

CABINET

MINUTES OF THE CABINET MEETING HELD ON 17 SEPTEMBER 2019 AT THE KENNET ROOM, COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Philip Whitehead (Chairman), Cllr Richard Clewer (Vice-Chairman), Cllr Allison Bucknell, Cllr Ian Blair-Pilling, Cllr Pauline Church, Cllr Laura Mayes, Cllr Toby Sturgis and Cllr Bridget Wayman

Also Present:

Cllr Chuck Berry, Cllr Andrew Bryant, Cllr Richard Gamble, Cllr Jon Hubbard, Cllr Tony Jackson, Cllr Simon Jacobs, Cllr Jonathon Seed, Cllr Christopher Williams, Cllr Graham Wright and Cllr Robert Yuill

115 Apologies

There were no apologies.

116 Minutes of the previous meeting

The minutes of the meeting held on 23 July 2019 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 23 July 2019, subject to minute 97 being amended to indicate that the interest declared by Cllr Clewer was a non-pecuniary interest.

117 Declarations of Interest

There were no declarations of interest.

118 Leader's announcements

The Leader reported that he had appointed Cllr Chris Williams as the Council's Armed Forces Champion and confirmed that this did not conflict with the Military Covenant or MCI.

119 **Public participation and Questions from Councillors**

1. Colin Gale, Vice-Chair of Pewsey Community Area Partnership read a statement, copy attached to these minutes, in relation to Everleigh Household Recycling Centre, key decisions and the public availability of documentation.

The Leader thanked Mr Gale for his statement and indicated that he looked forward to a clear response from the Government Minister on the matter.

2. Christopher Humphries, local resident, read a statement and asked questions about the use of Becky Addy Wood by the West Wilts Motor Club for an event in October 2019.

The Cabinet Member for Spatial Planning, Development Management and Property had provided a written response to the questions prior to the Cabinet meeting which was published on the Council's website.

Mr Humphries then asked a supplementary question on the same issue, which the Cabinet Member for Spatial Planning, Development Management and Property provided a verbal response to at the meeting. The Cabinet Member also indicated that he would meet with Mr Humphries after the meeting to discuss the matter further.

3. Lou Barry, Wiltshire Council Volunteer Tree Warden, asked questions about the use of Becky Addy Wood by the West Wilts Motor Club for an event in October 2019.

The Cabinet Member for Spatial Planning, Development Management and Property had provided a written response to the questions prior to the Cabinet meeting which was published on the Council's website.

Ms Barry then asked a supplementary question on the same issue, which the Cabinet Member for Spatial Planning, Development Management and Property provided a verbal response to at the meeting.

4. Frank Sweeting, West Wilts Motor Club, read a statement about the proposed event at Becky Addy Wood in October 2019 and the discussions that had taken place with Council officers and Mr Humphries and Ms Barry about the event.

The Leader thanked Mr Sweeting for his statement.

5. A number of questions were received from Extinction Rebellion, in relation to the Council's motion agreed in February 2019 about climate change.

The Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing and MCI had provided a written response to the questions prior to the Cabinet meeting which was published on the Council's website.

Peter Cousins, Extinction Rebellion, then asked a number of supplementary questions in relation to the same issues, which a number of Cabinet Members provided verbal responses to at the meeting.

120 **Wiltshire Council Equality & Inclusion Annual Report 2019 and Objectives 2019-22**

Cllr Richard Clewer – Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing and MCI, presented a report which (i) provided evidence to Cabinet that Wiltshire Council is meeting its obligations under the Public Sector Equality duty (PSED) through the Annual Report 2019; (ii) that Wiltshire Council needs to achieve to further the aims of the PSED, through the Objectives and Action Plan 2019-22; and (iii) to note the achievements demonstrated in the Annual Report, and to recommend the new Equality Objectives 2019-22 to Full Council.

