


CABINET

DRAFT MINUTES of a MEETING held in KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN on Tuesday, 10 November 2015.

Cllr Keith Humphries	Cabinet Member for Health (including Public Health) and Adult Social Care
Cllr Laura Mayes	Cabinet Member for Children's Services
Cllr Fleur de Rhé-Philippe	Cabinet Member for Economic Development, Skills and Strategic Transport
Cllr Baroness Scott of Bybrook O.B.E	Leader of the Council
Cllr Jonathon Seed	Cabinet Member for Housing, Leisure, Libraries and Flooding
Cllr Toby Sturgis	Cabinet Member for Strategic Planning (strategic and development management), Property, Waste and Strategic Housing
Cllr John Thomson	Deputy Leader and Cabinet Member for Communities, Campuses, Area Boards and Broadband
Cllr Stuart Wheeler	Cabinet Member for Hubs, Governance (including information management), Support Services (HR, Legal, ICT, Business Services, Democratic Services), Heritage & Arts and Customer Care
Cllr Philip Whitehead	Cabinet Member for Highways and Transport
Also in Attendance:	Cllr Glenis Ansell, Cllr Peter Evans, Cllr Sue Evans, Cllr Richard Gamble, Cllr Alan Hill, Cllr Jon Hubbard, Cllr David Jenkins, Cllr Simon Killane, Cllr Jerry Kunkler, Cllr Magnus Macdonald, Cllr Bill Moss, Cllr Stephen Oldrieve, Cllr Jeff Osborn, Cllr Horace Prickett, Cllr Anthony Trotman, Cllr Bridget Wayman and Cllr Jerry Wickham.

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

119 **Apologies**

Apologies were received from Cllr Dick Tonge.

120 **Minutes of the previous meeting**

The minutes of the meeting held on 13 October 2015 were presented.

Resolved

To approve as a correct record and sign the minutes of the meeting held

on 13 October 2015.

121 Declarations of Interest

There were no declarations of interest.

122 Leader's announcements

The Leader welcomed all to the meeting, and congratulated Cllr Glenis Ansell on her election as Leader of the Liberal Democrats in Wiltshire.

123 Public participation and Questions from Councillors

Cllr Steve Oldrieve referred to a question he had asked at a previous Cabinet meeting on the setting up of an Energy Resilience Board for which he had not yet received a response. Cllr Toby Sturgis assured Cllr Oldrieve of a response as soon as possible.

124 Adoption Agency Six Month Update

Councillor Laura Mayes presented a report which provided a six month update to Cabinet regarding the performance of the Adoption Service within Wiltshire Council.

Issues highlighted in the course of the presentation and discussion included: That Ofsted, following their recent inspection, had rated the Adoption Service as requiring improvement but had recognised that the service was moving towards a rating of Good and that they had concluded that the Service made well informed and well matched placements; that the areas for improvement included the timeliness of assessment especially for those with complex needs; how solutions within extended families are explored; and how local authorities and local charities can work together to form a regional consortium and the impact it would have on pooling resources.

Cllr Jon Hubbard, Chair of the Children's Select Committee, expressed concern with regard to the benefits of taking an Adoption Service out of the Council's control through the development of a regional consortium, and asked that the Select Committee be involved in the overview of the development of proposals.

Cllr Laura Mayes stated, in response to a question from Cllr Jon Hubbard, that the Council chose, unlike some authorities, to attempt to find adoptive families for more complex cases, and that this would have an impact on the average waiting times. Furthermore, Carolyn Godfrey – Corporate Director, stated that the national target was challenging and that Wiltshire Council was just below the average performance for all authorities. In addition, Carolyn Godfrey stated that new legislation meant that the Council no longer had the power run its own agency and was now obliged to enter into partnership arrangements. Terence Herbert, Associate Director, stated that the development plan referred to in

report had been modified in the light of OFSTEDs comments and recommendations, but that it was now available as part of the overall Children's Safeguarding Improvement Plan.

