

Swindon Borough Council

Scrutiny Committee

Tuesday, 12 May 2020

In Public Virtual Meeting - LiveStream

At 6.00 p.m.

Conservative Councillors

Emma Faramarzi (Vice-Chair)
Matthew Courtliff
Brian Mattock
Barbara Parry
Roger Smith
Timothy Swinyard
Vera Tomlinson

Labour Councillors

Robert Wright (Chair)
Steve Allsopp
Emma Bushell
Jim Grant
James Robbins
Carol Shelley

Committee Officer: Vicki Yull, 07980 752043, CommitteeServices@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

Note:

The link for the public (Part 1) session of the meeting is here:

THE MEETING HAS FINISHED

This link will only work from 6.00pm on 12th May 2020. For help on viewing the meeting, please visit: <https://support.office.com/en-us/article/Attend-a-live-event-in-Teams-a1c7b989-ebb1-4479-b750-c86c9bc98d84>.

Please note that if Members resolve to go in to a private and confidential discussion (Part 2) the public link will be closed.

PART 1 (PUBLIC ITEMS)

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Public Question Time

For this meeting, any questions must be sent in writing to CommitteeServices@swindon.gov.uk by no later than 4.00pm on Monday 11th May 2020.

The question(s) and any response(s) will be read out by the Chair or relevant Cabinet Member and there will not be an opportunity for a supplementary question at the meeting. The question(s) and response(s) will be posted on the Council's website as an Annex to the Minutes.

Please note this is a temporary measure only.

4. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Scrutiny Committee is, therefore, recommended to resolve "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 the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
5	3

PART 2 (TO BE CONSIDERED WITH THE PRESS AND PUBLIC EXCLUDED)

5. Consideration of Cabinet Decisions (Pages 5 - 6)

Date of Despatch: 12 May 2020

Public Question Time: The process for Public Question Time has been temporarily suspended. Please refer to Agenda Item 3 above.

Terms of Reference:

- To meet at regular intervals to review the policies, process and implications of Cabinet, Cabinet Member and Officer decision making and the way in which Cabinet and Cabinet Member decisions are made;
- To consider requests for "Call-in" as defined in the Council's "Call-in" Procedure;
- To refer decisions back to Cabinet (or the decision maker) for reconsideration. It may do this once for any individual decision, after which if there is no agreement the decision will be referred to the full Council for determination;
- To refer Cabinet and Cabinet Member decisions to the relevant Overview and Scrutiny Committee for investigation without delaying the implementation of the decision concerned;
- To receive a report by the Leader of the Council at its first meeting after each Annual Council Meeting (or at such a meeting as is agreed by the Chair of the Committee and the Leader of the Council) on the service issues for the year ahead, the Leader of the Council's priorities for the coming year and on the Council's performance in the previous year;
- To oversee the arrangements for Overview and Scrutiny within the Council, including determining (i) where matters fall within the remit of more than one

Overview and Scrutiny Committee which of those Committees will assume responsibility for any particular issue, (ii) a system to ensure that referrals from Committees to the Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed any limits set out in the Council's Constitution, and (ii) in the event of reports to the Cabinet exceeding any limits in this Constitution or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet to make decisions about the priority of referrals made.

- To carry out any investigation into the business and functions of the Council and to call in any Cabinet Member or senior officer of the Council so that they can offer advice, support or answer any question that will assist the Committee in carrying out its functions.
- To carry out an external scrutiny function, particularly in relation to corporate issues and issues falling into the remit of a number of Overview and Scrutiny Committees.

To fulfil all the functions of an overview and scrutiny committee as they relate to –

- the review, scrutiny and development of policy recommendations;
- the management of performance,
- the monitoring of progress against corporate priorities and
- the formulation of advice for the Cabinet, Council and other partners and stakeholders.

To have specific responsibility (but not limited to)

- Good governance
- The Budget Scrutiny function.

Quorum: The quorum for this meeting is at least one quarter of the whole number of the Committee.

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Consideration of Cabinet Decisions

Scrutiny Committee

Date: 12th May 2020

Author: Chief Legal Officer

Wards: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 To allow the Scrutiny Committee to consider the decisions arising from the meeting of the Cabinet on the 7th May 2020.
- 1.2 The Scrutiny Committee's Terms of Reference include the review of the Cabinet decision making process and the way in which Cabinet decisions are made. As part of the Scrutiny function the Scrutiny Committee is able:
 - 1.2.1 To refer decisions back to Cabinet for reconsideration. It may do this once for any individual decision, after which, if there is no agreement, the decision will be referred to the full Council for determination.
 - 1.2.2 To refer Cabinet decisions to the relevant Overview and Scrutiny Committee.

2. Recommendations

The Committee is recommended to:

- 2.1 Review the process of Cabinet decision-making and the decisions made.

3. Detail

- 3.1 The Scrutiny Committee is invited to review the decisions of the Cabinet to be held on the 7th May 2020. The minutes of the meeting will be forwarded to Members as soon as they become available.

4. Alternative Options

- 4.1 None.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 This report has no financial or procurement implications. Such implications are set out in the original reports previously circulated to all Councillors with the Cabinet Agenda.

Consideration of Cabinet Decisions

Scrutiny Committee

Date: 12th May 2020

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been fully taken into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 None.

Diversity Impact Assessment

- 5.4 No Diversity Impact Assessment (DIA) is required at this stage. Any DIA that is required during review of topics included within the Work Programme will be identified at the appropriate stage.

Risk Management

- 5.5 No risk management issues have been identified at this stage. Any risk management issues will be identified at the appropriate time when a topic is under review by the Scrutiny Committee and if it makes any recommendations.

6. Consultees

- 6.1 None.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Draft minutes of the meeting of Cabinet to be held on 7th May 2020 (to follow).

**NOTICE OF DRAFT DECISIONS OF THE MEETING OF
THE CABINET HELD ON THURSDAY 7TH MAY 2020**

89. Kimmerfields Office Purchase

The Leader of the Council along with the Deputy Leader of the Council and Cabinet Member for Finance, Education and Skills, the Cabinet Member for Economy and Growth and the Cabinet Member introduced the joint report.

Councillor Holland invited Members to note the reasons why the item was urgent and required as set out in the body of the report. The Leader, along with Councillors Oliver Donachie and Dale Heenan spoke in favour of the proposal. Councillor Brian Ford and Mary Martin asked questions about the potential impact of this proposal on the Council's other services and other financial effects, to which Councillor Holland and the Head of Property Assets responded at the meeting.

Resolved – (1) That it be agreed that the report and its recommendations are urgent in accordance with the relevant legislation for the reasons set out in the body of the report.

(2) That the Corporate Director of Finance and Assets in consultation with the Head of Property Assets be authorised to vary the purchase price cap of the office building to be constructed and occupied by an existing local employer, as set out in Para 3.4 in the main body of the report.

(3) That the Head of Property Assets, in consultation with the Chief Legal Officer, be authorised to agree detailed terms of any relevant legal documentation required to reflect the increased purchase price and the change covered in Para 3.9 in the main body of the report.

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

Date of Publication of Draft Decisions: 11th May 2020
Issued to Members of the Scrutiny Committee: 11th May 2020

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