

Swindon Borough Council

Special Committee

Monday, 18 March 2013

Committee Room 1, Civic Offices (Anticipated meeting room)

At 1.00 p.m.

Conservative Councillors

Roderick Bluh (Chair)
David Renard (Vice-Chair)
Fionuala Foley
Garry Perkins
Brian Mattock
Deputies: *All other
Cabinet Members*

Labour Councillors

Mark Dempsey
Jim Grant
Des Moffatt
Deputies: *All other
Labour Shadow Cabinet
Members*

Liberal Democrat Councillors

Stan Pajak
David Wood (Deputy)

Deputies: *All other Liberal
Democrat Members*

(Copies to all other Members of the Council – For Information)

Committee Officer: Ian Willcox (Telephone: 01793 463601)
email: iwillcox@swindon.gov.uk

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

AGENDA

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. Minutes. (Pages 1 - 2)

To receive the minutes of the meeting held on 20th December 2012.

4. Public Question Time.

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Exempt Items - Exclusion of Press and Public.

Certain items are expected to include the consideration of exempt information and the Special 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>
9	1 and 2

- 6. Council Tax Empty Homes Discounts and Exemptions.** HRB (Pages 3 - 6)
- 7. Appointment to Council Bodies.** DLDS (Pages 7 - 8)
- 8. Adjustments to the Council's Organisational Structure.** CE (Pages 9 - 14)
Appendix 2 – to follow.

PART 2 (TO BE CONSIDERED WITHOUT THE PRESS AND PUBLIC PRESENT)

- 9. Redundancy Severance.** CE (Pages 15 - 20)

Date of Despatch: 08 March 2013

Key:

Officers:

CE	-	Chief Executive
DLDS	-	Director of Law and Democratic Services
HPC	-	Head of People and Change
HRB	-	Head of Revenues and Benefits

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Special Committee - Terms of Reference

The Special Committee shall have delegated to it the power to act for the Council on the advice of the Chief Executive on any policy decision or any particular matter that is urgent and necessary in the best interests of the Council.

The quorum of the Committee shall be three.

Deputy Members may be appointed at the Annual or any meeting of the Council.

Minutes of any proceedings of this Committee shall be submitted to the Council.

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SPECIAL COMMITTEE

THURSDAY, 20 DECEMBER 2012

PRESENT:- Councillors Roderick Bluh (Chair), David Renard (Vice-Chair), Mark Dempsey, Fionuala Foley, Jim Grant, Garry Perkins, Brian Mattock and Des Moffatt.

An apology for absence was received from Councillor Stan Pajak.

8. **Declarations of Interest**

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

9. **Minutes**

Resolved – (1) That the minutes of the meeting held on 10th December 2012 be confirmed and signed as a correct record.

(2) That, further to the decision in Minute 6, Councillor Toby Elliott replace Councillor Alan Bishop as a member of the Council's Planning Committee for the remainder of the Municipal Year 2012/13.

10. **Public Question Time**

No public questions were asked under Standing Order 28.

11. **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. 6 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 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 12 refers.)

12. **Redundancy Severance**

The Leader of the Council and the Chief Executive submitted a joint report concerning the redundancy severance arrangements for Employee No. 1440826A.

The Head of People and Change submitted a supplementary report, circulated at the meeting, concerning the discretionary element of redundancy severance payments for Chief Officers.

The Chair highlighted the contents of the reports and the reasons why he believed the proposals put forward were in the best interests of the Council.

Councillor Jim Grant referred to recent statements in the press and by the Secretary of State for Communities and Local Government regarding the levels of payments made to public officials leaving employment. These had aroused

considerable public interest. He believed that, following determination of this particular case, it would be an appropriate time to consider undertaking a review of the terms and conditions for new Chief Officer appointments and of the Council's severance payment obligations.

The Chief Executive commented on the need to regularly review policies and processes given the rapid changes in local government and the current financial realities facing all local authorities. He emphasised the importance of the Council recruiting and retaining high quality officers in order to lead it through the changes and significant financial challenges that it faced both now and for the foreseeable future.

Resolved – (1) That the redundancy severance arrangements for Employee No. 1440826A, as set out in the joint report, be approved.

(2) That the Director of Law and Democratic Services be authorised to conclude a compromise agreement between the Council and Employee No. 1440826A based on a final day of service no later than 31st March 2013.

(3) That the Head of People and Change be authorised to (a) review (i) existing Chief Officer terms and conditions and to develop proposals as to whether or how they should be amended in relation to new Chief Officer appointments; and (ii) the severance payment obligations for existing Chief Officers and to discuss this further with political group leaders; and (b) to submit a report on the outcome of the reviews to a future meeting of this Committee.

