

## CABINET

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### MINUTES OF THE CABINET MEETING HELD ON 11 JUNE 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### Present:

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

#### Also Present:

Cllr Chuck Berry, Cllr Ruth Hopkinson, Cllr Chris Hurst, Cllr Tony Jackson, Cllr Edward Kirk, Cllr Horace Prickett, Cllr Jonathon Seed, Cllr Ian Thorn, Cllr Stuart Wheeler, Cllr Christopher Williams, Cllr Graham Wright and Cllr Robert Yuill

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#### 69 Apologies

There were no apologies.

#### 70 Minutes of the previous meeting

The minutes of the meeting held on 22 May 2019 were presented.

#### Resolved:

**To approve as a correct record and sign the minutes of the meeting held on 22 May 2019.**

#### 71 Declarations of Interest

There were no declarations of interest.

#### 72 Leader's announcements

The Leader made the following announcements:

1. The Leader was pleased to report that, as part of the 2019 Queen's birthday Honours List, Cllr Fleur de Rhe-Philippe, Councillor for Warminster Without and Portfolio Holder for Strategic Highways, Area of Outstanding Natural Beauty, European Structural Investment Fund,

Canals and Military-Civilian Integration, has been awarded an MBE for services to Local Government and the Community. Also, in recognition of their work during and after the 2018 incidents in Salisbury and Amesbury, Executive Director Alistair Cunningham has been awarded an OBE, Director Robin Townsend and Network Operations Manager Simon Rowe have received MBEs for services to the community in South Wiltshire.

2. The Leader reported that this was the last Cabinet meeting before the Armed Forces Day starting on 29 June 2019 with the national event being held in Salisbury. The Cabinet noted that Armed Forces Day is an opportunity to show support for the men and women who make up the Armed Forces community from current serving troops to service families, veterans and cadets. It was anticipated that the weather would be good and the Leader encouraged everyone to show their support for the Armed Forces by attending the event, which would provide a much-valued morale boost for troops and their families.

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

There was no public participation.

### 74 **Disposal Programme**

Cllr Toby Sturgis, Cabinet Member for Spatial Planning, Development Management and Strategic Property presented the report about the current position in respect of capital receipts and confirmed the freehold interest in the assets to be sold to either generate capital receipts in support of the Council's capital programme or reuse to generate income for the Council.

Cllr Sturgis reminded the Cabinet that they approved a revised approach to the disposal of surplus assets at their meeting on 26 March 2019. He confirmed that once an asset was declared surplus it would then be considered by the Asset Gateway Group to determine the best financial return for the Council, during which time other uses of the site would be considered.

The Cabinet heard from Cllr Thorn, Chairman of the Financial Planning Task Group, who confirmed that the Task Group had considered the report at their meeting on 6 June 2019 and were satisfied with the process undertaken.

Cllr Thomson, Deputy Leader, and Cabinet Member for Communications, Communities, Leisure and Libraries, and interim – Adult Social care, Public Health and Public Protection, thanked Cllr Sturgis for including Lower Stanbridge Farm, Sherston, as a site to be declared surplus to allow for the development of community facilities in the area.

**Resolved:**

- 1. That the position in respect of disposals for financial years 2019/20, 2020/21 and 2021/22 be noted.**
- 2. To confirm that the freehold interest of the 6 assets detailed in Appendix 3 can be sold by the Council.**
- 3. That the Director for Housing and Commercial Development be authorised, in consultation with the Cabinet member for Spatial Planning, Development Management and Property, and Cabinet member for Finance, Procurement, ICT and operational Assets to dispose of the freehold interest in the assets or in his absence the Executive Director for Growth, Investment and Place, following the process for asset disposal via the asset gateway group set out in appendix 1 of the report.**

*Reason for Decision:*

*To note the current position in respect of capital receipts 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.*

**75 Revenue and Capital Budget Monitoring Outturn 2018/2019**

Cllr Philip Whitehead, Cabinet Member for Finance, Procurement, ICT and Operational Assets presented the report which provided:

- information about the (unaudited) General Revenue Fund and Housing Revenue Account outturn positions for financial year 2018/19, as well as the position for the Collection Fund and Reserves
- information about the year end 2018/19 capital programme, including budget virement; and
- an oversight of the unaudited Statement of Accounts, including the narrative report.

Cllr Whitehead was pleased to report that there was an underspend on the General Revenue Fund of £0.357m, representing an improvement of £1.515m on the budget monitoring position reported for Period 9 and the breakeven forecast reported to Council in February 2019. He congratulated Finance and other Services for their contributions towards the underspend, especially as there was significant demands on budgets. In particular, Cllr Whitehead highlighted the work undertaken by Adult Social Care and Children & Education Services.

