

## **CABINET**

**WEDNESDAY, 6 FEBRUARY 2013**

**PRESENT:-** Councillors Roderick Bluh (Chair), David Renard (Vice-Chair), Mark Edwards, Fionuala Foley, Dale Heenan, Russell Holland, Garry Perkins, Vera Tomlinson and Keith Williams.

An apology for absence was received from Councillor Brian Mattock.

Councillor Jim Grant attended the meeting in respect of Minutes 92, 94, 99 and 104.  
Councillor Des Moffatt attended the meeting in respect of Minutes 98, 99 and 104.  
Councillor Stan Pajak attended the meeting in respect of Minutes 94 and 98.  
Councillor Robert (Bob) Wright attended the meeting in respect of Minutes 96, 100, 102, 103 and 105.

### **85. Section 100(4)(b) of the Local Government Act 1972**

The Chair advised that he intended, in accordance with Section 100 B(4) of the Local Government Act 1972, to take an additional urgent item concerning Swindon's Community Governance Review. The reason for the urgency was because a decision on the matter was required prior to the end of the Phase 2 consultation process which is prior to the next scheduled meeting of the Cabinet. (Minute 88 refers.)

### **86. Declarations of Interest**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

The Chair advised that the Council's Standard Committee, had under Section 33 of the Localism Act 2011, granted dispensations to Councillors Roderick Bluh, Mark Edwards, Fionuala Foley, Dale Heenan, Russell Holland, Garry Perkins, Vera Tomlinson and Keith Williams in respect of any discussions on any matters which had a bearing on the setting of the Council Tax (Agenda item 9 - Budget 2013/14 and Beyond).

Councillors Fionuala Foley and Keith Williams made personal declarations of interest in respect of Agenda Item 9 (Budget 2013/14 and Beyond) as they were Council appointed Non-Executive Directors of Thamesdown Transport Ltd.

### **87. Minutes**

Resolved –That the minutes of the meeting held on 12<sup>th</sup> December 2012 be confirmed and signed as a correct record.

### **88. Community Governance Review**

The Director of Law and Democratic Services reported that he had received a request from Haydon Wick Parish Council to extend the closing date for the receipt of submissions to the second phase of consultation on the Council's draft

proposals for the Community Governance Review of Swindon from 11th February 2013. He commented on the reasons for the request and that he was supportive on the closing date being extended by one week.

Resolved – That the oral report of the Director of Law and Democratic Services be noted and that the closing date of the second phase of consultation on the Council's draft proposals in relation to the Community Governance Review of Swindon be extended by one week from 11<sup>th</sup> February to 18<sup>th</sup> February 2013 in response to a request from Haydon Wick Parish Council.

The reasons for the decision and alternative options are as set out in the oral report to the meeting.

## **89. Public Question Time**

The following questions were asked in accordance with Standing Order 28 –

### Questioner

Mrs Shirley Burnham, Old Town, Swindon

### Questions

In relation to the Council's Budget proposals for 2013/14 (Agenda Item 9) Will the Cabinet reconsider the arithmetic you are applying to create Libraries Savings? Will you commit to ensuring that the smaller libraries are not closed by stealth, but are sustainable - treated fairly with regard to opening hours and staff?

### Response

The Chair thanked Mrs Burnham for her questions and comments and advised that a response had been prepared and circulated at the meeting.

The Chair and Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, responded at the meeting to the questions.

Mrs Burnham asked a supplementary question regarding Library opening times and the Cabinet's awareness of the likely increased demand for access to computers given the Government's requirements for increasing "on-line" submission of forms for universal credit and similar Benefits.

The Chair and Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, responded at the meeting to the supplementary question and comments.

### Questioner

Mr Tom Jeffery, Chair of the Housing Advisory Forum

### Question

Could the Cabinet Member for One Swindon, Localities and Housing provide clarification on the wording contained in paragraph 3.27(3) of the report on the Housing Revenue Account Budget (Agenda Item 11) as he believed this did not completely reflect his understanding of the outcome of the Housing Advisory Forum's deliberations on this matter?

### Response

The Chair thanked Mr Jeffery for his question and comments.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, responded at the meeting to the question and comments and advised that he would again refer to this matter when the Agenda Item was discussed later in the meeting.

Questioner

Mr Brian Cockbill, Stratton St Margaret, Swindon

Questions

Given that an officer, the Board Director for Transformation and Strategic Projects, who was a key figure in the Wi Fi issue, is shortly to leave the employment of the Council. What, if any, rights have the Working Party looking into the accounts of the Digital City (UK) Ltd. to recall him to answer questions after he has left the Council's employment?

The bulk of the National Concessionary Travel Passes expire on 31 March 2013. When does the Council anticipate renewed Passes will be provided?

Response

The Chair thanked Mr Cockbill for his questions and comments and advised that a response had been prepared and circulated at the meeting.

The Chair and Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, responded at the meeting to the questions.

Mr Cockbill asked a supplementary question regarding whether it would be possible for the Council to make special arrangements in circumstances where an individual user would not be in Swindon on the date that the "new" concessionary travel passes were available / distributed?

Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, responded at the meeting to the supplementary question.

**90. Exempt Items - Exclusion of Press and Public**

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Agenda Item No. 20 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned. (Minute 105 refers.)

**91. Outcome of Ofsted Inspection - Swindon's Fostering Service**

The Cabinet Member for Children's Services and the Board Director, Commissioning submitted a joint report concerning the outcome of the recent Ofsted inspection of the Council's Fostering Services.

