



**SWINDON BOROUGH COUNCIL**  
**Municipal Year 2020/21**

**Thursday, 21 January 2021**

**COUNCIL CHAMBER  
CIVIC OFFICES  
SWINDON**

13 January 2021

Dear Councillor,

**Summons to attend Council Meeting**

A MEETING of the **Council**, which you are requested to attend, is to be held at the CIVIC OFFICES, SWINDON, on **Thursday, 21 January 2021 at 7.00 p.m..**

The business to be transacted will be as follows:-

**AGENDA**

**NOTE:**

You may view the meeting here:

[Public and Press Access](#)

**1. Apologies for Absence**

**2. Communications**

To receive any communications or letters which the Mayor or Chief Executive may have to bring before the Council.

**3. Minutes (Pages 7 - 14)**

To receive the minutes of the previous meeting.

**4. 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.

**5. Public Question Time**

See explanatory note below.

**6. Motions**

**(a) Motion - Housing**

**Councillor Paul Dixon will move:**

This Council welcomes Councillor David Renard's statement in his role as LGA Environment spokesperson that

"With council housing waiting lists set to potentially nearly double next year, we need to let councils embark on an ambitious post-pandemic building boom of 100,000 social homes for rent a year, which as well as reducing homelessness would also deliver a £14.5 billion boost to the economy."

Also the LGA's document "Building a post-pandemic prosperity" recognised that

"Councils have an important role in rebuilding the national economy after the covid lockdown through building new homes for social rent. A programme of building 100,000 new homes for social rent each year will help the Covid economic recovery and deliver long-term fiscal benefits."

This Council requests that

- The Leader of the Council agrees to write to the Secretary of State calling for direct funding of a social rent council house building programme of 100,000 council homes a year.
- The Leader of the Council also agrees to write to our MPs to seek their assistance in pressing the government for the necessary funding for Swindon."

**(b) Motion - Food Justice**

**Councillor Paul Dixon will move:**

This Council notes:

- That Trussell Trust research that shows three million children are at risk of hunger during the school holidays.
- 134 independent food banks distributed a total of 426,958 emergency food parcels between February and October 2020 compared to 226,605 emergency food parcels in the same period last year - a rise of 88%.
- That the government has committed to the UN Sustainable Development Goals, which have an international and domestic commitment to ending hunger by 2030

This Council believes:

- No one in the UK should go hungry, not least children. Food justice is about taking action on the causes of hunger such as affordability and availability of good nutritious food.
- Local councils and communities played a key role in during the Covid-19 pandemic that should be recognised.

“The Council resolves to:

- Appoint a Cabinet Member to act as a food justice champion, who will lead on tackling food poverty locally.
- The Food Justice Champion will set up a food partnership to bring together partners to develop a food action plan to address the causes of food poverty.”

(c) **Motion - Oasis Centre**

**Councillor Kevin Small will move and Councillor Jim Grant will second:**

- “1. This Council is concerned over the closure of the Oasis Leisure Centre and instructs the Scrutiny Committee to undertake an investigation into how this came about and what options are open to the Council so it can ensure the reopening of the Oasis.
2. The Scrutiny Committee should also look into the £3m payment made to GLL by Swindon Borough Council and what obligations the Council placed on GLL for the granting of this £3m subsidy and whether any of it should be repaid now the Oasis has closed.
3. The Investigation’s report should be presented to Cabinet at its March meeting. Then the report along with the Cabinet’s response will be reported to the Council’s April meeting.
4. The Council also instructs the Cabinet to produce a report for the next meeting of the Council, into the deal with Seven Capital which includes the transfer of land at the former Clares site (with an estimated value of c£20m). The report should outline what obligations were placed upon Seven Capital to deliver the Snowdome project and the protection of the Oasis Leisure Centre. The report should also contain what break clauses are open to the council to return the land and the Oasis to Council ownership.
5. It has also been reported that GLL are assets stripping the Oasis, and removing fixtures and fittings to other GLL sites. The Council instructs the Audit Committee to investigate this and look to see what contractual obligations were placed on GLL to maintain the fixtures and fittings of the Oasis and other former Swindon Borough Council leisure sites, and what should happen to these fittings if a site is relinquished by GLL. With the outcome of the investigation reporting back to the Council’s April meeting.”

(d) **Motion - COVID Memorial**

**Councillor Matthew Courtliff will move and Councillor Vinay Manro**

**will second:**

“This Council notes that:

- The Covid pandemic has had a devastating impact on the Country, and here in Swindon. More than 200 people in Swindon have passed away due to Covid over the 12 months, and whilst a vaccine is now being rolled out, lives are still being lost.
- Several authorities are using blossom trees as a way to mark Covid and our shared experience of it, and to act as a memorial for all those whose lives have been affected.

This Council requests that:

- The Leader of the Council finds a way for a suitable Blossom Tree Memorial to be created in one of the towns Country Parks. This will serve as a lasting reminder for the town and allow its residents to have a public space for reflection and contemplation now and in the future.”

(e) **Motion - Heritage**  
**Councillor Nick Burns-Howell will move and Councillor Jenny Jefferies will second:**

“This Council:

- Acknowledges the challenges Covid presents to Regeneration Schemes that involve retail, commercial, restaurants and leisure activities
- Recognises that the Corn Exchange is a key part of Swindon's heritage and it is a prominent building in Old Town and,
- Reiterates its desire to see a viable, and deliverable, plan for the Corn Exchange in Old Town to come forward

Requests that

- Officers explore all options with the owner to see what would be required to guarantee a Regeneration scheme completed by 2025.
- Officers consider the options available, such as s215 enforcement if a scheme cannot be delivered by the owner to achieve building repairs and brought back into use.

