiltshire company.**
- (f) **That local division members be kept informed of proposals affecting TIC arrangements in their respective areas and that local members and the National Trust be kept informed of proposals to site a TIC at the Stonehenge Visitor Centre. That the National Trust be also kept informed of the TIC arrangements at Avebury.**

#### Reason for Decision

To provide VisitWiltshire with the structure and resources it needs to effectively market Wiltshire as a visitor destination, i.e. to attract more visitors and encourage them to stay longer and spend more in the local economy. It will also provide an opportunity to review the management and funding of TICs and explore the possibility of greater local control of these services by local communities.

#### 148. **Non-Domestic Rate Discretionary Relief Policy**

Cllr Fleur de Rhe Philipe, Cabinet Member for Finance, Performance and Risk presented a report which sought approval for the adoption of a policy and process relating to applications for discretionary rate relief. The proposals sought to harmonise the practices across the Council's area in order to ensure consistency, affordability and fairness of approach.

It was noted that Cabinet had at its meeting in June 2010 approved a policy for hardship rate relief.

#### **Resolved:**

**That Cabinet adopt the recommendations and processes to manage applications for discretionary rate relief as set out in the report presented to ensure that any award meets the Council's objectives and brings benefit to the community the business serves. Specifically that:**

- (a) **Cabinet approves and adopts the proposed application and assessment process for discretionary rate relief (Appendix 1).**
- (b) **That discretionary rate relief is awarded in accordance with the recommendations set out in the policy framework.**
- (c) **The decision on applications requesting rate relief of up to Rateable Value (RV) £18,000 in total be delegated to the Head of Revenues.**



- (d) That the Head of Finance determines discretionary rate relief applications in excess of RV £18,000 rate relief.**
- (e) Applications from kindred organisation (and 'other organisations' set out in Para 4d) will be considered and a decision taken by the Head of Finance where rateable values exceed £18,000. Representations from the Head of Strategy, Community and Voluntary Sector Support, will be taken into account in reaching a decision.**
- (f) That in cases where an application is refused, an Appeals Panel of the Appeals Committee determines cases where an application has been rejected and an appeal by the ratepayer is lodged.**
- (g) £470,000 (or an agreed sum set by Cabinet) is identified and allocated on an annual basis to specifically fund discretionary rate relief applications.**
- (h) Members of Appeals Committee receive training on discretionary rate relief.**
- (i) That the Communications Team take appropriate measures to ensure the availability of discretionary rate relief is sufficiently publicised including via Business Link and Chambers of Commerce to those who are currently eligible or could be eligible to receive it in the future.**

#### Reason for Decision

To ensure that there is an agreed policy and process relating to discretionary rate relief to provide a framework for managing applications and also to ensure that any award meets the Council's objectives and brings benefit to the community the business serves.

#### Wiltshire's Housing Requirement

Councillor John Brady, Cabinet Member for Economic Development, Planning and Housing presented a report which sought approval for the Council's approach to determining long term housing requirements for the Wiltshire Core Strategy in light of the revocation of the Regional Spatial Strategy for the South West (RSS).

Cllr Brady explained that the Decentralisation and Localism Bill expected to be published during November would include changes to planning laws, housing

policy and the mechanism by which the policy changes put forward by the Government would be implemented. This could have implications for how the Council moved forward in preparing Wiltshire's new housing requirement.

It was noted that the need to develop the housing numbers in advance of the Bill was driven by the timetable for the South Wiltshire Core Strategy that had been agreed with the Inspector. However, the Inspector had since agreed that it would make sense to wait until after publication of the Bill so that a decision on the housing numbers could be made taking into account the implications of the Bill. In recognition of this, it was proposed to defer any report on the future housing requirement for South Wiltshire until such time as the implications of the Bill could be taken into consideration.

In view of this information, Cllr Brady presented a revised recommendation for Cabinet's consideration and it was

**Resolved:**

**That Cabinet:**

- (a) In light of the revocation of the Regional Spatial Strategies, reaffirms that the Wiltshire and Swindon Structure Plan 2016 sets out housing figures for Wiltshire up to 2016 (as set out in saved Policy DP4);**
- (b) Agrees that Wiltshire's new housing requirement is determined through a comprehensive review involving local communities, which responds to the Decentralisation and Localism Bill; and**
- (c) Agrees that the new housing requirement be progressed as part of the Core Strategy process.**

**Reason for Decision**

To take account of any implications arising from the Decentralisation and Localism Bill.

**150. Delegation of Services to Town and Parish Councils - Funding Delegated Services**

Councillor Dick Tonge, Cabinet Member for Highways and Transport presented a report which sought Cabinet approval for guidelines on funding arrangements to recipient bodies to deliver delegated services. It was recognised that the guidelines were principles for negotiation which would be used in normal circumstances but would vary in individual cases.

It was noted that at present there were five local councils and a community group progressing with applications to receive and deliver delegated services

who need to consider the financial impact on their budgets before committing themselves further. The details of the funding arrangements need to be agreed with those local councils to enable the delegation to progress. Given the budget pressures for Wiltshire Council and local councils, it was acknowledged that funding arrangements needed to be equitable and sustainable to the local councils and this Council.

**Resolved:**

- (a) **That Cabinet adopt the following guidelines as the basis of the funding arrangements to recipient bodies to deliver delegated services and recognises that these are principles for negotiation which would be used in normal circumstances but would vary in individual cases:**

For Services Delegated as a result of the freehold transfer of an asset

(i) **Allotments**

The recipient body retains the income, no further annual payments from Wiltshire Council.

(ii) **Public Conveniences**

(Where maintained by Wiltshire Council in-house staff).