In response to questions from Cllr Church about variances within Corporate expenditure and the General Government grants, Cllr Whitehead explained that the government grants received were in respect of compensation for the

requirement to award specific business rate reliefs. In previous years the grants were used at the year end, however the amount for the current year is being used to support overall revenue budget forecasts, and has also been built into the 2019/20 budget.

Cllr Thorn, Chairman of the Financial Planning Task Group stated that he was encouraged that the Council had ended the year with an underspend and welcomed the additional top up to the General Fund Reserves. He also paid tribute to Cllr Wickham, former Cabinet member, for his involvement in achieving the underspend and in particular the work undertaken within Adult Social Care.

Cllr Sturgis raised an issue relating to planning and how budgets are affected by influences outside of the control of the Council. In particular, he referred to a reduction in Planning fees received, the number of planning applications considered at Committee with officer recommendations being overturned by Members, and subsequently approved at appeal and the impact of this on budgets and officer time. In response to a comment from Cllr Hill, Cllr Sturgis urged members to consider the grounds for calling in applications and the reasons for overturning an officer's recommendations. The Leader spoke about the importance of Members reporting facts about planning applications to Parish Councils.

**Resolved:**

- 1. To note the outturn for the General Revenue Fund, subject to external audit, of a General Fund underspend of £0.357 million and an additional financial stability top up to reserves of £1.800 million;**
- 2. To note a Housing Revenue Account underspend of £2.119 million and a planned contribution to finance the capital programme of £6.503 million, giving an overall draw from HRA revenue reserve of £4.384 million.**
- 3. To note the transfers to the General Revenue Fund and Earmarked reserves, as set out in Sections 67-72 of the report, and return to Housing Revenue Account reserves.**
- 4. To note the position of the 2018/19 capital programme as at Outturn (31 March 2019).**
- 5. To note the unaudited Statement of Accounts for 2018/19.**
- 6. To approve the budget virements in the revenue and capital programme, as detailed in appendices B & F of the report.**

*Reason for Decision:*

- 1. To inform effective decision making and ensure a sound financial control environment.*

2. *To inform Cabinet of the position of the 2018/19 outturn capital programme, including highlighting any budget changes.*

## 76 **Treasury Management Outturn 2018/19**

Cllr Philip Whitehead, Cabinet Member for Finance, Procurement, ICT and Operational Assets presented the report which provided the Annual Outturn Report reviewing the Treasury Management activities from 1 April 2018 to 31 March 2019.

Cllr Whitehead explained that the Council has continued to finance capital expenditure through maximising the use of capital receipts, capital grants and internal borrowing. In order to take advantage of borrowing rates that are considered to be good value and to reduce the refinancing risk associated with existing external borrowing the Council has taken out £30m of external borrowing in order to improve the ability to manage the level at which it is internally borrowed. Overall, the Council is under borrowed by £136.104m, avoiding external interest costs of £3.226m.

Cllr Thorn, Chairman of the Financial Planning Task Group welcomed the report and referred to the overachievement against budget of £0.441m forecast for investment income for the year to date.

**Resolved: To note that the contents of the report are in line with the Treasury Management Strategy 2018/2019.**

*Reason for Decision:*

*To give members an opportunity to consider the performance of the Council against the parameters set out in the approved Treasury Management Strategy for 2018/2019.*

## 77 **Partnership Working Framework**

Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism presented the report which recommended a partnership working framework for use by Councillors and officers when considering Wiltshire Council's engagement in partnerships.

Cllr Clewer explained that the intention was for the proposed framework to replace the existing Partnership Protocol with Council being asked to approve its removal from the Constitution.

The Cabinet heard from Cllr Wright, Chairman of the Overview and Scrutiny Management Committee, who confirmed that he and Cllr Hill had received a briefing on the Framework and supported the proposal.

Cllr Williams also supported the proposal and was pleased that the Framework recognised the value of the Wiltshire Compact and is consistent with the fulfilment of its obligations.

**Resolved:**

- 1. Recommends that full council approve the removal of the Partnership Protocol in the Council's Constitution**
- 2. Agrees, upon removal of the Partnership Protocol, the adoption of a new Partnership Working Framework as set out in the appendix to the report.**
- 3. Agrees that any subsequent minor amendments to the Partnership Working Framework are delegated to the Monitoring Officer in consultation with the appropriate Cabinet Member.**

*Reason for Decision:*

*To strengthen and improve the Council's arrangements for governing partnership working to enable the Council to deliver the priorities in its Business Plan, including in particular 'working with our partners as an innovative and effective council'*

78 **Local Code of Corporate Governance**

Cllr Richard Clewer, Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism presented the report which proposed a new local code of conduct.

