

## **COUNCIL**

**THURSDAY, 12 JULY 2018**

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Alan Bishop, Emma Bushell, Matthew Courtliff, Claire Crilly, Malcolm Davies, Mark Dempsey, Paul Dixon, Oliver Donachie, Toby Elliott, Claire Ellis, Steph Exell, Emma Faramarzi, Fionuala Foley, Brian Ford, Jim Grant, John Haines, Dale Heenan, Russell Holland, Fay Howard, Janine Howarth, Mary Martin, Nick Martin, Cathy Martyn, Brian Mattock, Jane Milner-Barry, Teresa Page, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Imtiyaz Shaikh, Carol Shelley, Kevin Small, Roger Smith, Andy Spry, Gary Sumner, Timothy Swinyard, Caryl Sydney-Smith, Rahul Tarar, Vera Tomlinson, Chris Watts, Nadine Watts, Steve Weisinger, Keith Williams, Robert Wright and Julie Wright.

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

The Worshipful The Mayor advised that, in accordance with Section 100B(4)b of the Local Government Act 1972, he intended to take an additional urgent item concerning the Appointment of Chief Executive and Head of Paid Service. The reason for the urgency was to avoid any unnecessary delay in the successful candidate taking up the post. This item would be considered as Agenda Item 1(a).

### **17. Apologies for Absence**

Apologies for absence were received from Councillors Mary Friend, Des Moffatt and Peter Watts.

### **18. Appointment of Chief Executive and Head of Paid Service**

The Council received Minute 5 of the Chief Officer Appointments Sub-Committee.

Councillor David Renard moved and Councillor Jim Grant seconded and it was unanimously agreed:

"That Minute 5 of the Chief Officer Appointments Sub-Committee be adopted and Ms. Susie Kemp be offered the post of Chief Executive and Head of Paid Service of Swindon Borough Council."

The Mayor, on behalf of the Council, congratulated Ms. Kemp on her appointment.

### **19. Communications**

The Chief Executive reported that no communications had been received.

### **20. Minutes**

Resolved – That the minutes of the meeting held on 18<sup>th</sup> May 2018, be confirmed and signed.

**21.**

### **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.

Councillor Jim Robbins made a non prejudicial declaration of interest in respect of Agenda Item No. 8(1) in his capacity as a Foster Carer for Swindon Borough Council.

Councillor Mark Dempsey made a non prejudicial declaration of interest in respect of Agenda Item No. 8(5) in his capacity as a Sustainability Manager for this employer.

**22.**

### **Public Question Time**

Mr Martin Costello submitted written questions regarding (a) the proposed site of the new Museum and Art Gallery, (b) the cost of the Annual Civic Dinner, and (c) the Council's ban on his use of the Council's Facebook page. The Council was advised that the Leader of the Council had provided written responses to Mr Costello's questions and that these had been circulated at the meeting.

**23.**

### **Minutes for Confirmation**

(1) Councillor David Renard moved and Councillor Russell Holland seconded that Minute 12 of the Cabinet (Councillors Allowances 2019/20) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(2) Councillor David Renard moved and Councillor Russell Holland seconded that Minute 8 of the Health and Wellbeing Board (One Swindon Board Revised Terms of Reference) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(3) Councillor Oliver Donachie moved and Councillor David Renard seconded that Minute 8 of the Cabinet (Motion to Amend Central Residents' Season Ticket) be noted.

The Motion was put to the vote and declared carried.

(4) Councillor Fionuala Foley moved and Councillor David Renard seconded that Minute 9 of the Cabinet (Traffic Management Act 2004 – Enforcement Powers) be noted.

Councillor Paul Dixon moved and Councillor Steve Allsopp seconded that the Motion be amended to read:

“This Council is disappointed by Cabinet's decision not to use Traffic Regulation Orders to create parking restrictions on pavement parking.

Council asks Cabinet to reconsider this decision and requests the Cabinet Member for Highways and the Environment to bring a report to Cabinet outlining how the Council can introduce restrictions on the obstruction of pavements where appropriate.”

The Amendment was put to the vote and declared lost.

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

## **24. Council Petition Scheme**

The Council considered a report of the Director of Law and Democratic Services concerning the receipt of a petition containing 402 signatures requesting the Council to “Stop Swindon Borough Council from cutting the school crossing guard on Eastcott Road.”