Councillor David Renard, Cabinet Member for Children's Services, welcomed the outcome of the Ofsted inspection of Swindon's Fostering Services that had taken place in November 2012. He highlighted that Ofsted had concluded that the

overall effectiveness of the service was judged as “good” and that of the four categories reviewed the Council was judged as “good” in three areas and “outstanding” in the fourth. He particularly welcomed the findings that the service was child and young person centred and that foster carers felt they were strongly supported.

Councillor Fionaula Foley, Cabinet Member for Streetsmart and Corporate Services, explained that as a member of the Adoption Panel she particularly welcomed the Ofsted report and she offered her congratulations to Mr Graham Senior and his team for their excellent work and commitment.

Resolved – (1) That the contents of the joint report and the outcome of the Ofsted inspection of Swindon’s Fostering Services, be noted.

(2) That the Board Director, Commissioning (DCS/DASS) and the staff and managers in the Family Placement Team be congratulated on the very positive findings from the recent Ofsted inspection of Fostering Services in Swindon.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **92. Budget Management 2012/13**

The Cabinet Member for Finance and the Board Director, Resources submitted a joint report setting out (a) the current forecast outturn position of the Council’s Revenue Budget as at the end of December 2012, (b) issues impacting on the Council’s finances, and (c) the current position of the Housing Revenue Account and Dedicated Schools Grant.

Councillor Mark Edwards, Cabinet Member for Finance, commented on the report and highlighted the projected position for the outturn of the Council’s Budget. He referred to the significant challenges facing the Council and on the work that had been undertaken since the last meeting and which was continuing to enable the achievement of a balanced budget at the end of the Financial Year. He referred to the on-going budget pressures and the significant risks and uncertainties associated with the Budget. He highlighted the likely adverse impact on the Budget of the latest financial forecast from Swindon Commercial Services Ltd. (SCS) and the specific actions that were being taken to respond to this.

Councillor Jim Grant, Leader of the Opposition, referred to the intention to spend £40,000 on commissioning Price Waterhouse Coopers to review financial management at Swindon Commercial Services Ltd. and wondered if this offered good value for money and whether a better solution would not have been for the relevant Council and SCS officers to work together to undertake this review. He enquired whether SCS had requested the review and the nature of their involvement in it.

Councillor Mark Edwards, Cabinet Member for Finance, commented on the specialist expertise and independence that Price Waterhouse Coopers (PWC) could bring to the review. He believed that the specialist knowledge brought by their involvement would benefit both the Council and SCS in the longer term. He confirmed that SCS had been advised of the review and were supportive of it taking place and would be active participants.

Resolved – (1) That the current projected Revenue Budget Outturn for

2012/13, as set out in Table 1 and Appendices 1 and 2 of the joint report, be noted.

(2) That one-off resources of £40,000 be released to fund the work commissioned from Price Waterhouse Coopers (PWC) to review the financial management and reporting arrangements at Swindon Commercial Services Ltd.

(3) That the Revenue Budget virements, as set out in Appendix 3 to the joint report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

### **93. Special Expenses 2013/14**

The Cabinet Member for Finance and the Board Director, Resources submitted a joint report concerning the amounts to be charged as Special Expenses within the non-parished areas of the Borough for the Financial Year 2013/14.

Councillor Mark Edwards, Cabinet Member for Finance, commented on Special Expenses and referred to the work undertaken by a “cross-party” Advisory Group to review and revise the methodology used for calculating Special Expenses. He believed this now more accurately reflected the costs associated with providing parish-type services in the non-parished area of the Borough. He explained that following the review and adoption of the new methodology there were no significant changes in levels for 2013/14.

Resolved – (1) That it be noted that a Cabinet Member Advisory Group had reviewed the methodology for calculating the level of Special Expenses being incurred within the Borough, and had advised that the new methodology represented a more accurate reflection of the costs associated with providing parish-type services in the non-parished area of the Borough.

(2) That the level of Special Expenses for the Financial Year 2013/14 be £1,001,388, as set out in Table 1 of the joint report of the Cabinet Member for Finance and the Board Director, Resources.

(3) That it be noted that the charge per household is unchanged from that for 2011/12 and 2012/13.

(4) That it be noted that the list of sites to be charged as Special Expenses in 2013/14 will be as set out in Appendix 1 to the joint report of the Cabinet Member for Finance and the Board Director, Resources.

(5) That it be noted that the expenses listed in Appendix 2 to the joint report of the Cabinet Member for Finance and the Board Director, Resources shall be charged to all households of the Borough and shall not be Special Expenses.

The reasons for the decision and alternative options are as set out in the report to the meeting.

### **94. Budget 2013/14 and Beyond (Minute for Confirmation)**

The Cabinet Member for Finance and the Board Director, Resources submitted a joint report setting out (a) the medium term position for the Council's finances, (b) the provisional Local Government Finance Settlement 2013/14, (c) the forecast outturn for the Council's Budget 2012/13, (d) Structural Changes Budget Realignment, (e) Council Tax 2013/14, (f) amounts to be charged as Special Expenses within the non-parished areas of the Borough for the Financial Year 2013/14, (g) the Tax Base and Collection Fund position, (h) the Council Tax

Support Scheme Changes and the impact on parish and town councils, and (h) the proposed Budget for the Council for 2013/14 and contingencies, risks, fees and charges, equalities and diversity, one-off resource commitments and Reserves.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the Budget proposals for 2013/14 and how these differed from those submitted to the Council in December 2012. A supplementary report had been circulated at the meeting highlighting further changes that were necessary as more information regarding the Local Government Finance Statement had become available. He referred to the difficulties associated with the Budget Planning process for the current year despite the fact that work had begun with the agreement of the current year's Budget. He praised the hard work and commitment shown by all those involved. He believed that this had been the most difficult Budget process the Council had faced to date and that it was likely that the challenges would continue for the foreseeable future.