**Resolved:**

- 1. That Full Council be recommended to approve the revised local code of corporate governance.**
- 2. That Cabinet approve the proposed process for developing the Annual Governance Statement for 2019.**

*Reason for Decision:*

*Councils are required to develop and maintain an up-to-date local code of governance. Wiltshire's existing code is based on CIPFA guidance which has been updated. A new draft is attached based on the revised principles. This will have to be adopted by full council to replace the current constitution's protocol 10.*

*It is proposed that progress on delivery against the code is reviewed by officers on a quarterly basis and that this informs the future development of the Annual Governance Statement for consideration by Audit Committee and Cabinet in due course.*

79 **Award of the New Highways Term Consultancy Contract**

Cllr Bridget Wayman, Cabinet Member for Highways, Transport and Waste presented the report which proposed the award of the new Wiltshire Council Highways Term Consultancy Contract.

Cllr Wayman explained that the successful tenderer would provide the Council's Consultancy Services from 1 December 2019 for 5 years, with an option to extend the contract for a further 2 years subject to performance. Cllr Wayman commented on the procurement exercise, which followed the two stage process. The tenders were considered in terms of price and quality as described in the tender documentation and in accordance with the procurement procedures.

The Cabinet noted that the detailed scoring and financial information was contained in the confidential report to be considered in Part II of the meeting.

**Resolved:**

**That Cabinet delegates authority to the Director, Highways and Environment to award the New Wiltshire Highways Term Consultancy Contract, instructing legal to execute all necessary documentation, in consultation with the Cabinet Member for Highways, Transport and Waste and the Director of Finance and Procurement.**

*Reason for Decision:*

- 1. There is a need for specialist advice and support in connection with roads, bridges and related services. Awarding the Highways Term Consultancy Contract is considered to be the most economical way to provide this.*
- 2. The tender documents were assessed in terms of Price and Quality as set out in the report to Cabinet on 25 September 2018. The quality of the service is important because the contract is substantially involved with design work. Poor quality design can have a disproportionate effect on construction costs, especially in terms of capital road and bridge maintenance work which will form a large proportion of the workload.*
- 3. The most advantageous tender for the Council, taking into account quality and price, should be accepted in accordance with the procurement procedures.*

80 **Acquisition of Operational Asset**

Cllr Philip Whitehead, Cabinet Member for Finance, Procurement, ICT and Operational Assets presented the report seeking approval to vire £1.25m from the £10m commercial investment capital allocation and to agree to the acquisition of a property to meet operational service needs.

The Cabinet Heard from Cllr Thorn, Chairman of the Financial Planning Task Group, who confirmed that the Task group had considered the report and supported its contents and proposals.

**Resolved:**

- 1. To agree to vire up to £1.250 million from the £10 million commercial investment capital allocation in 2019/20 to fund a purchase of an industrial unit to meet operational service requirements.**
- 2. To delegate the decision to agree the purchase price to the Director for Housing and Commercial Development, in consultation with the Cabinet Member for Finance, Procurement, ICT and Operational Assets, and the Director for Finance and Procurement.**

***Reason for Decision:***

*To ensure the Council can provide accommodation that meets operational service needs and to enable rationalisation of the Council's estate. To consider consolidation of other services into a new facility to accelerate the release of potential development sites and or site disposal.*

81 **Urgent Items**

There were no urgent items.

82 **Exclusion of the Press and Public**

**Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Minute Numbers 83 and 84 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.**

83 **Award of New Highways Term Consultancy Contract**

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**Resolved:**

**That Cabinet delegates authority to the Director, Highways and Environment to award the New Wiltshire Highways Term Consultancy Contract, as detailed in the report, instructing legal to execute all necessary documentation, in consultation with the Cabinet Member for Highways, Transport and Waste and the Director of Finance and Procurement.**

*Reason for Decision:*

- 1. There is a need for specialist advice and support in connection with roads, bridges and related services. Awarding the Highways Term Consultancy Contract is considered to be the most economical way to provide this.*
- 2. The tender documents were assessed in terms of Price and Quality as set out in the report to Cabinet on 25 September 2018. The quality of the service is important because the contract is substantially involved with design work. Poor quality design can have a disproportionate effect on construction costs, especially in terms of capital road and bridge maintenance work which will form a large proportion of the workload.*
- 3. The most advantageous tender for the Council, taking into account quality and price, should be accepted in accordance with the procurement procedures.*

84 **Acquisition of Operational Asset**

Cllr Philip Whitehead, Cabinet Member for Finance, Procurement, ICT and Operational Assets presented the report seeking approval to vire £1.25m from the £10m commercial investment capital allocation and to agree to the acquisition of a property to meet operational service needs.

**Resolved:**

- 1. To note the independent advice to inform a purchasing strategy.**
- 2. To Note the business case for the proposed purchase based on the recommended purchasing strategy.**

***Reason for Decision:***

*To ensure the Council can provide accommodation that meets operational service needs and to enable rationalisation of the Council's estate. To consider consolidation of other services into a new facility to accelerate the release of potential development sites and or site disposal.*

(Duration of meeting: 9.30am - 10.30 am)

These decisions were published, earlier, on the 13 June 2019 and will come into force on 21 June 2019

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