The recipient body receives full Wiltshire Council direct costs (Includes as applicable: direct labour and material costs, vehicles and equipment, repair and maintenance, NNDR, power and services) - excluding overhead) in year one reducing to 50% after four years. In year five and onwards, until the agreement ends, 50% of direct costs will be paid and adjusted annually by the increase/decrease in Wiltshire Council Tax.

(iii) **Equipped Play Areas**

(Where maintained by Wiltshire Council in-house staff)

Where there are outstanding commuted funds from Section 106 agreements, these to be transferred to the recipient body. The arrangement at 14 (c ) (ii) of the report presented will apply when the period of the Section 106 expires.

Where there are no outstanding funds for maintenance from Section 106 agreements the recipient body receives full Wiltshire Council direct costs (Includes as applicable: direct labour and material costs, vehicles and equipment, repair and maintenance, NNDR, power and services) - excluding overhead) in year one, reducing to 50% after four years. In year five and onwards, until the agreement ends, 50% of direct costs will be paid and adjusted

annually by the increase/decrease in Wiltshire Council Tax.

- (iv) **Parks, other Public Open Space and Amenity Areas - Grounds Only**  
(Maintained by Wiltshire Council in-house staff)

The recipient body receive full Wiltshire Council direct costs (Includes as applicable: direct labour and material costs, vehicles and equipment, repair and maintenance, NNDR, power and services - excluding overhead) for one year.

- (v) **Assets Maintained or Services Provided by Contractor to the Council**

Subject to individual agreement with contractor and recipient body. This may be as a variation within the contract or novation or part of the contract.

Once the contract expires move to arrangements shown in (ii) to (iv) above.

For Services Delegated without freehold transfer of an asset

- (vi) **Maintenance of Asset or Provision of Service**

Subject to individual agreement based on direct costs with recipient body and Service Level Agreement

or if services currently delivered by a contractor to the Council.

Subject to individual agreement with contractor and recipient body.

- (b) **Delegates authority to the Director of Neighbourhood Services to agree payments to recipient bodies and negotiates variations or changes to current contractual arrangements with contractors as required.**

Reason for Decision

To provide Guidelines on funding arrangements to recipient bodies to deliver delegated services.

151. **The Wiltshire Council Member and Parish, Town & City Council Review of the Development Control Service of Wiltshire Council following nine months of operation**

Declaration of interest

Cllr Toby Sturgis declared a personal interest in this by virtue of having submitted a planning application which had yet to be determined.

Councillor John Brady, Cabinet Member for Economic Development, Planning and Housing presented a comprehensive report on the outcome of the review of the Development Control service and sought approval of a number of recommendations arising from the review.

**Resolved:**

- (a) To defer consideration of the review of the Development Control Service until such time as the implications of any changes to the planning system as a result of the Decentralisation and Localism Bill are known.**
- (b) That in the meantime, a Working Group be established, the membership of which to be determined by the Cabinet member for Economic Development, Planning and Housing to consider the issue of the 21 day call-in period in more detail.**

**Reason for Decision**

To enable the Council to take a more informed

152. **Review of Constitution**

Cllr Wheeler in his capacity as a Cabinet member on the Focus Group on the Review of the Constitution updated Cabinet on the work being undertaken to review the constitution.

He explained that the constitution was last reviewed during 2009/10 with the aim of having a fit for purpose constitution in place for day one of the inception of the new Council. In adopting the new constitution, Council requested the Standards Committee to review it in the light of experience after six months of operation.

Accordingly, the Standards Committee established a Focus Group to assist with the review. The membership of the Focus Group included cross party representation and representation from the Standards, Audit and Scrutiny Committees. The Focus Group met on four occasions and examined the constitution in detail. Large parts of the constitution had not changed where sections were required by legislation or statutory guidance. The Focus Group had recommended a number of changes and picked up the outcomes of the separate reviews into Area Boards, Overview and Scrutiny Arrangements and proposals put forward for Development Control which were deferred by Cabinet

under the previous minute. The Focus Group also took into account feedback from Councillors.

The Standards Committee would be considering a report on the outcome of the review at a special meeting convened to consider the constitution on 26 October 2010 for onward recommendation to Council on 9 November 2010. The report to the Standards Committee and the draft revised constitution would be made available to all Councillors for their input.

Cabinet considered that user friendly leaflets summarising the relevant parts of the constitution for use by members of the public and Councillors should be provided. It was noted that this had been acknowledged during the last review and a proposal for this to be undertaken was included in the report to the Standards Committee. Cabinet also considered that a user friendly summary of the Area Handbook should also be provided.

**Resolved:**

**That the report be noted.**

153. **Workplace Transformation Programme - Update**

Councillor John Noeken, Cabinet Member for Resources presented a report which provided Cabinet with an update on activity within the Workplace Transformation Programme (WTP).

The WTP currently had 64 active work streams and overall progress had been assessed by the WTP Board as being 'good'. A recent high level review of the financial aspects of the programme had confirmed that the overall budget approved by Cabinet and Council remained appropriate for the programme and that the future disposal values indicated previously to Cabinet remained achievable.

The report presented provided updates on a number of the workstreams

**Resolved:**

**That Cabinet note the update.**

**Reason for Decision**

To keep Cabinet informed of progress on the Workplace Transformation Programme.

154. **Air Quality Strategy for Wiltshire.**

As announced earlier in the meeting by the Leader, this item was deferred to a future meeting when an updated report would be considered taking into account updated information and relevant Government directives.

155. **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am – 12.50pm)

These decisions were published on the 27 October 2010 and will come into force on 4 November 2010.
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