Requests that:

- The Cabinet Member for Town Centre, Culture and Heritage, and Cabinet Member for Strategic Infrastructure, Transport and Planning, present a joint report to Cabinet in March 2021 setting out the findings and a way forward with clear actions to be implemented if a full planning application is not forthcoming by June.
- The Cabinet Member for Town Centre, Culture and Heritage and the Heritage Champion explores the potential for bringing together the heritage maintenance craft businesses, heritage bodies and the educational institutions to look at how they might create a Charitable

Trust to focus on preserving traditional skills to maintain the fabric of historic buildings in Swindon.”

7. **Use of Exemption from Call-In Power** (Pages 15 - 18)
8. **Minutes of Cabinet and Decisions Delegated to Cabinet Members** (Pages 19 - 30)  
Members have the opportunity to raise questions with the relevant Cabinet Member in respect of Cabinet minutes (which are not reserved for Council for decision) and in respect of individual Cabinet Member delegated decisions.
9. **Minutes of other Council Bodies**  
Members have the opportunity to raise questions with the relevant Chair in respect of all other Committee minutes (not reserved to Council for decision), as set out in the Minute Book circulated separately.
10. **Councillors Question Time**  
Questions (if any) of which notice has been given by Councillors in accordance with Standing Order 15.

Yours faithfully

Lisa Hall

Chief Legal Officer

### **Questions by Members of the Public in accordance with Standing Order 11**

Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

During Covid-19, you must submit your question in writing to [CommitteeServices@swindon.gov.uk](mailto:CommitteeServices@swindon.gov.uk) with your contact details 48 hours before the meeting so the committee officer can send you details about how to participate. The deadline is 15:00 on Tuesday 19<sup>th</sup> January 2021. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements. The process associated with asking a public question is set out in the “Public Question Time at Council Meetings Protocol and Guidance” available on the Council’s Website ([Public Question Time at Council Meetings Protocol and Guidance](#)) or from the Committee Officer.

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## COUNCIL

**THURSDAY, 19 NOVEMBER 2020**

**PRESENT:-** The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Alan Bishop, Nick Burns-Howell, Matthew Courtliff, Claire Crilly, Malcolm Davies, Mark Dempsey, Paul Dixon, Oliver Donachie, Steph Exell, Emma Faramarzi, Brian Ford, Jim Grant, Dale Heenan, Steve Heyes, Russell Holland, Fay Howard, Janine Howarth, Robert Jandy, Jenny Jefferies, Vinay Manro, Mary Martin, Nick Martin, Cathy Martyn, Brian Mattock, Jane Milner-Barry, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, David Renard, James Robbins, Adorabelle Shaikh, Imtiyaz Shaikh, Carol Shelley, Kevin Small, Roger Smith, Bazil Solomon, Andy Spry, Gary Sumner, Timothy Swinyard, Caryl Sydney-Smith, Rahul Tarar, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams and Robert Wright.

### **47. Minutes Silence**

The Council held a minutes silence in memory of David, Lord Stoddart of Swindon who had represented Swindon as a Member of Parliament between 1970 and 1983 and who had subsequently sat as a Member of the House of Lords.

### **48. Apologies for Absence**

Apologies for absence were received from Councillors Emma Bushell, Oladapo Ibitoye and Vera Tomlinson.

### **49. Communications**

The Chief Executive reported that that correspondence had been received from Justin Tomlinson MP and Robert Buckland MP in respect to assaults on retail workers (Minute 23 refers) and from the Department for Environment, Food and Rural Affairs in respect of a Council Motion on Greyhound Racing.

### **50. Minutes**

Resolved – That the minutes of the meeting held on 1<sup>st</sup> October 2020 be confirmed and signed.

### **51. Declarations of Interest**

The Worshipful The Mayor reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **52. Public Question Time**

Mr Roy Worman submitted a public question regarding the introduction of 20mph speed limits. The Leader of the Council responded that a written response had been tabled.

Mr Roy Worman asked a supplemental question regarding information sought from other local authorities in respect of the introduction of speed limits. The Cabinet Member for Highways, Maintenance and Waste Services responded at the meeting.

### **53. Motion - Fireworks**

Councillor Steve Heyes moved and Councillor Cllr Basil Solomon seconded:

“This Council fully supports the current RSPCA campaign that recognises that whilst fireworks are exciting and fun for many of us, they can also pose significant problems for other people and animals. “Fireworks can be a source of fear and distress for many animals (including pet animals, farm livestock and wildlife). Animals affected not only suffer psychological distress but can also cause themselves injuries – sometimes very serious ones – as they attempt to run away or hide from the noise”.

This Council resolves:

Continue to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.

To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks.

To encourage local suppliers of fireworks to stock ‘quieter’ fireworks for public display.

This Council Further Requests that:

That the Cabinet Member for Housing and Public Safety will write to the Minister with Responsibility for Fireworks at the Department for Business Energy and Industrial Strategy, urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private display.”

The Motion was put to the vote and declared carried.