The Leader of the Council stated that she was proud that Wiltshire Council sought to address the more complex cases that can get ignored by some other authorities and accepted that this could have a negative impact on the statistics. Furthermore, she expressed some sympathy for the concerns expressed about the creation of a regional consortium but that she would be interested to hear what improvements could be made through the new approach. Carolyn Godfrey explained that a report would be made to a future meeting of Cabinet and the Select Committee.


Resolved

That the contents of the report presented be noted and accepted.

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 reported to the executive side of the local authority every six months in order 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.

125 School Places Strategy 2015-2020

 Councillor Laura Mayes and Councillor Richard Gamble presented a report which asked the Cabinet to consider and approve the Wiltshire School Places Strategy 2015-2020 and Implementation Plan. In her presentation, Cllr Mayes commended the work of the officers, Clare Medland in particular, in bringing the Strategy together.

Issues highlighted in the course of the presentation and discussion included: how the Council compared with other authorities; that the Strategy does not apply to post 16 education; how new housing and migration to the county impacted on the plan; that the plan would need to be updated as the housing situation develops; how cross-authority issues are taken into account; the various options for increasing capacity; the impact of the Army re-basing; how funding from central government are made available and how s106 and CIL contributions from developments are drawn down.

Cllr Jon Hubbard, Chair of the Children's Select Committee, thanked the officer for their detailed presentations to the previous meetings of the Select Committee. He was however, disappointed that there was no mention of the involvement and views of the Select Committee. He remained concerned that the Core Strategy had not been fully taken into account and that the specific

recommendation on identifying the discrepancies between school and community areas had not been addressed.

Cllr Gamble, Portfolio Holder, responded that information on these discrepancies could be included in the strategy.

Julia Cramp, Associate Director, stated in response to a question from Cllr Glenis Ansell, that the Council did support Schools in the development of travel plans but recognised that some schools took their responsibilities better than others. Cllr Mayes also encouraged local members to liaise with their local schools where they thought they needed further support in developing and implementing their plans.

Clare Medland, Head of School Place Planning, stated in response to a question from Cllr Steve Oldrieve that the Council was still in early discussions with developers with regard to identifying sites for schools arising from housing developments in Trowbridge; that it was anticipated that any new secondary school could be quite small and therefore was more likely to be a satellite of an existing school but that no decision had yet been made. It was anticipated that any new secondary school would not be built till 2022 and it was worth noting there was current extra capacity within the existing secondary schools.

It was noted that a report would be considered by Cabinet Capital Assets Committee that afternoon which sought approval of the Schools Capital Investment Programme for 2016-2019. It was noted that the funding for condition improvements had fallen as more schools became academies; however the Council would be able to meet small scale and urgent condition works, but would be unlikely to meet whole scale improvement or condition changes.

Resolved

To approve the Wiltshire School Places Strategy 2015-2020 and its Implementation Plan

Reason for Decision:

The Wiltshire School Places Strategy 2015-2020 will become a key framework document for the Council in considering any statutory proposals for changes to school organisation including the commissioning of new schools and will inform future capital investment priorities.

126 Transfer of Health Visitor Services (0-5s)

Councillor Laura Mayes , Cllr Keith Humpries and Maggie Rae presented a report which provided an update on the transfer of responsibility for commissioning of children's public health for the 0-5 years population from NHS England to local authorities.

Issues highlighted in the course of the presentation and discussion included: that this was the last service to be transferred as part of Public Health Service moving from NHS to Local Government; that examples of their work were given by way of case studies in the report; the number of community nurses that have moved across to the Council; how the service can be used to promote early intervention and support; how the Council has to ensure sufficient funding had transferred; the impact of the cut to the public health grant from central government; the importance of the quality of the working relationships between public health and social care officers to improve the health of young people; and how the service can improve links to GPs.

Maggie Rae, Corporate Director, stated in response to a question from Cllr Glenis Ansell that she had, along with Carolyn Godfrey, amended the wording of the recommended letter to parents of obese children so that it was more constructive.


Resolved

To approve the approach to taking forward the public health commissioning and contract monitoring of this important service for families in Wiltshire, particularly delivery of the mandated visits and health checks.