Councillor Edwards referred to the consultation that had taken place on the Budget, and advised that Appendix 6, setting out the minutes of a meeting held with Non-Domestic ratepayers on 4th February 2013, had been circulated at the meeting for consideration.

The Chair referred to the receipt of a letter from Haydon Wick Parish Council regarding the Council Tax Support Grant. This had been circulated to all Cabinet Members and he would ensure a written response was sent to the Parish Council.

Councillor Edwards reiterated the significant financial challenges facing the Council in terms of continuing pressures on services and changes in Government funding and made reference to the proposed level of Council Tax for 2013/14. He advised that he would be proposing, at this time, no increase in Swindon's Council Tax. He referred to the continuing efforts taken to transform how the Council operated, to reduce costs and deliver value for money services, particularly to the most vulnerable. He commented on the Council's commitment to encouraging economic growth in Swindon and how this was reflected in the proposed Budget. He emphasised the difficult times in which the Council found itself and the difficult decisions that had to be made. However, he believed the Budget as proposed was robust and would enable the Council to continue to deliver its objectives and the outcomes residents wanted. It would protect the most vulnerable and promote economic growth to ensure the resilience of Swindon and its residents.

Councillor Stan Pajak, Leader of the Minority Group on the Council, referred to the difficult financial challenges facing all local authorities and the difficult choices that faced the Administration and other Councillors across the country. He noted the proposal not to increase Council Tax and he was sure this would be welcomed by those on fixed-incomes or who had recently been affected by unemployment or Benefit changes. However, he believed there were choices to be made in setting the Budget and he asked that the Cabinet look again at the proposals for significant reductions in the budget for localities, that he believed were just beginning to become established and the benefits recognised by ward councillors. He asked for the Cabinet to re-visit its proposals for reducing services and support for the homeless and for the services provided by Dial-A-Ride. He highlighted the impact of reductions in library opening times and support for bus routes and how these could negatively impact on those members of the community that it wished to support. He

hoped these issues could be considered further in the run up to the Council's Budget meeting on 21<sup>st</sup> February.

Councillor Jim Grant, Leader of the Opposition, recognised the significant challenges facing the Council and the difficult choices that had to be made in achieving a balanced Budget. He commented on the budget proposals which his Group would comment on in more detail at the Council meeting. He referred to the proposal for green waste collections appearing in Appendix 4 of the report and whether this was to be additional new funding. He noted the somewhat disappointing public response to the budget consultation and wondered whether this was an indication that the significant investment in the "Big Conversation" was not delivering good value for money.

Councillor Edwards and Councillor Fionuala Foley, Cabinet Member for Streetsmart and Corporate Services, referred to the spending on green waste collections and confirmed that this was additional funding and explained the reasons why it was proposed. The Chair commented that the Big Conversation was not established for the purpose of undertaking Budget Consultation, which was a separate, if linked, exercise, and commented on its successes to date. He believed its real benefits would only be seen in the future. He acknowledged that he too had been disappointed at the public response to this year's Budget consultation. He would provide Councillor Grant with a more detailed written response on the consultation that had taken place and on the responses received.

Councillor Bob (Robert) Wright referred to the proposals impacting on funding to Threshold Housing Link and the important role that the organisation played with regard to "rough sleepers" and the homeless. He believed that support for the organisation was crucial at this time given the rise in local unemployment and the welfare changes that could result in more people becoming homeless or rough sleepers. The work undertaken by the organisation saved the Council and other public sector bodies money through preventing situations arising where costly public sector interventions had to be made. The Chair advised that he had recently met with representatives of the organisation and that the proposal remained under review.

The Chair reiterated the difficulty the Council faced in reaching a Budget for 2013/14 and the difficult decisions that had to be made. He referred to the continuing challenges the Council would face going forward and the increasing pressures on services. He highlighted the difficulties in arriving at certainties on the sustainability of services, particularly, for an ageing population in the future and in the planning for those services. He thanked all those who had been involved in the Budget process both from within the Council and outside.

Resolved – (1) That it be noted that –

- (i) The Council does not expect to need to replenish General Reserves as part of the 2013/14 Budget Setting process;
- (ii) The feedback received to the Borough-wide consultation process on the Draft Budget, as set out in Appendix 5 to the joint report, has been taken into account in the Budget Setting process;
- (iii) The level of uncertainty relating to the level of funding available to support the 2013/14 Budget due to the lateness of the Local Government Finance Settlement has been recognised and that, subject to materiality, the Board Director, Resources recommends that any change in the forecast settlement

position will be accommodated by amending the level of New Homes Bonus funding included in the 2013/14 Budget proposals;

- (iv) The outcome of the consultation meeting with business representatives from Swindon, on behalf of non-domestic rate payers that took place on 4th February 2013 has been taken into account in the Budget Setting process;
- (v) In line with the requirements of the Local Government Act 2003, the Board Director, Resources, in his Section 151 capacity, confirms the robustness of the estimates underlying the recommended Budget and having reviewed the financial risks being faced by the Council concludes that the proposed level of General Reserves (£6m) is adequate in the context of the earmarked reserves held, specific contingencies and the proposed general contingency of £1.2m.