### **54. Motion - Speed Limits**

With the consent of Council, Councillor Claire Crilly moved and Councillor Steve Allsopp seconded an altered motion as set out in the Supplementary Papers:

“This Council recognises that:

- Lower speeds lead to safer streets which are easier for cycling and walking. Reducing the speed limit to 20 mph is recognised as one of the simplest ways to reduce road casualties and make streets feel safer.
- The risk of serious injury or death to pedestrians or cyclists increases disproportionately as speeds increase. At an impact speed of 30 km/h (18.5 mph) more than 95% of the pedestrians survive a crash with a passenger car; at an impact speed of 50 km/h (31.1 mph) approximately 85% of the pedestrians survive such a crash<sup>1</sup>.



- 20 mph is a much safer speed — a study into 20 mph zones in London found that casualties fell by an average of 42%<sup>2</sup>.
- Lower speed limits are also linked with increased cycling and walking. In the Netherlands 30 km/h (18.5 mph) covers 70%<sup>3</sup> of the residential street network and is deemed a safe speed for cyclists, pedestrians and light vehicles to mix.
- 20mph as the standard urban speed limit has become more and more widespread in recent years, with many towns and cities adopting this approach. Bristol, Oxford and Newcastle are just a few of the areas that are returning speeds to 20mph.
- Potential non-compliance with the limit from a proportion of road users is not a sufficient reason for inaction and that lower average speeds will represent an important step in encouraging sustainable and healthier transport options in the town.

Therefore, Council calls for a Cabinet report on how 20mph limits become the standard speed for most streets in the built-up areas of Swindon. Exceptions would only be permitted where there is a strategic traffic function requiring higher speeds.'

Councillor Roger Smith moved and Councillor Vinay Manro seconded that the Motion be amended to read:

"This Council voted through an almost identical Motion on 20mph in September 2018.

The position remains the same and this Council continues to:

- Recognise there can be benefits to areas with 20mph speed limits, including to public safety and encouraging more physical activity, such as walking and cycling.
- Support the implementation, where applicable, of 20mph speed limits in line with the Council's current policy as stated on our website and where it has the support of Ward Councillors.

This Council further notes that:

- The Cabinet Forward Tracker for February 2021 includes a report on updating our accident reduction strategy. The new strategy and the Cabinet report is currently being drafted and is likely to impact on our existing approach to 20mph speed limits.
- The Council currently justifies and prioritises road safety schemes using historic records of where accidents are taking place. The Cabinet Member is currently exploring a move to a "risk based" approach where priority will be given to locations where the risk of serious injury or death can be most reduced. This "safe systems" approach would then feed through into looking at things like reduced speed limits where there are lots of vulnerable pedestrians.

This Council requests:

- a) That the Cabinet Member for Highways, Maintenance and Waste Services continues to investigate specific cases for the introduction of 20mph speed limits as raised by ward members.

- b) Consults on the new approach following the report to Cabinet in February and ensures that the Council's website guidance is reflective of the new policy."

The amendment was put to the vote and declared carried.

The substantive motion was put to vote and declared carried.

**55. Motion - Free School Meals**

This Motion was withdrawn.

**56. Motion - Motions to Council**

Councillor Oliver Donachie moved and Councillor Emma Faramarzi seconded:

"This Council requires the Leader of the Council to report to all members of the Council within 90 days confirmation that any action agreed by a motion to council has been complied with and providing evidence of this compliance.

Where compliance has not taken place the leader of the council will be required to produce a report for the next council meeting outlining the reasons for non-compliance so members can debate the progress of the motion and resolve if any new action is required."

Councillor Oliver Donachie moved and Councillor Emma Faramarzi seconded that the Motion be amended to read:

"This Council requires the Leader of the Council to report to all members of the Council within 90 days confirmation that any action agreed by a motion to council has been complied with and providing evidence of this compliance.

Where compliance has not taken place the leader of the council will be required to produce a report for the next council meeting outlining the reasons for non-compliance so members can debate the progress of the motion and resolve if any new action is required.

This Council recommends that the Corporate Governance Working Group additionally review issues arising out of the recording of actions following from Council motions."

The amendment was put to the vote and declared lost.

Councillor Matthew Courtliff moved and Councillor Jenny Jefferies Seconded that the Motion be amended to read:

"This Council requires the Leader of the Council to report to all members of the Council within 90 days confirmation that any action agreed by a motion to council has been complied with and providing evidence of this compliance.

Where compliance has not taken place the leader of the council will be required to produce a report for the next council meeting outlining the reasons for non-

compliance so members can debate the progress of the motion and resolve if any new action is required.

This Council recommends that the Corporate Governance Working Group review issues arising out of the recording of actions following from Council motions.”

The amendment was put to the vote and declared carried.

The Substantive Motion was put to the vote and declared carried.

## **57. Motion - Member Training**

With the Consent of Council, Councillor Oliver Donachie moved and Councillor Robert Jandy seconded an altered motion that had been circulated prior to the meeting:

Councillor Oliver Donachie moved and Councillor Robert Jandy seconded:

“The Council wishes the Cabinet to consider as part of the budget process, ongoing funding to enable on an annual basis, member training on how to deal with, and the options open to them, when they experience undue influence or intimidation of any kind in relation to their role as a Councillor and the decision they have to make.”

This Council:

- Condemns any form of bullying or intimidation against both Members and Officers
- Once again, extends an invitation to Group Leaders to attend the Member Development CMAG for which details have been provided to them.

This Council Requests that:

- The Cabinet Member for Organisational Excellence forward this request to the Members Development to add to the work already being carried out in this area.”

The Motion, as amended was put to the vote and declared carried.