Council Tax Empty Homes Discounts and Exemptions

Special Committee - Council

Date: 18 March 2013

Author: Cabinet Member for Finance
Head of Revenues and Benefits

Wards: All

Locality Affected: All

Parishes Affected: All

1. Purpose and Reasons

- 1.1 This report recommends clarification of the changes to Council Tax Discounts and Exemptions that were agreed by Council on 20th December 2013, in order to encourage empty houses to be used and secure the expected increase in the Council's revenue.

2. Recommendations

The Special Committee is asked to agree:

- 2.1 That in respect of the amendments to empty and unfurnished properties (former Class C), properties undergoing structural exemptions (former Class A) and properties that are subject to the empty premium as a result of being empty and unfurnished for two years, a property must be occupied and furnished for a minimum of 6 weeks and 1 day, in order to qualify for any new discount period or period without a premium applying.
- 2.2 The discount period that applies to the Swindon Borough determined empty and unfurnished discount (former Class C) of 50% for three months, shall expire on 1st April 2013, for properties that have been empty in excess of three months. 100% Council Tax will be chargeable on such empty dwellings. Those properties that have been empty and unfurnished for less than three months, as at 1st April 2013, will receive discount a 50% discount until the end of the three month period, but will not receive a further 3 months discount after 1st April 2013.
- 2.3 The discount period that applies to the Swindon Borough determined structural alterations discount (former Class A) of 50% for 12 months, shall expire on 1st April 2013, for properties that have been empty in excess of 12 months. 100% Council Tax will be chargeable on such empty dwellings. Those properties that have been undergoing alterations for less than 12 months, as at 1st April 2013, will receive a 50% discount from 1st April 2013 until the end of the 12 month period, but will not receive a further 12 months discount after 1st April 2013.
- 2.4 The 150% premium will be payable from 1st April 2013, for those properties empty and unfurnished for two years or more, as at this date. Those properties that have been empty and unfurnished for less than two years as at 1st April 2013, will be subject to the premium on the exact date that the two years ends.
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Further information on the subject of this report can be obtained from Andy Stevens
Direct Dial 01793 464661, anstevens@swindon.gov.uk.

Council Tax Empty Homes Discounts and Exemptions

Special Committee - Council

Date: 18 March 2013

3.0 Detail

- 3.1 On the 20th December 2013 full Council agreed to amend the Council Tax Exemptions and Discounts applicable to empty properties. The changes that were agreed are shown below (see 3.5).
- 3.2 The purpose of the changes are to encourage empty homes to be sold or let and to generate additional revenues to local authorities, whose Council Tax Benefits subsidies are being reduced. The Council Tax Benefit subsidy reduction for Swindon is estimated at £2 million per annum.
- 3.3 The regulations that were laid before Parliament on 30th November 2012, failed to clarify whether the existing rules regarding short term occupation applied to the new locally determined discounts. This is that occupation must be for a period greater than 6 weeks, in order for a new discount period to commence, if the property became empty again. Therefore, there is a need to clarify this intention with the Council's local discount scheme (recommendation 2.1).
- 3.4 The recommendations, shown in paragraphs 2.2, 2.3 & 2.4 above clarify the start date and end dates for any discounts and exemptions that were in existence as at 31st March 2013.
- 3.5 The changes that were agreed on 20th December and the estimated numbers of properties and revenue concerned are:

Discount or Exemption Type	Number of Properties (Oct 2012)	Changes Agreed 20/12/13	Additional Annual Revenue collection fund	Swindon B.C. share (85%)
Unoccupied & unfurnished Less than 6 months (Former Class C exemption)	1022	3 months 50% charge & 3-6 months 100%	£525,000	£446,250
Unoccupied & unfurnished more than 2 years	10-20	Charge 150%	£5,000	£4,250
Second Homes – furnished & unoccupied	451	End 10% discount	£50,000	£42,500
Properties requiring structural repair (Class A).	78	50% discount for 12 months	£40,000	£34,000
Additional Annual Revenue			£620,000	£527,000

Further information on the subject of this report can be obtained from Andy Stevens
Direct Dial 01793 464661, anstevens@swindon.gov.uk.

Council Tax Empty Homes Discounts and Exemptions

Special Committee - Council

Date: 18 March 2013

4. Alternative Options

- 4.1 The alternative option provided on 20th December 2013 was as follows. Since Council Tax Benefit subsidy payable to local authorities is being reduced in order to raise the same level of revenue, the choices would be to increase any reductions in Council Tax Support (Benefit), increase the Council Tax payable by all Council Taxpayers (subject to any necessary referendum) or reduce expenditure on Council Services.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The changes to the discounts and exemptions will increase the collection fund by approximately £620,000 per annum. This will offset part of the estimated £2 million reduction in Council Tax Benefit subsidy.
- 5.2 The Council's Housing Revenue Account may be impacted by these changes. It is estimated that on average 800 properties per annum are empty and unfurnished for on average 1 month. A cost of approximately £35,000 for the Housing Revenues Account. Housing Associations may also be similarly impacted.