(2) That the proposed changes in fees and charges, as set out in Appendix 1 to the joint report, that fall outside of the assumed Council-wide 3% blanket increase be approved.

(3) That there be no change in the level of Special Expenses charged per household for 2013/14 with the total level of Special Expenses for 2013/14 being £1,001,388.

(4) That the Specific Reserves held in support of the 2013/14 Revenue Budget, as set out in Appendix 7 to the joint report, be approved.

(5) That no funding be passed from the Borough Council to parish and town councils to mitigate the impact of changes to the tax base linked to the Council Tax Support Scheme.

(6) That, subject to any changes resulting from the Government's announcement of the final Local Government Finance Settlement for 2013/14 the Council be recommended that:-

- the 2013/14 Budget be set at £148.040m as detailed in Appendices 2 to 4 of the joint report, save that the redirection of New Homes Bonus to fund Base Budget expenditure be reduced from £2.344m to £2.106m and New Homes Bonus Adjustment Grant of £0.239m be used instead to support the Base Budget;
- there be no increase in Council Tax for 2013/14, and
- it be determined that the proposed increase in the basic amount of Council Tax for 2013/14 is not excessive in accordance with Schedule 5 of the Localism Act 2011.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **95. Capital Programme and Treasury Strategy Statement 2013/14 (Minute for Confirmation)**

The Cabinet Member for Finance and the Board Director, Resources submitted a joint report concerning (a) new Capital Programme requirements for 2013/14, and (b) the Council's proposed Treasury Management Strategy for 2013/14 including the (i) Annual Investment Strategy, (ii) Minimum Revenue Provision Policy Statement, and (iii) Prudential Indicators for the Financial Years up to 2015/16.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the contents and purpose of the report and in particular to the proposed changes to the



Capital Programme and the Treasury Management Strategy for 2013/14. He commented on the sustainability of the Council's capital spending and explained how the Capital Programme remained focussed on the support for the essential infrastructure Swindon needed. He advised that further consideration on the use of the Local Authority Mortgage Scheme would form part of a wider report on housing market support to be submitted to a future meeting.

Resolved – (1) That the new Capital Programme schemes, as identified in Appendix 2 to the joint report, be approved.

(2) That it be noted that the Cabinet had previously agreed in October 2012 that officers would bring forward a recommendation on whether the Council should participate in the Local Authority Mortgage Scheme, and that it now be agreed that the Board Director, Resources report further on this issue to the Cabinet meeting on 20<sup>th</sup> March 2013, as part of a wider report presenting a range of housing market support measures for consideration.

(3) That, subject to the confirmation of the Council:

- the Prudential Indicators for the Financial Years up to 2015/16 be noted and approved;
- the Minimum Revenue Provision Policy Statement for 2013/14 be approved;
- the Treasury Management Strategy for 2013/14 as set out in Appendix 1 to the joint report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

**96. Housing Revenue Account**  
**- Revenue and Capital Investment Budget 2013/14**  
**(Minute for Confirmation)**

The Cabinet Member for One Swindon, Localities and Housing, and the Board Director, Service Delivery submitted a joint report concerning the proposed budget for the Housing Revenue Account (HRA) for 2013/14, including proposals for rents, service charges and support charges and the debt for 2013/14.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, presented the report and advised that revised appendices had been circulated at the meeting. He explained how the report set out the context and background to the proposed Housing Revenue Account Budget for 2013/14, and the reasons for the proposed changes in the levels of rents and services charges. He referred to the issue of debt repayment and to the reasons that he was now suggesting that the figure appearing in Appendix 4 “Loan Repayments” should be changed from £8m to £5m and the implications of this for the HRA Budget and investment in the Council’s Housing stock. The proposed change was reflected in the revised appendices that had been circulated at the meeting.

Councillor Holland explained the reasons why he supported the recommended increases in rents and service charges. Whilst he recognised that this would cause some hardship for some tenants, he believed the majority would not be badly affected, particularly, the many tenants who were receiving benefits to assist meeting their housing costs. He stressed the importance for tenants and for the Council of seeking to invest in the Council's housing stock now rather than delaying this to sometime in the future with an associated increase in interest

payments associated with delayed repayment of debt.

Councillor Holland referred to the consultation that had taken place with tenants and stakeholders and, particularly, to the discussions that had taken place at the Housing Advisory Forum held on 23<sup>rd</sup> January 2013. He noted the comments made by the Chair of the Housing Advisory Forum and the views expressed by the tenant representatives and Councillors at the meeting. He acknowledged the vote that had taken place at the Advisory Forum meeting and advised that he would seek to amend the draft minute that appeared in paragraph 3.27(3) of the report by deleting the words “some of the members” and their replacement by the words “a vote was taken such that a majority of the”. He hoped that this would clarify the conclusions reached.

Councillor Bob Wright commented on the discussions that had taken place at the Housing Advisory Forum and on alternative ways in which the Council could invest in its Council stock, encourage local jobs and deliver a reasonable rent for its tenants. He believed that the suggestions put forward by his colleague Councillor Moffatt to the Forum and the Cabinet Member were worthy of further consideration. He welcomed the proposal to reduce the level of Loan Repayments but believed this should go much further.