## **58. Motion - Digital Services**

With the Consent of Council, Councillor Paul Dixon moved and Councillor Robert Jandy seconded an altered motion that had been circulated prior to the meeting:

‘This Council notes:

- That the council is making increased efforts to drive to the provision of digital services to improve efficiency and to save costs, and that the Covid19 outbreak has increased challenges for the council’s service provision.
- That although it is still possible for residents to book slots at Household Waste Recycling Centre (HWRC) by phone the council is not advising residents of this option unless pressed.
- There have been cases of residents struggling to report repairs by phone.

This Council further recognises:

- That a significant number of residents do not have access to the technology to access services online or lack the skills and support to do this, and that consequently some residents are struggling to access basic council services.

This Council requests that the Cabinet Member for Organisational Excellence:

- Continues with his plan to establish a Digital Services Cabinet Member Advisory Group to review customer services and ensure that services are available for those who may not have access to the internet. This is to include:
  - o Ensuring that council tenants are made aware that they are still able to report housing repairs by means other than the online 'My Housing Tenancy' portal.
  - o Investing in the council's phone and in-person customer services operations to ensure it is resident-focussed and efficient and that staff are properly trained to advise customers of the services available to them.'

The Motion was put to the vote and declared carried.

#### **59. Use of Exemption from Call-In power**

Councillor David Renard proposed and Councillor Russell Holland seconded:

"That the single use of an exemption from call-in for the Test and Trace Payment Cabinet Member Delegated decision on 5th October 2020 be noted."

The resolution was put to the vote and declared carried.

#### **60. Indicative Calendars of Meetings 2021-2022**

Councillor David Renard proposed and Councillor Russell Holland seconded:

"That that the Indicative Timetable of Meetings for 2021-22 and as set out in Appendix 1 of the Report of the Chief Legal Officer be approved for formal adoption by Annual Council in May 2021, with the provisions that:

- (a) The dates for Audit, Council, Cabinet, Licensing, Planning, and Scrutiny shall not be changed as far as is practicable.
- (b) That officers (i) investigate an alternative date for the meeting of Council scheduled to be held in November, 2021, and (ii) that where possible meetings are not held in school holidays.
- (c) In accordance with current practice, Annual Council will be asked to authorise the Chief Legal Officer (Monitoring Officer), in consultation with the Leader of the Council, to vary the dates for meetings of the Council, the Cabinet, Committees and Other Swindon Borough Council bodies should this prove necessary for the efficient discharge of Council business."

The resolution was put to the vote and declared carried.

**61. Minutes of Cabinet and Decisions Delegated to Cabinet Members**

The Council considered (a) the minutes of the meeting of the Cabinet held on 21<sup>st</sup> October 2020, (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received, and (c) Cabinet Member Decision Notices.

**62. Minutes of other Council Bodies**

The Council (a) received the minutes set out in the “Minutes of Other Council Bodies” circulated with the Agenda, and (b) considered questions to Chairs relating to the work of their Committees and other bodies and answers received.

**63. Councillors Question Time**

The Chief Legal Officer reported that a Standing Order 15 Questions had been received from Councillors Steve Allsopp, Oliver Donachie and Jim Robbins. In addition urgent questions had been received from Councillor Jim Grant and approved for consideration by The Worshipful The Mayor.

Councillor Steve Allsopp asked a supplemental question the removal of street light standards. The Cabinet for the Cabinet Member for Cabinet Member for Highways, Maintenance and Waste Services indicated that if Councillor Allsopp provided additional information a written response would be provided.

Councillor Jim Grant asked supplemental questions regarding (i) dates within the land transfer agreement for the former Clares Factory site to Seven Capital, and (ii) dates with the land transfer agreement for works to be undertaken. The Leader of the Council indicated that a written response would be provided.

Councillor Jim Grant asked supplemental questions regarding the future provision of leisure facilities by Severn Capital within the Borough. The Leader of the Council responded at the meeting.

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## Use of Exemption from Call-In power

**Council**

**Date: 21<sup>st</sup> January 2021**

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Author: Chief Legal Officer (Monitoring Officer)

Wards: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 This report informs the Council about any uses of special or urgency decision-making powers in the Constitution in the Municipal Year 2020/21 since the last report to Council on 19<sup>th</sup> November 2020 (Council Minute 59, 2020/21 refers).
- 1.2 The Constitution requires that the Chief Legal Officer should submit report on the exercise of any special urgency requests or exemptions from call-in (Paragraph 16(i). Rules of Procedure and Terms of Reference Overview and Scrutiny Committees, Part 4 of the Constitution).

### **2. Recommendations**

Council is recommended to:

- 2.1 Note the single use of an exemption from call-in for the Discretionary Grants Scheme on 24<sup>th</sup> December 2020.

### **3. Detail**

Background

- 3.1 Under paragraph 16(h) of the Overview and Scrutiny Procedure rules, the Mayor must consent that a decision is so urgent that the call-in process shall not apply. That paragraph also requires that any such decision and the reason for its urgency be reported to the next meeting of council.

Single Use of Exemption from Call-in

- 3.2 As part of the Local Tier Restrictions recovery, the Government has published details of a new discretionary Local Restrictions Support Grants (Open) scheme ("LRSGO") that would take effect from 2nd December 2020. Funding was to be provided in rolling 14-day eligibility periods for as long as Tier 2 or 3 restrictions apply. The Council did not receive the full guidance on how to allocate these funds until 12<sup>th</sup> December 2020, by which time businesses were already making requests.
- 3.3 In order to secure funding it was necessary to proceed with a delegated decision. To ensure there was absolutely no risk of delay in paying those who were entitled to the payment, the Cabinet Member requested that the His Worship the Mayor agree that the decision be exempt from call-in. This was granted. As well as seeking the Mayor's

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Further information on the subject of this report can be obtained from Douglas Campbell, 07779 413886 or docampbell@swindon.gov.uk

## Use of Exemption from Call-In power

Council

Date: 21<sup>st</sup> January 2021

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consent, the decision was only made after consultation with the Opposition Group Leader and the Leaders of both Minority Group Leaders. There was no opposition to the proposals from any of the consultees.