Legal and Human Rights Implications

- 5.3 Local Authorities can amend the Council Tax discounts applicable to empty domestic property in accordance with section 11(2) Local Government Finance Act 1992 as amended. The changes were introduced by the Council Tax (Prescribed classes of Dwellings) (England) (Amendment) Regulations 2012 (SI 2964) and the Council Tax (Exempt Dwellings) (England) (Amendment) order 2012 (SI 2965)

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

- 5.4 It is hoped that the changes will help encourage empty homes to be brought back into use.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.5 A reduction in empty homes should assist in the One Swindon aims of I like where I live and of Living Independently, protected from harm, leading healthy lives and making a positive contribution.

Diversity Impact Assessment

- 5.6 A Diversity Impact Assessment was undertaken and a copy is available on request from the Report author.

Further information on the subject of this report can be obtained from Andy Stevens Direct Dial 01793 464661, anstevens@swindon.gov.uk.

Council Tax Empty Homes Discounts and Exemptions

Special Committee - Council

Date: 18 March 2013

Risk Management

- 5.7 The final changes to the Legislation were made at the end of November, but certain elements have been clarified. Changes to the Northgate Revenues & Benefits system have been made to enable the changes to be made and billed.

6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- 6.2 Supported People & Housing Strategy officer & Area Housing officers.

7. Background Papers

- 7.1 None attached.

8. Appendices

- 8.1 None

Appointment to Council Bodies

Special Committee

Date: 18th March 2013

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To make changes to the Council's Membership on Council Bodies following a request from the Council's Labour Group.

2. Recommendations

The Committee is recommended to:

- 2.1 To approve changes to the membership of Council Bodies as set out in paragraphs 3.2 to 3.3 of the report.

3. Detail

- 3.1 The Director of Law and Democratic Services has received a request from the Council's Labour Group to make amendments to its representation on the Children's Trust Board and the Joint Commissioning Board (Adults and Children).
- 3.2 At the meeting of Annual Council, held on 18th May 2012, Councillor Rochelle Russell was appointed to serve on the Children's Trust Board. The Labour Group has requested that Councillor Cindy Matthews be appointed to replace Councillor Rochelle Russell as a representative serving on this body.
- 3.3 At the meeting of the Annual Council, held on 18th May 2012, Councillor Ray Ballman was appointed as a representative to serve on the Joint Commissioning Board (Adults and Children). Councillor Rochelle Russell has been attending meetings of the Joint Commissioning Board (Adults and Children) as an observer. The Labour Group has notified the Director of Law and Democratic Services that Councillor Cindy Matthews will replace Councillor Rochelle Russell in this role and has requested that Councillor Cindy Matthews be appointed to serve as a deputy to Councillor Ray Ballman on the Joint Commissioning Board (Adults and Children). Currently the Labour Group has no formal deputy on this body although the Cabinet Member for Health and Adult Social Care and the Cabinet Member for Children's Services each have an individual named deputy.
- 3.4 Alternative Options
- No alternative option is proposed.

Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number (01793 463606), sbanks@swindon.gov.uk.

Appointment to Council Bodies

Special Committee

Date: 18th March 2013

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 There are no financial implications to this report. Any Councillor Basic Allowance arising from attendance at these meetings will be met from existing budgets.
Legal and Human Rights Implications

- 4.2 Legal and Human Rights considerations have been taken fully into account in compiling this report which is required to be submitted to Special Committee, on behalf of Council, to ensure compliance with the Council's political balance provisions set out in the Local Government Act 1989.

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

- 4.3 There are no Staffing, Sustainability, Health, Rural or Crime and Disorder implications for consideration.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 4.4 The delivery of effective, accountable and transparent decision making by the Council directly links to its overall policy and objectives.

Diversity Impact Assessment

- 4.5 A Diversity Impact Assessment is not required.

Risk Management

- 4.6 A Risk Management Assessment is not required.

5. Consultees

- 5.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

6. Background Papers

- 6.1 Council Constitution 2012/13

7. Appendices

- 7.1 None.

Adjustments to the Council's Organisational Structure

Special Committee

Date: 18 March 2013

Author:	Leader of the Council and the Chief Executive
Wards:	All
Locality Affected:	None
Parishes Affected:	None

1. Purpose and Reasons

- 1.1 To seek Special Committee's endorsement, on behalf of the Council, to changes to the Management Structure.
- 1.2 The Council or its Special Committee is required to approve changes to the Council's Management Structure which is set out in Part 7 of the Council's Constitution.