Reason for Decision:

The Department of Health, Public Health England and NHS England have set out strict criteria for managing this transfer to ensure it does not affect delivery of these services to children and families. This includes the process of novation of existing NHS contracts, setting out the financial allocation and the requirements for national data reporting to ensure oversight of delivery of the mandated checks to maximise the health of children in England. The Public Health and Protection team has worked closely and positively with NHS England to ensure a smooth hand over and are satisfied that all national and local requirements have been met.

127 **Highways and Streetscene Contract**

 Councillor Philip Whitehead presented a report on the early termination of the Highways and Streetscene Contract with Balfour Beatty Living Places (BBLP), and the alternative arrangements for service delivery being put in place. In his presentation, Cllr Whitehead commended the hard work of the officers in addressing the issues arising from the termination of the contract, and thanked the Select Committee's Task Group for their engagement.

Issues highlighted in the course of the presentation and discussion included:

that the report has been considered by the Task group and the Environment Select Committee; that the contract had been terminated on the 1st September 2015; and that the Council was managing the contract in house.

Cllr Jeff Osborn, Chair of the BBLP Task Group, made reference to the recommendations of the Task Group and reiterated the importance of the need to manage people's expectations with regard to how far the Council can improve the service now that the contract was being managed in house.

Cllr John Thomson stated that it was important to note that the increase in capital expenditure, investing in road condition improvements, should result in a revenue saving on maintenance.

The Leader stated, in response to a question from Cllr Steve Oldrieve, that she considered that the Council had undertaken necessary due diligence to satisfy itself that BBLP would have been able to deliver the contract.

Accepting that not all members of the public had access to the My Wiltshire App, Cllr Whitehead encouraged members to assist residents in reporting issues via the App to speed up issues being addressed. Cllr Sturgis stated that he had received positive feedback from some parish councils as to the efficacy of reporting through the App.

In response to a question from Cllr Glenis Ansell, Cllr Whitehead confirmed that there had been nothing to question BBLP's ability to deliver the contract. Furthermore he recognised the impact the termination of the contract would have on staff in the short term. Furthermore, he was sure that the Council would be able to build on its experience, from using volunteers, to address the concerns regarding insurance liability. The Leader stated that Cllr Dick Tonge had been working on this matter and that further guidance would shortly be forthcoming.

Resolved

- i. That the termination of the existing Highways and Streetscene Contract with BBLP is noted.**
- ii. That the arrangement for delivery of grass cutting, litter picking, major road resurfacing using former BBLP sub-contractors is noted.**
- iii. That the procurement exercise currently being undertaken for a new Wiltshire Highways Contract should be the subject of a future report when tenders are received.**
- iv. That the financial, reputational, legal and operational risks associated with these contract changes are noted.**

- v. **That it is noted that no compensatory payments have been made to BBLP in connection with the termination of the contract.**

Reason for Decision:

The early termination of the Highways and Streetscene Contract with BBLP has provided the opportunity to remove significant financial risks and resolve operational issues, which would become more challenging with expected future budget reductions. The transfer of BBLP's existing sub-contracts to the Council has benefits in terms of potentially greater flexibility and providing a more responsive service compared to what has been possible under the existing contract. It also ensures continuity of delivery in these key areas. There are operational benefits to the Council in being able to plan and co-ordinate work directly with the sub-contractors. There are risks associated with changes to the service, and the procurement of a new contract which need to be carefully managed. However, it provides the opportunity to help to manage anticipated future budget restrictions more effectively.

128 **Urgent Items**

There were no urgent items.

129 **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 following items of business because it is likely that if members of the public were present there would 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 the items in private:

Paragraph 3 – information relating to the financial information or business affairs of any particular person (including the authority holding that information)

No representations had been received as to why this item should not be held in private.

130 **Highways and Streetscene Contract (Part II)**

The additional information was noted.

131 **Future Waste Management and Collection Services (Part II)**

🔑 Councillor Toby Sturgis presented a report which updated Cabinet on the outcome of the tender evaluation process for the revised tenders invited for Lot 2 management of household recycling centres and the variant tenders invited for Lot 5 waste and recycling collection services; and sought decisions in accordance with the proposals.