Cllr Clewer thanked the Council's Corporate Support Manager for preparing the Annual Report 2019 and objectives 2019-22 and commented on the five new objectives for 2019-22. He also indicated that for the purposes of the action plan, references to Black and Minority Ethnic residents also included Gypsy, Roma and Travellers and people of different religions who may experience discrimination.

Cllr Graham Wright, Chairman of the Overview and Scrutiny Management Committee reported that the Committee had considered and noted the Annual Report 2019 and new objectives, and welcomed the recommendations contained in the officer report.

Cllr Allison Bucknell, Cabinet Member for Communications, Communities, Leisure and Libraries, in her role as Equalities Champion, welcomed the report and indicated that a vast amount of good work was being undertaken in the County which needed to be communicated to a wider audience.

Resolved:

- 1. To note the contents of the annual report and approve for publishing on the council's website.**
- 2. To note the action plan and approve the direction of travel for the council's diversity and inclusion agenda.**
- 3. To recommend Full Council to adopt the Equality & Inclusion Objectives (The Corporate Equality Plan).**
- 4. To encourage all elected members to complete the Equality and Diversity e-learning module that is currently mandatory for staff.**

Reason for Decision:

Wiltshire Council has a statutory duty to comply with the Equality Act 2010 and the Public Sector Equality Duty. The proposal ensures that Cabinet are aware of the work being done to achieve compliance and are in agreement with the direction of travel.

121 **Update on Outdoor Education sites**

Cllr Philip Whitehead – Leader and Cabinet Member for Finance, Procurement and Economic Development, presented a report which provided an update on the progress being made with the business and land transfer for the Outdoor Education Centres at Oxenwood and Braeside.

The Leader explained that negotiations were progressing well. In relation to Oxenwood, it was noted that the anticipated completion date is 1 October 2019 which would result in staff being transferred to the preferred bidder, Community First under Transfer of Undertakings (Protection of Employment) TUPE Regulations 2006 on this date. In relation to Braeside, it was noted that the preferred bidder, Wiltshire College had withdrawn their bid. Classes Abroad, ranked number 2 in the evaluation process, were invited to commence negotiations. It was anticipated that the completion date is 1 December 2019 which would result in staff being transferred to Classes Abroad under TUPE regulations on this date.

Cllr Jon Hubbard, member of the Traded Services Task Group and Chair of the Children's Select Committee, commented on the excellent work between the Cabinet, the Task Group and Select Committee, and the positive contributions from the Task Group and Select Committee to the proposals and throughout the process. He was pleased that solutions had been achieved for both Centres.

The Leader commented on the early stages of the process and how the raising of awareness of the issues contributed towards organisations preparing bids for the Centres and thanked the Task Group and Select Committee for their excellent support during the process.

Resolved:

- 1. To note the update report on the appraisal of negotiations to date and proposed dates for completion subject to their successful outcome.**
- 2. That Cabinet continue to support the negotiation process with the two preferred bidders for our Outdoor Education Centres: Braeside (Classes Abroad) and Oxenwood (Community First).**

Reason for Decision:

To ensure that Wiltshire Council can secure Outdoor Education provision for the children and young people of Wiltshire through third-party agreements at two existing and well-regarded centres in our County.

To ensure outdoor education provision can continue to deliver a valuable and enriching service to education settings whilst supporting Wiltshire Council's objectives and priorities.

122 **Local Industrial Strategy**

Cllr Philip Whitehead – Leader and Cabinet Member for Finance, Procurement and Economic Development, presented a report which provided (i) an update on the progress being made by Swindon and Wiltshire Local Enterprise Partnership (SWLEP) in agreeing the Local Industrial Strategy (LIS) with the Ministry for Housing Communities and Local Government (MHCLG); and (ii) seeking Cabinet's endorsement of the draft LIS that SWLEP has submitted to MHCLG and of the direction set out in it (to the extent that it affects Wiltshire Council's areas of responsibility).