Councillor Holland noted Councillor Wright’s comments and reiterated that he believed the proposed recommendations offered the best outcomes for both the Council and its tenants.

Resolved – That, subject to the confirmation of the Council –

- The Rents for 2013/14 are increased in line with convergence targets of Retail Price Index (RPI) plus 0.5% plus maximum of £2.00, which will increase average rents for Housing Revenue Account (HRA) dwellings to £77.82 per week (52 week basis), an increase of 4.8%. This will be an average increase of £3.59 per week.
- The housing related support charges for 2013/14 and service charges for 2013/14, as outlined in Appendix 2(revised) of the joint report of the Cabinet Member for One Swindon, Localities and Housing and the Board Director, Service Delivery, be approved.
- Leaseholder service charges set for 2013/14 as shown in Appendix 3(revised) of the joint report, be approved.
- Based on the proposals set out within the joint report the Housing Revenue Account (HRA) proposed budget for 2013/14, as shown in Appendix 4 (revised) to the joint report, be approved and that the HRA Repairs Budget and Funding be approved as shown in Appendix 5 (revised) to the joint report.
- The provision for debt repayment in 2013/14 of £5m, as detailed in Appendix 1(revised) to the joint report, be approved.
- The Council include within its Constitution’s Scheme of Delegations an authority enabling the Board Director, Service Delivery in consultation with the Board Director, Resources, Head of Housing Services and the Cabinet Member with portfolio responsibility for Housing, to use the Regeneration and Acquisition fund of up to £1m, to purchase 1 and 2 Bedroom accommodation to enable these properties to be included with the Council’s housing stock.
- Rents charged on General Fund properties be on the same basis as HRA properties resulting in an average increase of 4.4% and the service

- charges as shown in Appendix 6(revised) to the joint report, be approved.
- Rents charged for plots at the Hay Lane Residential Gypsy Site be increased by £2.00 per week to £47.00 per week (52 week basis) and the rents for work-pens (small lock-ups), as shown in Appendix 6 (revised) to the joint report, be approved.
- The homelessness contribution, as outlined in Appendix 6 (revised) to the joint report, be approved.
- The budgeted 2012/13 Debt repayment of £7,977,300 be reduced to £5m, and the additional funding be transferred to HRA reserves at year end, subsequently to be allocated towards increasing the capital programme for 2013/14 as detailed at paragraph 3.45 of the joint report.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **97. A Community Infrastructure Levy for Swindon**

The Cabinet Member for Strategic Planning and Sustainability and the Head of Planning submitted a joint report setting out (a) the outcome of the public consultation exercise in respect of the Council's proposed Community Infrastructure Levy Preliminary Draft Charging Schedule, (b) recommended key changes to the Schedule to reflect public comments and additional evidence gathered, and (c) a revised Draft Charging Schedule and supporting documents for public consultation and subsequent submission for independent Examination.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, referred to the implications of the Community Infrastructure Levy and its charging schedule for the Borough and its future development. He commented on the proposed changes to the Schedule resulting from the consultation and on the next stages of the process.

Resolved – (1) That, in respect of the Community Infrastructure Levy Preliminary Draft Charging Schedule, a geographical 'zoning' approach be adopted for residential rate setting to ensure the maximum possible funds can be raised to pay for infrastructure in new communities .

(2) That the revised Swindon Community Infrastructure Levy Draft Charging Schedule, supporting documents, and any other relevant evidence based documentation relied on in the preparation of the Draft Charging Schedule, be subject to public consultation, in accordance with the arrangements set out in paragraphs 3.17 and 3.19 of the joint report.

(3) That the Head of Planning be authorised to undertake the consultation referred to in (2) above for a minimum period of six weeks.

(4) That the Head of Planning, in consultation with the Director of Law and Democratic Services and the Cabinet Member for Strategic Planning and Sustainability, be authorised to make factual or typographical amendments to the Draft Charging Schedule and associated documentation prior to consultation, including any that may arise from on-going evidence gathering prior to publication, where they do not alter the broad principles of the Schedule.

(5) That the Head of Planning, in consultation with the Director of Law and Democratic Services and the Cabinet Member for Strategic Planning and Sustainability, be authorised to undertake modifications to the Draft Charging Schedule, where necessary, following consultation and prior to and / or subsequent to the submission of the Draft Charging Schedule for independent Examination.

(6) That the Head of Planning, in consultation with the Director of Law and Democratic Services, be authorised to submit the Draft Charging Schedule, and non-substantive modifications if appropriate, and supporting evidence for independent Examination.

(7) That any additional evidence that may be needed to support the Draft Charging Schedule be produced by the Head of Planning and made available at Examination.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **98. City Deal Round 2**

The Cabinet Member for Regeneration and Culture and the Head of Commissioning, Economy and Attainment submitted a joint report concerning the submission of a joint expression of interest by Swindon Borough Council, Wiltshire Council and the Swindon and Wiltshire Local Enterprise Partnership to the Government's City Deal Round 2.

Councillor Garry Perkins, Cabinet Member for Regeneration and Culture, explained the significance of a successful City Deal Round 2 bid for the future development of Swindon. He referred to the bidding process and to the next stages should the expression of interest be supported.