Resolved

- i. To confirm the decision made at its meeting held on 20 May 2014 to delegate authority to the Associate Director Waste and Environment in consultation with the Cabinet Member and the Associate Director Legal and Governance to extend the contract with FCC Environment for waste and recycling collection in west Wiltshire until 31 July 2017.**
- ii. To note the results of the application of the necessity and TEEP tests carried out to date on the tendered collection services, notes that it is not environmentally or economically practicable to collect the four materials separately, and agrees that further work should be done on the environmental practicability test to take account of air quality and the impact of the reprocessing of the recyclable materials.**
- iii. To agree that the Cabinet Member for Strategic Planning (Strategic and Development Management), Property, Waste and Strategic Housing will sign off the final report in accordance with the protocol for Cabinet Member delegated decision making, subject to the work carried out in accordance with proposal (ii) above confirming that the system for collection of dry recyclables should be co-mingled using the blue lidded bin for all materials excluding glass which should be collected from the black box, and subject to there being no material objections raised.**
- iv. To agree that the system for collection of dry recyclables should be co-mingled using the blue lidded bin for all materials excluding glass which should be collected from the black box.**
- v. That officers are asked to carry out a due diligence exercise to establish the costs of managing the Lot 2 household recycling centres in-house with management of materials being done under one or more of the contracts awarded for Lot 1 (management of recyclable materials), Lot 3 (composting of garden waste) and Lot 4 (landfill capacity for waste which could not be diverted).**
- vi. That officers are asked to carry out due diligence on the cost of delivering the Lot 5 collection service inhouse based on a co-mingled collection of dry recyclable materials from the blue lidded bin excluding glass which would be collected from the black box.**

- vii. **That officers are asked to explore the options for establishing alternative service delivery models to deliver the services specified for Lot 2 management of household recycling centres and Lot 5 collection services.**
- viii. **That officers are asked to notify staff, current contractors and tenderers of the above decisions.**

Reason for Decision:

To enable the council to maintain service delivery for residents, to comply with its statutory duties to collect and dispose of waste and to continue to progress towards achieving statutory targets once current contracts expire.

132 **Management and Operation of Wiltshire Council's Leisure Centres (Part II)**

Key Councillor Jonathon Seed presented a report which invited Cabinet to review the future requirements to manage leisure services in Wiltshire to commence from 1 April 2018. Cabinet was invited to consider three options as detailed in the report to Cabinet.

Cllr Seed, in his presentation, recommended that Cabinet agree to option one, namely, to bring management of the facilities in house.

Cllr Seed explained that this recommendation took into consideration the wider campus programme and Wiltshire's approach to improving the health and wellbeing of the population. This would also be in keeping with the Council's move towards a different county-wide emphasis on health and wellbeing with leisure services transitioning to a wider health and wellbeing service. Having all of the Council's leisure facilities directly managed would give the Council the flexibility needed to deliver those benefits to the population in the most cost-effective and efficient manner.

Resolved

- 1. That Cabinet agree option one for the future management of the Council's leisure centres from 1 April 2018 based on the information contained within the report presented;**
- 2. That Cabinet does not seek to undertake a procurement exercise, which will result in bringing the eleven outsourced leisure centres managed and operated by PfP under the Council's operations;**
- 3. To delegate authority to the Corporate Director for Public Health to progress and conclude the option agreed by Cabinet in accordance with the Council's procurement regulations; and**

4. To recognise that the appropriate budgetary provisions together with the relevant associated one-off costs are reflected in the revenue budgets from 2017/18

Reason for Decision:

1. 11 of the 22 Wiltshire Council Leisure Centre Facilities are managed via a contract with Places for People Leisure Ltd, (formerly DC Leisure), which expires on 31st March 2018.
2. No further extensions to these contracts can be sanctioned and they MUST cease on 31st March 2018. A replacement contract, or robust arrangements to bring the 11 outsourced centres back in house, must be in place.
3. An early decision is required in order to effect the changes required.

(Duration of meeting: 9.30 - 11.59 am)

<p>These decisions were published on the Monday 16 November 2015 and will come into force on Tuesday 24 November 2015</p>

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