2. Recommendations

The Committee is recommended to:

- 2.1 Approve the changes to the Management Structure as referred to in paragraph 3.3 of the report. The revised structure to be implemented on 1st April 2013.
- 2.2 Authorise the Director of Law and Democratic Services to amend the Council's Constitution accordingly.
- 2.3 Agree the position with regard to the number of Locality Lead officers.

3. Detail

- 3.1 The current organisation structure was approved by Special Committee on 19th March 2012 with amendments agreed by Special Committee on 10th December 2012.
- 3.2 Since that time, various reviews have taken place in order to identify cost savings, ensure that our safeguarding requirements are managed in the most effective way and to deliver our strategic objectives in the most effective and efficient way. The outcome of these reviews and the impact of the transfer of Public Health into the Council on 1 April, in terms of structural changes, is outlined below and shown in the attached structure charts.
- 3.3 The changes are as follows:
 - 3.3.1 The Board Director Commissioning to have line management responsibility for the Director of Public Health, following the transfer of the public health function to the Council on 1st April 2013. Accountability for the exercise of the local authority's public health statutory responsibilities,

Further information on the subject of this report can be obtained from Nicola Houwayek, 07824 550456, nhouwayek@swindon.gov.uk.

Adjustments to the Council's Organisational Structure

Special Committee

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in consultation with Public Health England, will be directly to the Chief Executive.

- 3.3.2 The post of Board Director Localities to be deleted and accountabilities for this role to be shared across other existing managerial roles as detailed below.
- The Change Leader and Programme Director Stronger Together to have accountability for leading the Localities Function (including Locality Lead posts and Locality Facilitator posts). Please note that the structure for this team is being finalised and will be tabled as a supplementary paper at the meeting, for information.
 - The Head of Strategy and Research to be responsible for the One Swindon and Community Budgets.
 - The Chief Executive to have line management responsibility for the Head of Communications and Insight.
- 3.3.3 The Head of Children and Families to transfer from reporting to the Board Director Service Delivery to the Board Director Commissioning.
- 3.3.4 The Head of Commercial Services to transfer from reporting to the Board Director Commissioning to the Board Director Service Delivery.
- 3.3.5 Line management for Leisure and Culture Commissioning to transfer from the Head of Commercial Services to the Head of Leisure, Libraries, Traded Services and Culture.
- 3.3.6 Responsibility for Housing Strategy and for Highways and Transport Strategy to transfer from Head of Commissioning, Economy/Attainment to the Head of Housing Services, and the Head of Highways and Transport, respectively.
- 3.4 The current structure chart is shown at Appendix 1. The final proposed structure chart is shown at Appendix 2.
- 3.5 At the budget meeting of Council on 21st February 2013 it was agreed, inter alia, to:
- “(iv) Ensure 7 Locality Lead posts remain and that these posts are linked to the existing Localities whilst allowing Locality Leads to also drive the Change Projects”
- 3.6 At the Corporate Governance Review Working Group meeting on 7th March 2013, Group Leaders asked that this be clarified as the intention is simply that each of the 7 Localities have a designated Locality Lead, rather than there be 7
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Further information on the subject of this report can be obtained from Nicola Houwayek, 07824 550456, nhouwayek@swindon.gov.uk.

Adjustments to the Council's Organisational Structure

Special Committee

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separate individuals designated as Locality Lead officers. The view of Special Committee is sought.

4. Alternative Options

- 4.1 The Council could determine not to change its management structure. However, it is believed the proposal in the report is the most appropriate to enable the on-going delivery of Stronger Together and the Council's aims under One Swindon as well as providing necessary savings from management posts.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Deletion of the Board Director Localities post and other changes to the Localities Team will deliver savings of £339,000. All other changes will be managed within existing budgets.

Legal and Human Rights Implications

- 5.2 The proposals are in accordance with the relevant statutory provisions and the relevant Council policies.
- 5.3 Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights. A compromise agreement is not proposed or viewed as a necessary requirement in respect of this report.

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

- 5.4 This report has no other specific implications.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 5.5 There are specific links to One Swindon and to emerging Plans and Policies associated with Stronger Together.

Diversity Impact Assessment

- 5.6 A Diversity Impact Assessment (DIA) has not been undertaken at this stage as this report does not make any recommendations or have implications that affect services.

Risk Management

- 5.7 There are no significant identified risks.

Further information on the subject of this report can be obtained from Nicola Houwayek, 07824 550456, nhouwayek@swindon.gov.uk.

Adjustments to the Council's Organisational Structure

Special Committee

Date: 18 March 2013

6. Consultees

- 6.1 The Board Director Finance, Revenues, Benefits and Property (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None.

8. Appendices

- 8.1 Appendix 1 – Current Management Structure Chart.
- 8.2 Appendix 2 – Proposed Management Structure Chart (to follow)



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Agenda Item 9

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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