In accordance with the Council’s Petition Scheme, Mr Patrick Herring (Parish Councillor) and Ms Helen Hartnell (School Governor) introduced the petition on behalf of the petitioners.

Councillor Fionuala Foley moved and Councillor Dale Heenan seconded:

“That Council notes:

- (1) The statement in response by the Cabinet Member for highways and the Environment and to include this alongside the Minutes.
- (2) That School Crossing Patrols are not a Statutory Service.
- (3) That the Council’s Education Transport Policy assumes that a responsible adult will accompany students to and from school.
- (4) That Highway Officers have produced guidance on how School Crossing Patrols could operate using volunteers or through funding from third parties.

Councillor Paul Dixon moved and Councillor Stan Pajak seconded that the Motion be amended to read:

“This Council:

- (a) Thanks the Lead Petitioner for raising their issue with the Council.
- (b) Believes it should do all it can to ensure Eastcott and Old Town pupils are safe when travelling to and from school and that a school crossing patrol officer on Eastcott Road is essential to meeting this objective.
- (c) Requests the Cabinet Member for Highways and the Environment to bring a report to Cabinet detailing the future costs to the Council of reinstating a school crossing patrol officer for the area.”

The Amendment was put to the vote and declared lost.

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

**25.**

**Motion - Children's Services**

Councillor Carol Shelley moved and Councillor Jim Grant seconded:

“This Council notes:

- The findings of Ofsted’s recent visit of the multi-agency safeguarding hub (MASH), which includes that some children had been at risk of harm as a result of delays in decision-making.
- The fact that the NSPCC has described itself worried that the Council is making “slow progress” over Ofsted’s initial concerns.
- That there has been a 75% increase in children with Child Protection Plans over the last four years due to fears they had been neglected.
- That Swindon is the largest town in the country without a Children’s Centre.

Council requests the new Cabinet Member for Children and School Attainment to undertake a review of the Council’s policy towards Children’s Centres and submit a report to Cabinet.”

The Motion was put to the vote and declared lost.

(Councillor Jim Robbins made a non prejudicial declaration of interest in respect of this item in his capacity as a Foster Carer for Swindon Borough Council.)

**26.**

**Motion - Committee System**

Councillor Stan Pajak moved and Councillor Jim Grant seconded:

“This Council:

- Believes its current decision-making structure isn’t sufficient to utilise the expertise and experience of all elected Councillors.
- Recognises that other local authorities in England have used the provision in the Localism Act (2011) to enable them to move from the Strong Leader and Cabinet executive arrangement to the Committees System.
- Believes the Committees System will enable the Council to debate alternatives to Council policies in a meaningful and open way and will encourage a broader and properly informed debate about the future of the Council and the Swindon Borough.
- Requests the Corporate Governance Review Working Party work up proposals on how the Council can amend its decision-making structure to the Committees System with a view to having these decision-making structure in place by the 2019 Annual Council Meeting.”

The Motion was put to the vote and declared lost.

**27.**

**Motion - Town Centre**

At the request of the mover, and with the agreement of the Council, the Motion was amended and Councillor Bob Wright moved and Councillor Garry Perkins seconded:

“This Council recognises:

- The long-term sustainability issues of leading high street stores as a result of changing consumer habits.
- The Council needs to act to support Town Centre stores’ efforts to survive. If the Council does not act we risk local jobs, our local residents shopping experience and our Town Centre as a destination of choice.
- Many out of town stores benefit from free parking and whilst the council needs revenue to cover parking operation costs it can still act with flexibility to offset and encourage Town Centre use. This can be done by changing its parking arrangements at times of low usage so they become more attractive and in turn help shops at a time when they struggle to attract custom.

Council requests the Cabinet Member for Economic Prosperity to consider an element of free car parking in the Town Centre to encourage more shopping in the day and evenings and further, to review the parking policy and give consideration to the changing nature of consumer habits in such areas as “click and collect”, cashless payments and the Town centre as a dining experience.”

The Motion was put to the vote and declared carried.

**28.**

**Motion - Scores on the Doors**

Councillor Oliver Donachie moved and Councillor Emma Faramarzi seconded:

“This Council notes:

(1) The ongoing work by the Borough Council and its partners, especially Switch on to Swindon, to promote Swindon.