Councillor Stan Pajak, Leader of the Minority Group on the Council, welcomed the report and hoped that the joint bid was successful. He noted that the Government had recently announced £57m of funding to enhance and encourage cycling provision and that, as part of this, areas that had secured 'city deals' would be able to bid for a share of £30m to make cycling easier and safer in urban areas. He hoped that if successful the Council would seek to bid for some of this funding.

Councillor Des Moffatt welcomed the report and the City Deal Bid. He commented on the importance of working closely with the Local Enterprise Partnership, which was becoming a "major player" in many recent Government initiatives.

Resolved – (1) That the Head of Commissioning, Economy and Attainment, in consultation with the Cabinet Member for Regeneration and Culture, be authorised to engage in negotiations with civil servants of Government departments on behalf of the Council during 2013 in the event of a successful bid under the terms of the City Deal Round 2.

(2) That the Cabinet Member for Regeneration and Culture and the Head of Commissioning, Economy and Attainment be requested to report back to a future meeting of the Cabinet on the proposed implications for governance and resources arising from the outcome of negotiations in respect of the Government's City Deal Round 2.

The reasons for the decision and alternative options are as set out in the report to the meeting.

**99. Devolved Major Transport Scheme Funding  
- Establishment of the Swindon and Wiltshire Local Transport Body**

The Cabinet Member for Leisure and Strategic Transport, the Head of Commissioning, Economy and Attainment and the Head of Highways and Transport submitted a joint report concerning the Department for Transport's intention to devolve major transport scheme funding to the local level, and a proposal to establish a Swindon and Wiltshire Local Transport Body in partnership with the Swindon and Wiltshire Local Enterprise Partnership and Wiltshire Council, as required by the Government.

Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, explained the Government's intentions to devolve major transport scheme funding to the local level. He referred to the progress of negotiations with Swindon and Wiltshire Local Enterprise Partnership and Wiltshire Council on the establishment of a Swindon and Wiltshire Local Transport Body. He commented on the role that the new body would play in determining transport scheme priorities.

Councillor Jim Grant, Leader of the Opposition, commented that he hoped that there would be consultation with his Group regarding the Council's representation on the new body. He referred to the schemes to go forward for approval to the new body and how these would be selected within the Council. Councillor Keith Williams referred to the likely levels of funding involved and to the way in which schemes would be identified and assessed.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability referred to the implications for Swindon of housing developments taking place on its borders and to the importance of ensuring that the necessary transport infrastructure existed in Wiltshire and Swindon to support such developments. Councillor Des Moffatt referred to the importance of working with Wiltshire Council and the Local Enterprise Partnership to deliver the schemes that Swindon needed.

Resolved – (1) That the contents of the joint report and the background to the establishment of the proposed Swindon and Wiltshire Local Transport Body, be noted.

(2) That the principle of establishing the Swindon and Wiltshire Local Transport Body, be agreed, and the Head of Commissioning, Economy and Attainment, in consultation with the Leader of the Council, the Head of Highways and Transport, and the Director of Law and Democratic Services, be authorised to agree the final governance arrangements.

(3) That Swindon Borough Council seeks to become the accountable body for the Swindon and Wiltshire Local Transport Body.

(4) That the Head of Commissioning, Economy and Attainment and the Head of Highways and Transport be authorised to work with Wiltshire Council on a consistent scheme assessment framework, and indicative prioritised list of major transport schemes, the results of which will be subject to Councillor approval.

The reasons for the decision and alternative options are as set out in the report to the meeting.

**100.**

### **Swindon Borough Neighbourhood Planning Protocol**

The Cabinet Member for Strategic Planning and Sustainability and the Head of Planning submitted a joint report setting out (a) the outcome of the public consultation exercise in respect of the Council's proposed Neighbourhood Planning Protocol (Minute 34 refers), (b) proposed changes to the Protocol to reflect public comments and officer responses, and (c) a revised Neighbourhood Planning Protocol for formal adoption.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, referred to the background to the preparation of the Neighbourhood Planning Protocol and the role it would play once adopted. He referred to the outcome of the consultation and explained the changes subsequently made to the Protocol. He referred to the importance of Neighbourhood Plans and commented on the good work being undertaken by South Marston Parish Council.

Councillor Bob Wright referred to the role that localities and neighbourhoods could play in the planning process, particularly, in urban areas such as in the ward that he represented.

Resolved – (1) That the Neighbourhood Planning Protocol, as set out in Appendix 2 to the joint report, be approved for adoption in accordance with the arrangements detailed in paragraph 4.1 of the joint report.

(2) That the Head of Planning, in consultation with the Director of Law and Democratic Services and the Cabinet Member for Strategic Planning and Sustainability, be authorised to make minor changes to the content of the Neighbourhood Planning Protocol, as appropriate prior to publication.

(3) That the Head of Planning, in consultation with the Director of Law and Democratic Services, and the Cabinet Member for Strategic Planning and Sustainability, be authorised to deal with matters relating to applications for designation of Neighbourhood Areas and Neighbourhood Forums, including the publication and determination of the applications, with the exception of applications which are called-in for determination by the Cabinet or Ward Member.

The reasons for the decision and alternative options are as set out in the report to the meeting.

**101.**

### **Pay Policy Statement 2013/14 (Minute for Confirmation)**

The Cabinet Member for Streetsmart and Corporate Services, and the Board Director, Transformation and Strategic Projects submitted a joint report concerning the proposed Swindon Borough Council Pay Policy Statement for 2013/14.