3.4 This use of an exemption will also be contained in the annual report to Council to be submitted at the start of the 2021/22 Municipal Year, in accordance with paragraph 16(i) of the Overview and Scrutiny Procedure Rules in Part Four of the Constitution.

3.5 A copy of the full Cabinet Member Decision Note is available on the Council's website and the Decision Notice summary will be considered elsewhere on the agenda for Council on 21<sup>st</sup> January 2021.

### 4. Alternative Options

4.1 No alternative options are proposed at this time.

### 5. Implications, Diversity Impact Assessment and Risk Management

#### Financial and Procurement Implications

5.1 There are no financial implications for this report as it covers the manner in which decisions were taken. Each Cabinet report or Cabinet Member Decision Note addressed the necessary financial and procurement implications.

#### Legal and Human Rights Implications

5.2 Legal and human rights considerations were taken into account in drafting this report. It is considered that the recommendations 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) was undertaken as this report addresses the manner in which decisions were taken rather than any change in service delivery.

#### Risk Management

5.5 None

### 6. Consultees

6.1 The Corporate Director of Finance and Assets (s151 officer) and Chief Legal Officer (Monitoring Officer) are consulted in respect of all reports.

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Further information on the subject of this report can be obtained from Douglas Campbell, 07779 413886 or docampbell@swindon.gov.uk



## Use of Exemption from Call-In power

**Council**

**Date: 21<sup>st</sup> January 2021**

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**7. Background Papers**

7.1 None

**8. Appendices**

8.1 None

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## CABINET

**WEDNESDAY, 2 DECEMBER 2020**

PRESENT:- Councillors David Renard (Chair), Brian Ford, Dale Heenan, Russell Holland, Robert Jandy, Mary Martin, Cathy Martyn, Maureen Penny and Gary Sumner

Councillors Ray Ballman, Paul Dixon, Jim Grant, Vinay Manro, and Jane Milner Barry attended the meeting in respect of Minutes 33, 34, 35, 38 and 39.

### **30. Declarations of Interest.**

The Chair reminded Members of the need to declare known interests in any matters to be considered at the meeting. No declarations were made.

### **31. Minutes.**

Resolved – That the minutes of the meeting held on 21<sup>st</sup> October 2020 be confirmed and signed as a correct record.

### **32. Public Question Time**

Mr Roy Worman submitted several questions to which written answers were provided. Mr Worman asked supplementary questions relating to the costs of recyclates, the payments to PPS Ltd and the future level of green waste subscriptions. Councillor Mary Martin, in her capacity as a director of PPS Ltd., Councillor Maureen Penny, Cabinet Member for Highways, Maintenance, and Waste Services; Councillor Keith Williams, Cabinet Member for Climate Change; and the Director of Operations responded at the meeting.

### **33. Swindon Borough Council Covid-19 Response Update**

The Leader of the Council, along with the Chief Executive and the Director of Public Health submitted a joint to introduce an update to Cabinet about the reintroduction of lockdown measures in England on 5th November 2020.

The Director of Public Health provided an update at the meeting, which included an overview of the pandemic's progress in Swindon, the current infection rates in Swindon, and an outline of the steps the Council was taking to allow shops and other businesses to reopen safely, especially over the Christmas period.

Councillors Russell Holland (Deputy Leader and Cabinet Member for Commercialisation, Education and Skills) and Vinay Manro asked questions about core messages and the monitoring of the Orbital Shopping Centre. The Director of Public Health confirmed the core messages that everyone should wash their hands, wear a face covering, and maintain social distancing along with the arrangements for working with shops to ensure they adhered to the regulations.

Resolved: That the steps taken by the Council to respond to the ongoing Covid-19 pandemic and any additional briefing provided by the Director of Public Health be noted.

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

#### **34. Swindon's Country Parks Strategic Improvement Plan**

Councillor Dale Heenan, Cabinet Member for the Town Centre, Culture, and Heritage along with the Director of Strategic Development submitted a joint report setting out Swindon's ambition for the Council-owned Country Parks, and seeking to create a sustainable operating model in order to provide long-term enjoyment of these facilities for the residents of and visitors to Swindon.

Councillor Heenan summarised the four-year plan on which permission to consult was being sought as well as stating why all the parks were of importance to the Borough. Councillor Jim Grant asked questions on the following issues, to which Councillor Heenan responded.

- 1) Why were there some specific commitments to Coate before the consultation?  
These were either beneficial now or were necessary to ensure long-term goals, such as the café, could be realised.
- 2) Could there be clarification of the s.106 funding exchanges between Badbury Park and Moredon? This was determined by an earlier Cabinet decision (Minute 77, 22<sup>nd</sup> April 2020) and Officers would provide a full written response.
- 3) Would Council-owned country parks remain Council-owned? The Cabinet confirmed that they would.