(2) The importance of leisure to complement retail in town centres, of which good, hygienic places to eat are an essential element.

(3) The benefits to customers being able to know which cafes and restaurants achieve the desired standard of hygiene, in a quick and easy format that is immediately viewable at the location as shown by the “scores on the doors.”

(4) That where there are devolved legislatures, it is already a requirement to display this information.

Therefore, this Council requests:

That the Leader of the Council write to the Secretary of State for Housing, Communities, and Local Government to request that English legislation is aligned to make it a duty for premises to display the “scores on the doors.”

The Motion was put to the vote and declared carried.

(Councillor Abdul Amin made a prejudicial declaration of interest in respect of this as an owner of a restaurant within the Borough. Councillor Amin left the room during the discussion of this item.)

## **29. Motion - Plastic Recycling**

Councillor Dale Heenan moved and Councillor Matthew Courtliff seconded:

“This Council welcomes the way the BBC Blue Planet programme has raised awareness of plastic and litter on wildlife in our oceans, and notes that Swindon Borough Council will be developing a new Waste Strategy during 2018, and has already achieved significant diversion of waste from landfill through recycling and turning into refuse derived fuel.

This Council resolves to provide leadership on this issue by:

- Asking the Cabinet Member for Finance of the Council to bring a report to Cabinet on how the Council could phase out all single use plastics, including cups, lids, plastic bottles, plastic-lined cardboard within council managed buildings within 12 months, and encouraging the elimination of single use plastic within its supply chain by 2021.
- Asking the Cabinet Member for Highways and the Environment, and the Community & Place Overview Committee, to investigate all of the possible ways to reduce plastic use, and improve the amount of plastic collected, to provide input into a new robust Waste Strategy - whether that is simplifying collections and better resident communications through to enforcement and how takeaway's are licensed.
- Requesting that the Leader of the Council write to businesses such as Cineworld, Empire and GWR asking that they set an example with their customers by eliminating plastic straws, spoons, cups and other single use plastics.
- Requesting that the Leader of the Council writes to the Secretary of State for Environment, Food and Rural Affairs to invite him to use Swindon as a plastic deposit return pilot scheme.”

The Motion was put to the vote and declared carried.

(Councillor Mark Dempsey made a non prejudicial declaration of interest in respect of this item as was employed as a Sustainability Manager.)

## **30. Hannington Neighbourhood Plan**

The Council received a joint report of the Cabinet Member for Strategic Planning and Sustainability and Corporate Director, Communities and Housing, setting out the proposed Hannington Neighbourhood Plan and seeking the Council's approval for approval of the plan.

Resolved – (1) That the Hannington Neighbourhood Plan “Decision Statement” set out as an appendix to the joint report of the Cabinet Member for Strategic Planning and Sustainability and Corporate Director, Communities and Housing, be approved.

(2) That subject to the Director of Law and Democratic Services being satisfied as to the carrying out by Hannington Parish Council and Swindon Borough Council of the modifications recommended by the Examiner, the Director of Law and Democratic Services be authorised to undertake a referendum on the Hannington Neighbourhood Plan in Hannington Parish, in accordance with the regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.

The Motion was put the vote and declared carried.

### **31. Appointments to Committees**

The Director of Law and Democratic Services submitted a report setting out proposed changes of membership to the Council's Planning and Scrutiny Committees, its nominations to the Swindon Housing Company and to its nominations to the Swindon Health and Wellbeing Board.

Councillor David Renard moved and Councillor Russell Holland seconded:

"That the changes to of membership of Committees, the Swindon Housing Company and the Swindon Health and Wellbeing Board, as set out in paragraphs 3.2, 3.3 and 3.5 of the report of the Director of Law and Democratic Services be agreed."

The Motion was put to the vote and declared carried.

### **32. Minutes of Cabinet and Decisions Delegated to Cabinet Members**

The Council considered (a) the minutes of the meeting of the Cabinet held on 13<sup>th</sup> June 2018, (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received, and (c) Cabinet Member Decision Notices.

### **33. 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.

### **34. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 Questions had been received from Councillors Steve Allsopp, Emma Bushell and Paul Dixon.

Councillor Steve Allsopp asked a supplementary question in relation to feedback on work orders raised via the Members Hotline. Cabinet Member for Corporate and Customer Services responded at the meeting.