Councillor Fionuala Foley, Cabinet Member for Streetsmart and Corporate Services, explained that Section 38 of the Localism Act 2011 required all local authorities to agree and publish a Pay Policy Statement by 1st April each year. This was the Council's second Pay Policy Statement and was put forward for consideration prior to its submission to the Council for approval. The Policy Statement for 2013/14 had been prepared with regard to the statutory requirements and Guidance.

Resolved – That the Council's proposed Pay Policy Statement for 2013/14, as set out in Appendix A to the joint report, be endorsed and submitted to

the Council for approval.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **102. Events in Parks and Open Space Guidance**

The Cabinet Member for Streetsmart and Corporate Services, the Cabinet Member for a Safer and Stronger Borough and the Head of Public Protection and Streetsmart submitted a joint report concerning the introduction of “Parks and Open Spaces Events Guidance” to ensure that a consistent and integrated approach was taken to the provision of support services and regulatory function for all events taking place in Council parks and open spaces.

Councillor Fionuala Foley referred to the increasing numbers of successful and popular public events that were taking place in the Council’s parks and open spaces. Whilst this was very welcomed, it was important that such events continued to operate successfully and safely. It was therefore important that they were properly regulated. She explained that the proposed Guidance sought to ensure that appropriate operational standards were maintained, particularly for health and safety. She referred to the intention to seek a “bond” to cover any damage that resulted from an event. She highlighted that there would be discretion as to the level of this “bond” for charities and similar bodies, with each case considered on its merits. The Guidance also provided for the first time a list of all Council sites and the capacity and types of events that would be permitted at each.

Councillor Bob Wright referred to the difficulties associated with the organisation of community events and believed that the proposed bond could make it far more onerous and discourage small groups and individuals from becoming involved. He referred to the role to be played by the Event Safety Advisory Group and hoped that the group would offer a positive and supporting assistance in the future to event organisers enabling the delivery of well organised and successful events.

Councillor Foley reiterated that the discretion would exist to waive the payment of a bond where this was appropriate and that, it was hoped, the bond would be returnable in the majority of cases.

Resolved – (1) That the Parks and Open Spaces Events Guidance, as set out in Appendix 1 of the joint report, be approved and implemented.

(2) That the Event Safety Advisory Group be the relevant advisory body in relation to events organised by the Council and/or outside organisations.

(3) That the Board Director, Service Delivery be requested to develop and maintain a list of volunteers who would be prepared to steward community events in Swindon.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **103. Motion at Council - Green Waste Collections**

The Cabinet Member for Streetsmart and Corporate Services and the Head of Public Protection and Streetsmart submitted a joint report concerning the

Council's proposed measures for the management of demand for garden waste collections and responding to a motion submitted to the Council meeting held on 20<sup>th</sup> September 2012 (Minute 47 of the Council refers).

Councillor Fionuala Foley, Cabinet Member for Streetsmart and Corporate Services, referred to the problems that had occurred during the summer of 2012 with garden waste collections. She referred to the exceptional demands placed on the service as a result of the wet summer and the steps that had been taken to respond to the problems at the time. She highlighted the proposed measures to be introduced to improve the management of demand for garden waste collections and explained her reasons for believing that these offered the most practical solution.

Councillor Foley referred to issues raised by Chiseldon Parish Councillor Mr Eric Shaw at the Open Forum held immediately prior to the Cabinet meeting where he had highlighted the problems likely to be faced by those residents who supported their communities by cutting Highway verges adjacent to their homes and by collecting leaves in autumn from street trees. He had also highlighted the problem for some residents of transporting green waste to the Household Waste Recycling Centre from rural parts of the Borough. In view of these issues and other comments she had received from Councillor colleagues she intended to add an additional recommendation to request that a further report be submitted to the next Cabinet meeting on these and other operational issues.

Councillor Bob Wright believed that the cost of using wheeliebins for green waste collections should again be investigated. He also suggested that different coloured bags could be issued to those who were undertaking grass cutting and similar activities for their communities to avoid any confusion with householder generated green waste.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, referred to the success of Swindon's Recycling Service and that Swindon offered a better service than many other local authorities, and the problems experienced in an exceptional summer should not detract from the success of the service. He commented on the proven success of initiatives like community composting and his confidence that this could also be successful in Swindon.

Councillor Foley thanked Councillor colleagues for their comments and suggestions. She confirmed her support for initiatives that would encourage greater composting of green waste.

Resolved – (1) That the investigations that had taken place into the problems experienced with garden waste collections, and the findings outlined in the joint report, be noted.

(2) That the communication measures planned in respect of garden waste collections to be carried out by the Head of Public Protection and StreetSmart, be noted.

(3) That the Board Director, Service Delivery be authorised to introduce a limit on the volume of garden waste presented from each house to four bags per fortnight (maximum 90 litres per bag) from 1<sup>st</sup> April 2013.

(4) That the Cabinet Member for Streetsmart and Corporate Services, and the Board Director, Service Delivery, be requested to submit a report to the Cabinet meeting on 20<sup>th</sup> March 2013 relating to any operational issues around the new



green waste scheme and other related matters that have been brought to Ward Councillors' attention.

(5) That the Council be advised of the contents of the joint report and of the decisions set out in (1) to (3) above in response to the Council Motion on 20<sup>th</sup> September 2012 (Minute 47 of the Council refers).