The Leader explained that the Strategy is being produced by the SWLEP and developed closely with Council's Economic Development and Planning teams, amongst other organisations and businesses. Following the announcement that Honda would be leaving their South Marston site in 2021, the SWLEP had been asked by the MHCLG to accelerate production of the LIS, bringing the launch forward to Autumn 2019 from March 2020. It was noted that agreeing the LIS for the area with MHCLG would be a necessary condition for the SWLEP to draw down any future funding.

The Cabinet noted that the Draft Local Industrial Strategy document was attached as an exempt document as it was still under discussion with the SWLEP and MHCLG.

Resolved:

- 1. That the progress made by the SWLEP in preparing the LIS be acknowledged and the direction set out in the draft that was submitted to MHCLG in July 2019 be endorsed.**
- 2. To delegate authority to the Executive Director of Growth, Investment & Place, in consultation with the Leader of the Council, to endorse the final document on the Council's behalf prior to submission.**

Reason for Decision:

- 1. To support SWLEP in agreeing the LIS with MHCLG;*
- 2. To ensure that local needs, priorities and opportunities are recognised at central government level;*
- 3. To establish the basis for future funding bids in Wiltshire;*

4. *To highlight Wiltshire's strengths and to seek government support for interventions that will drive productivity locally.*

123 **Sexual Health and Contraceptive Service**

Cllr Laura Mayes – Cabinet Member for Adult Social care, Public Health and Public Protection, presented a report recognising the requirement to commission an integrated sexual health and contraceptive service for Wiltshire residents.

Cllr Mayes explained that Wiltshire Council is the statutory commissioner of a comprehensive integrated sexual health service including contraception services and sexually transmitted infections (STI) testing and treatment. An integrated community-based specialist sexual health and contraceptive service model aims to improve sexual health by providing easy access to high quality services through open access clinics, where sexual health and contraceptive needs can be met in services with extended opening hours and accessible locations.

The Cabinet noted that the Service provided a range of vital interventions via clinics and outreach provision to meet the needs of specific sections of the community based on the Wiltshire JSNA and information held by the Public Health team within Wiltshire Council.

Cllr Chuck Berry, Chairman of the Health Select Committee confirmed that he and the Vice-Chairman of the Select Committee had received a briefing on the requirement to commission an integrated sexual health and contraceptive service for Wiltshire residents, and that information had been provided to the Select Committee at its meeting held on 3rd September 2019 as a Chairman's announcement. He confirmed that the proposals were acceptable to the Committee.

Cllr Jon Hubbard, Chairman of the Trustees of Young Melksham, commented on the potential of the sexual health nurses being commissioned to work directly with community groups and asked for this to be considered further when recommissioning the contract.

The Cabinet noted that financial information in relation to the service provision and contracts was attached as an exempt document.

Resolved:

- 1. Recognise the requirement to commission an integrated sexual health and contraceptive service for Wiltshire residents.**
- 2. Issue a Prior Information Notification to test the market to see whether there is interest in the service or capability of providers in the market to deliver the service. And if there is no interested providers or providers with the capability, give officers approval to negotiate the contract with the incumbent provider.**

- 3. Agree to delegate responsibility to tender, commission, negotiate and award the contract (as appropriate) to the Director of Public Health and in consultation with the Cabinet Member for Adult Social Care, Public Health and Public Protection.**

Reason for Decision:

The commissioning of sexual health and contraceptive health services is a prescribed (statutory) public health function and is funded via the public health grant which is under the responsibility of the Director of Public Health.

Delegating responsibility for contract award reduces award delay and negates the potential for gap in service delivery.

124 **Urgent Items**

There were no urgent items.

125 **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 126 and 127 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.