Resolved: (1) That the Director of Strategic Development be authorised:

- (a) In consultation with the Cabinet Member for Town Centre, Culture and Heritage, to develop a four year Strategic Improvement Plan for Swindon's Country Parks by summer 2021, which will, when approved, incorporate the priorities set out at recommendation 2(b) below, and which will preserve them as viable and financially sustainable assets that contribute to the health and wellbeing of residents and Swindon's overall recreational offer.
  - (b) In agreement with the Corporate Director of Finance and Assets, to allocate a budget of up to £50K from the Council's feasibility funding to secure investigative reports to support the development of the Parks Strategic Delivery Plan, business Country Parks.
  - (c) To hold a four-week consultation during spring 2021 to allow local residents to provide feedback on, and assist in identifying, the key improvements to be included within the Parks Strategic Improvement Plan.
- (2) That it be agreed that in addition to the Parks Strategic Improvement Plan consultation, the three priorities for the Council at Coate Water are:
- (a) the cleaning of the Diving Board,
  - (b) an exemplar inclusive and accessible play area and,
  - (c) a new waterside Restaurant and Café.
- (3) That it be agreed that Lydiard House and Hotel will focus on Events and Weddings, and will not reopen until further notice due to the operational cost incurred by current Covid-19 requirements.

(4) That it be agreed that income from Lydiard and Coate Water parking will be ring-fenced to those parklands for their future maintenance and improvements.

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

### **35. Budget Management Update (December) and Draft Budget 2021/22**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Commercialisation, Education and Skills along with the Corporate Director of Finance and Assets submitted a joint report presenting the 2020/21 revenue budget forecast out-turn and the latest position regarding the budget for 2021/22. In addition, this report meets the requirement to publish initial proposals for the Budgetary and Policy Framework at least two months before the Framework must be adopted.

Councillor Holland summarised the government support the Council had received so far to cope with the extra expenditure and lost income owing to Covid-19. However, he warned Cabinet of the difficulties still to be faced in completing the draft 2021/22 budget, as there were already significant demand-led pressures before the pandemic. Councillor Holland proposed the following amendment, which the Leader of the Council seconded: 'To insert a new recommendation at 2.5 "Authorise the Cabinet Member for Commercialisation, Education and Skills, in consultation with the Corporate Director of Finance and Assets, to agree the Collection Fund Balance and draft Council Tax Base, following the receipt of the Necessary information from central government," and to renumber the subsequent recommendations.'

Councillor Jim Grant asked a series of questions relating to the level of government funding in general, the payment for adult social care and the response to Covid-19. The Leader of the Council and the Deputy Leader of the Council and Cabinet Member for Commercialisation, Education and Skills responded at the meeting. Councillor Holland emphasised that there was an urgent need for a wider debate in the country to determine what level of care should be provided and how it should be financed.

Resolved: (1) That the 2020/21 revenue budget forecast out-turn for each service area set out in Table 1 of the joint report and at Appendix 1 be noted;  
(2) That the virements set out in Appendix 2 be approved;  
(3) That £150,000 from the Hardship grant awarded in March 2020 be allocated to the Swindon Emergency Assistance Fund, in order to help those in financial hardship through provision of necessities or provide financial guidance to such individuals;  
(4) That it be noted that the update on the financial outlook and that the Local Government Finance Settlement for 2021/22 has yet to be published and therefore the funding position for that year remains uncertain;  
(5) That the Cabinet Member for Commercialisation, Education and Skills, in consultation with the Corporate Director of Finance and Assets, be authorised to agree the Collection Fund Balance and draft Council Tax Base, following the receipt of the necessary information from central government;  
(6) That it be approved that consultation commences for budget proposals set out in Appendix 3 with the outcome of that consultation being reported to Cabinet in February

- 2021 prior to considering the final budget to be recommended to Council;
- (7) That the change to Empty Homes Premium for properties that are unoccupied or unfurnished for more than 10 years be approved; and
- (8) That it be approved that the local Council Tax Support scheme will remain unchanged, apart from any increases in allowances or non-dependent deductions.

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

### **36. Capital Monitoring Quarter 2 Update**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Commercialisation, Education and Skills along with the Corporate Director of Finance and Assets submitted a joint report presenting the year-end monitoring position for the Council's capital programme and some proposed changes to the programme.

Councillor Holland drew Members' attention to funding for projects at Coate that were referred in a previous report on this agenda as well as other schemes to be undertaken in various wards.

Resolved: (1) That the 2020/21 year-end projected out-turn position as set out in Tables 1 & 2 and Appendices 1 and 2 be noted.

(2) That the amendments to the current approved capital programme budgets as detailed at paragraphs 3.3 to 3.4 in the joint report be approved;

(a) That the budget for Fessey House (line 50) be reduced by £1m to reflect revised cost estimates, and

(b) That the budgets for North Star Roundabout and Transfer Bridges (lines 112 and 113) be amalgamated into one budget for works along the Great Western corridor.

(3) That the additions to the programme detailed at paragraphs 3.7 to 3.19 of the joint report be approved. This further update to the Capital Programme can be accommodated within the approved capital financing revenue budget and prudential indicators as set out in the 2020/21 Budget approved by Council.