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **104. Wichelstowe Development Delivery Strategy**

The Cabinet Member for Finance and the Board Director, Transformation and Strategic Projects submitted a joint report setting out a proposed approach to the development of a delivery strategy to successfully deliver Wichelstowe as a high quality development and to enable the scheme to maximise the value that could be generated for Swindon Borough Council and local residents.

The Board Director, Transformation and Strategic Projects presented the report and explained the options that had been identified and evaluated to provide a delivery strategy for the Wichelstowe project. He commented on the options considered and explained the reasons why the Joint Venture approach was viewed as the preferred option.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the importance of Wichelstowe for the Council and for the future of the Borough. He welcomed the proposed approach to deliver the development and the advantages that this could bring to the pace, success and quality of the project.

Councillor Jim Grant, Leader of the Opposition, commented on the report and that the preferred option appeared to offer the most realistic way forward for the Council. He was disappointed by the lack of background and past history of the development and detail around financial expectations in the report.

Councillor Edwards explained that background detail was available in previous reports on the Wichelstowe Project that had been submitted to the Cabinet, and were available to all Councillors. The Board Director, Transformation and Strategic Projects explained that in order to enable the report to be considered "in public" it had been decided to limit the financial and commercially sensitive detail included and that a more accurate financial case would emerge through engagement with the market as part of the procurement process. However, as much of this was still to emerge as the Council moved forward to the next stages of the process it would be included in future reports for Members to consider.

Councillor Des Moffatt referred to the importance to the Council of this long-term project and that he would like to see opposition councillors involved in the process. He referred to the procurement of the Joint Venture partner and the need for this to be undertaken in an open and transparent manner.

Councillor Edwards confirmed that this would be the case. The Director of Law and Democratic Services referred to comments made by Councillor Moffatt and that if the Councillor believed that a process had been undertaken that was not open and transparent or that breached the Council's Code of Conduct then this

should be formally reported to him and he would investigate the matter.

Resolved – (1) That the proposed strategy of creating a Joint Venture Vehicle as the most effective and efficient way of successfully delivering the Wichelstowe Development in the long term, be approved.

(2) That it be reaffirmed that the key outcomes for the Wichlestone project are to deliver a high quality development, with the whole scheme delivered over the life of the development, based on a sound commercial position with a positive financial return and appropriate risk sharing and control.

(3) That the Board Director, Resources and the Director of Law and Democratic Services, in consultation with the Cabinet Member for Finance, be authorised to secure appropriate specialist external advisers to support the evaluation, tender and setup of a Joint Venture Vehicle, funded through existing Wichelstowe Compensation Reserves.

(4) That it be noted that the costs of the initial stages of the procurement exercise are estimated to be £150,000, and that the total cost to complete the procurement and set up of the proposed Joint Venture will be significantly more, and that details of this will be submitted to a future meeting of the Cabinet for final decision within six months.

(5) That the Board Director, Resources be requested to submit a further report to the Cabinet within six months on the procurement process to select a suitable partner, and the proposed setup arrangements of the Joint Venture Vehicle, to include any transfer of land assets, loans and Council Section 106 Planning obligations.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **105. University Technical College Swindon - Building Contract and Use of Contributory Council Funding**

The Cabinet Member for Children's Services and the Board Director, Commissioning, submitted a joint report concerning the proposed establishment of the Swindon University Technical College and seeking authority to enter into a Development Agreement for the project and agreements to enable site acquisition and to procure the building contract. (Minutes 44 and 76, 2011/12 refer.)

Councillor David Renard, Cabinet Member for Children's Services reiterated the benefits that a Swindon University Technical College would bring, and commented on the details of the negotiations and agreements associated with the delivery of the project.

Councillor Bob Wright referred to the delivery of the project and suggested actions that could be taken that would benefit the operation of the University Technical College and the local community, through the use of enhanced local community facilities and traffic engineering solutions.

Councillor Renard thanked Councillor Wright for his helpful suggestions which could be taken into account and investigated as the project progressed and the University Technical College became an operational reality.

Resolved – (1) That the Head of Design and Architecture be authorised to work in collaboration with the Academy Trust and Education Funding Agency to agree and procure a preferred building contractor for the proposed Swindon

University Technical College build at the Site identified in the joint report on behalf of the Academy Trust under the terms and conditions in the Development Agreement.

(2) That the Director of Law and Democratic Services be authorised, in consultation with the Board Director Commissioning, to sign the Development Agreement with the Academy Trust, and the procured building contract for the proposed Swindon University Technical College, together with any required ancillary documentation, on such terms and conditions as he considers necessary to protect the Council's interests.

(3) That the Board Director, Resources be authorised to release funding from the Council's one-off contribution to the University Technical College to enable:

- the University Technical College Swindon Academy Trust to provide the required statutory compensation to existing tenants at the site referred to in the joint report whose leases are being determined by the landlord, up to the maximum sum detailed in paragraph 3.18.1 of the joint report;
- up to the sum set out in paragraph 3.18.2 of the joint report to be earmarked as a contribution to the indemnity to underwrite the landlord's risk in determining the leases, i.e. for some loss of rental income in the event that the project to locate the University Technical College at the proposed site were to be aborted;
- up to the sum set out in paragraph 3.18.3 of the joint report to be earmarked for the funding, if required, for renovation of the Grade 2 listed structure on the proposed site; this being required unless the Education Funding Agency agree that the cost can be met from the capital funding envelope or the contractors subsume the work into the overall design plan.

The reasons for the decision and alternative options are as set out in the report to the meeting.