126 **Local Industrial Strategy**

Cllr Philip Whitehead – Leader and Cabinet Member for Finance, Procurement and Economic Development, presented a report which provided (i) an update on the progress being made by Swindon and Wiltshire Local Enterprise Partnership (SWLEP) in agreeing the Local Industrial Strategy (LIS) with the Ministry for Housing Communities and Local Government (MHCLG); and (ii) seeking Cabinet’s endorsement of the draft LIS that SWLEP has submitted to MHCLG and of the direction set out in it (to the extent that it affects Wiltshire Council’s areas of responsibility).

Cllr Richard Clewer, Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing and MCI commented on the Strategy highlighting that it should include the defence sector as one of its priorities and references to cyber security.

Resolved:

1. That the progress made by the SWLEP in preparing the LIS be acknowledged and the direction set out in the draft that was submitted to MHCLG in July 2019 be endorsed.
2. To delegate authority to the Executive Director of Growth, Investment & Place, in consultation with the Leader of the Council, to endorse the final document on the Council's behalf prior to submission.

Reason for Decision:

1. To support SWLEP in agreeing the LIS with MHCLG;
2. To ensure that local needs, priorities and opportunities are recognised at central government level;
3. To establish the basis for future funding bids in Wiltshire;
4. To highlight Wiltshire's strengths and to seek government support for interventions that will drive productivity locally.

127 **Sexual Health and Contraceptive Service**

Cllr Laura Mayes – Cabinet Member for Adult Social care, Public Health and Public Protection, presented the financial information provided in the exempt part of the report.

Resolved: To note the financial information provided.

Reason for Decision:

The commissioning of sexual health and contraceptive health services is a prescribed (statutory) public health function and is funded via the public health grant which is under the responsibility of the Director of Public Health. Delegating responsibility for contract award reduces award delay and negates the potential for gap in service delivery.

(Duration of meeting: 9.30 - 10.50 am)

These decisions were published, earlier, on the 19 September 2019 and will come into force on 27 September 2019

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

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Wiltshire Council

Cabinet

17 September 2019

Statement from Colin Gale

To Councillor Richard Clewer – Deputy Leader and Cabinet Member for Corporate Services, Heritage, Arts, Tourism, Housing and MCI

Statement

On 14th May 2019, I wrote to the Monitoring Officer under the above heading, advising him of the groups remaining concern that documentation essential to the executive committee to make that decision was not also available to the public at the 28 day point. I further advised that the group had forwarded the issue through our MP, Claire Perry to the Ministry for Housing, Communities and Local Government, in an effort to clarify the disputed situation. The Minister in his response drew attention to a document titled “Open and accountable local government – A guide for the press and public on attending and reporting meetings of local government” which had been published by his department in August 2014, commenting that it gave practical information about the documents and information available to the public, and drawing our attention in particular, to pages 12 and 13, which cover Key Decisions taken by councils. The Minister also suggested that, should concerns remain after reading these guidelines, contact should be made with the Council’s Monitoring Officer to establish how the authority’s position aligns with the rights and responsibilities set out in the guidelines.

On 9th September, the following reply was received from the Monitoring Officer:

“ As you have stated, where the Council intends to make a key decision, Regulation 9 of the 2012 Regulations requires the Council to give publicity to that intention by publishing a document which includes the matters listed in regulation 9 (1)(a) to (f). This document has to be published at least 28 days before the decision is taken. There is no provision for that document to be subsequently amended. At the time that notice of the intention to make a decision on the future of the Everleigh HRC was published in the Council’s Forward Plan, The Consultation Report did not exist as the results of the consultation process had yet to be reviewed and collated. There was, therefore, no document that could be referred to in the Forward Plan.. The Consultation Report was included with the agenda for Cabinet on 9 October, which was published a week before the meeting, in accordance with the statutory requirements. I am therefore satisfied that the statutory requirements were complied with in respect of the Cabinet decision of 9 October to close the Everleigh HRC.”

The group remain concerned that the statutory requirements for the supply of Key Documents were not complied with and have decided to refer the Wiltshire Council response back to the Minister for his decision on the compliance with the regulation.