(a) That £37k of developers' S106 contributions be allocated to improve the footway between Berkeley Farm and the entrance to Wood Farm,

(b) That £308k of developers' S106 be allocated to link the traffic signals along the route between Thamesdown drive and A419 / Cricklade Road junction,

(c) That £106k of grant funding be allocated to install 22 on-street charging points in 8 residential locations in SN1,

(d) That £27k of developers' S106 be allocated to add to the existing Tadpole Farm transport scheme line 117,

(e) That £1m of grant funding be allocated to provide mobile classrooms at Crowdys Special School,

(f) That £77k of developers' S106 be allocated to provide 2 tear old provision at Shaw Ridge Primary School and Nursery,

(g) That £28k of developers' S106 be allocated to repair play park equipment at Lydiard Park,

(h) That £21k of developers' S106 together with £67k of borrowing be allocated to introduce raised earth mounds at the Lawns that will reduce anti-social behaviour in the area,

- (i) That £1m of grant funding be allocated to be spent on enabling infrastructure for Kimmerfields,
- (j) That £1.87m of developers' S106 be allocated to add to the existing Package 2 – Nythe Road Junction and Piccadilly Roundabout, line 80, this is to address the revised costs of the project, and
- (k) That £5k of developers' S106 contributions be allocated to add to the existing ASC & Health Community Equipment Store IT budget, line 44.
- (l) That £340k of developers' S106 contributions be allocated to provide Wanborough traffic calming measures.
- (4) That the transfer of CIL and S106 contributions that have been received by the Council to the relevant Parish Council for them to deliver the works required by the s106 agreement, as detailed in paragraph 3.20 of the joint report and at Appendix 3, be approved.
- (5) That authority be delegated to the Corporate Director of Finance and Assets & Director of Strategic Development for the distribution of future CIL & s106 receipts to Parish Councils, as detailed in paragraph 3.21 of the joint report.
- (6) That the contents of Appendix 4 regarding the 2019-20 Community Infrastructure Levy (CIL) be noted and that it be approved that this should be published on the Council's website.
- (7) That the annual retention of 5% of the total annual CIL receipts to cover administration costs per paragraph 3.25 to 3.26 below be approved.
- (8) That the intention to allocate CIL receipts to support capital programme proposals that will be taken to Cabinet in February 2021 as part of the annual capital budget setting process be approved.

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

### **37. Treasury Management - mid-year update report**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Commercialisation, Education and Skills along with the Corporate Director of Finance and Assets submitted a joint report setting out the Council's mid-year Treasury Management performance for 2020/21.

The Leader of the Council noted that the report had been reviewed by the Audit Committee, but the Chair of Audit was unable to be present at Cabinet.

Resolved: (1) That it be noted that the original report was presented to and noted by the Audit Committee on the 27th October 2020 as part of the scrutiny process.  
(2) That the mid-year Treasury Management performance.

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

### **38. Sheltered Housing Staffing Review**

Councillor Cathy Martyn, the Cabinet Member for Housing and Public Safety, and the Director of Housing submitted a joint report seeking Cabinet's approval on the proposals to

change staffing arrangements within sheltered housing. These proposals would end recruitment of Residential Sheltered Housing Officer, and move to a non-residential service model. In addition, they would continue to provide support to tenants living in sheltered housing complexes with a dedicated team that incrementally becomes a non-residential model of employment.

The report is necessary to enable the Council to address the shortfall in service charge that funds the service; modernise working practices and reduce the overall workforce size; and release additional social rented accommodation that was formerly used as staff accommodation.

Councillors Paul Dixon and Ray Ballman asked the following question or made comments, to which Councillor Martyn and the Director of Housing responded at the meeting.

- 1) How widely did the Council measure itself? Just with those taking this approach?  
The Council looked at a range of local and regional providers as well as the national picture.
- 2) Why were Opposition Members' comments on the draft Cabinet Member Decision Note not included in the Cabinet report? The purpose in bringing the proposal to Cabinet and hence Scrutiny was to ensure a wider debate.
- 3) Could the service be funded by Adult Social Care or from other savings? This would require support from the general fund and would not address the recruitment issues the service already has. The proposals would support a resilient on-going service.
- 4) How would the same level of service be maintained? Currently there is an expectation that staff provide a 24/7 service, which they are not contracted to do, which has adversely affected recruitment. The proposals seek to provide a resilient service for all residents.

The Leader of the Council added that Councillor Martyn had been subject to rigorous challenge on these issues prior to bringing these reports.

Resolved: (1) That the proposals to end the recruitment of residential Sheltered Housing Officers be approved and the changes to a model of service delivery based on a cluster team model rather than a dedicated sheltered housing officer at the majority of schemes, as set out in the body of the report, be approved.

(2) That the Director of Housing be authorised to reallocate the former sheltered housing staff accommodation once it becomes vacant as outlined in the body of the report, ensuring that allocations are sensitive to the location and if appropriate allocated to under occupying households.

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

### **39. Accelerated Tree Planting in the Great Western Community Forest**

Councillor Gary Sumner, the Cabinet Member for Strategic Infrastructure, Transport & Planning, and Councillor Keith Williams, the Cabinet Member for Climate Change, along with the Director of Strategic Development and the Head of Property Assets, submitted a joint report seeking authority for the Council to participate in a national 'Trees for Climate'



initiative. This would be as part of the developing Great Western Community Forest (GWCF). The report also sought approval for the principle of using Council owned land parcels for woodland planting.

Councillor Keith Williams outlined the scale of the proposed scheme and how it would contribute toward the Council's carbon reduction targets. Councillor Jane Milner-Barry, along with Cabinet Members Councillors Russell Holland, Mary Martin, and Dale Heenan asked a number of questions to which Councillor Williams and Councillor Gary Sumner responded.

- 1) Funding for tree maintenance – both existing and new? It was explained that it is only for planting and nurturing the new
- 2) Audits of existing trees and identification of sites for new planting? Both Councillor Williams and Councillor Sumner were considering a Strategic Tree Assessment similar to the SHEELA land assessment – a 'TREELAA' - to identify available sites as well log existing locations.
- 3) The need to use the correct, local species. Councillor Williams stated that the Council would address through publicity.
- 4) The need for mature trees to reduce carbon. The Cabinet Members noted this point.
- 5) The ongoing need for tree maintenance and the consequences for habitats when this was done. The Council was already working with the Woodland Trust, which was keen to expand its coverage within Swindon. However, there would be ongoing budget considerations.

Resolved: (1) That the Director of Strategic Development, in consultation with the Chief Legal Officer, be authorised to enter into agreement with Cheshire West and Chester Council to progress the Council's involvement in England's Trees for Climate Initiative on such terms and conditions that are necessary in order to protect the Council's interests.

(2) That the Head of Property Assets, in consultation with the Director of Strategic Development, the Chief Legal Officer and the Cabinet Member for Strategic Planning be authorised:

(a) To identify Council-owned land, which is assessed as suitable woodland planting and unsuitable for any alternative development. and

(b) To agree that such land where appropriate be used to deliver woodland planting, in accordance with the terms of the Trees for Climate Grant Funding Agreement, and that the sites identified from that exercise are taken forward in consultation with the Cabinet Member for Strategic Infrastructure, Transport & Planning, and the Cabinet Member for Climate Change.

(3) That, Subject to Recommendation 2(b) above, the Director of Strategic Development be authorised to commission tree planting on the land identified and approved for woodland planting in accordance with the Trees for Climate Grant Funding Agreement on such further terms and conditions that are necessary in order to protect the Council's interests.

(4) That the Director of Strategic Development be authorised to allocate the Trees for Climate funding that is being made available by Cheshire West and Chester Council to deliver woodland planting in accordance with the Grant Funding Agreement.

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



## **Notice of Decisions Made**

**Decision Maker:** Councillor David Renard, Leader of the Council

**Subject:** Introduction of a Policy to ban the launching of sky lanterns from Council land

**Decision(s):** Agreed: That the Director of Strategic Development and the Head Property Assets be authorised to adopt a policy to ban the intentional release of Sky Lanterns from land or property owned or controlled by Swindon Borough Council.

**Consultation:** All Opposition and Minority Group Spokespersons have been consulted on the recommendations of the report and their responses are set out below and in the Cabinet Member Decision Note.

Cllr Junab Ali - I support this decision.

Cllr Paul Dixon - I fully support this decision and hope that the Parish Councils will also follow suit for the land that they manage.

Cllr Janine Howarth - I agree whilst they look lovely floating in the night sky they are a dangerous menace and therefore I wholeheartedly agree with the banning.

Cllr Milner-Barry - I wholeheartedly support this CMDN. If possible I wonder if it could be amended to add disposable barbecues, which are even more of a fire risk? Dorset Council was considering banning disposable barbecues on their land this summer as they were implicated in the burning of 220 ha of heathland at Wareham Heath. The New Forest National Park Authority has asked retailers not to sell them.

Cllr Oliver Donachie - No response.

Cllr Stan Pajak – Although everyone likes to see sky lanterns they have inherent dangers and with the idea of lead by example I would support the ban on launching from SBC land.

**Date of Publication:** Thursday 19<sup>th</sup> November 2020

**Date for receipt of requests for call-in:** 16:00, Thursday 26<sup>th</sup> November 2020

For more details on the subject of the Decision or for a copy of the Decision Note please contact David Dewart, [ddewart@swindon.gov.uk](mailto:ddewart@swindon.gov.uk) or Douglas Campbell, Committee Services, Mobile: 07779 413886 or Email [committeeservices@swindon.gov.uk](mailto:committeeservices@swindon.gov.uk).

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put

forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available on the Council's website in the [Cabinet Forward Plan](#) for the call-in period.

## Notice of Decisions Made

Decision Maker:	Leader of the Council
Subject:	COVID-19 Recovery - Local Restrictions Support Grants (Discretionary Scheme)
Decision(s):	<p>Agreed: (1) That the scheme and the discretionary criteria be adopted.</p> <p>(2) That the Director of Economy Growth and Place be authorised to implement the scheme set out in this decision note including to assess applications against the eligibility criteria and where discretion is allowed, to determine the amount of grant awarded to each applicant based on the criteria to ensure that the total paid by the Council does not exceed the total grant allocated by the Government.</p> <p>(3) That the Corporate Director of Finance and Assets be authorised to pay the grants up to the amount awarded by the Government.</p>
Consultation:	<p>All Opposition and Minority Group Spokespersons and Ward Members (where appropriate) have been consulted on the recommendations of the report and their responses are set out below and in the Cabinet Member Decision Note.</p> <p>Councillor Donachie – 'I am supportive of this initiative'.</p> <p>Councillor Grant – 'I and Councillor Ali (Labour Group Economic Lead) both support the Decision Note,'</p> <p>Councillor Ali – 'Further to our conversation I am happy to support this decision notice,'</p> <p>Councillor Pajak – 'Very much support this initiative and welcome news of its implementation. I know of several small businesses who would like to take it up'.</p>
Date of Publication:	04 January 2021
Date for receipt of requests for call-in:	Exempt

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Julia Stuckey, 07823 525460, [jstuckey@swindon.gov.uk](mailto:jstuckey@swindon.gov.uk).or Douglas Campbell, Senior Committee Clerk, [CommitteeServices@Swindon.gov.uk](mailto:CommitteeServices@Swindon.gov.uk)

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Cabinet Member Decision Notice. The Decision Note is available on the Council's [intranet](#)