

CABINET

WEDNESDAY, 7 FEBRUARY 2018

PRESENT:- Councillors David Renard (Chair), Oliver Donachie, Toby Elliott, Fionuala Foley, Brian Ford, Mary Martin, Cathy Martyn, Garry Perkins and Keith Williams.

An apology for absence was received from Councillor Russell Holland.

Councillor Emma Bushell attended the meeting in respect of Minute No. 75. Councillor Paul Dixon attended the meeting in respect of Minute No. 78. Councillor Jim Grant attended the meeting in respect of Minute No. 72. Councillor Jane Milner-Barry attended the meeting in respect of Minute No. 78. Councillor Bob Wright attended the meeting in respect of Minute Nos. 75, 77 and 78.

69. Declarations of Interest.

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

Councillor Oliver Donachie made a personal, non-prejudicial declaration of interest in respect of Cabinet's consideration of Agenda Item No. 5 ("Budget 2018/19 and Beyond") on the grounds that he was a Council-appointed director of PPS.

70. Minutes.

Resolved – That the minutes of the meeting held on 6th December 2017 be confirmed and signed as a correct record.

71. Public Question Time.

There were no public questions.

72. Budget 2018/19 and Beyond (Minute for confirmation)

Councillor Russell Holland, the Deputy Leader and Cabinet Member for Finance and Commercialisation, and the Corporate Director for Resources and Growth, submitted a joint report proposing a budget for 2018/19, setting out an indicative budget for 2019/20 and providing the financial context for 2020/21 onwards.

It was noted that, under the Council's Constitution, the Cabinet is required to recommend a budget to Council as part of its formal council tax setting responsibilities.

In the absence of Councillor Holland due to illness, Councillor David Renard, the Leader of the Council, introduced the report, briefly summarising the budget proposals for 2018/19 and indicative proposals for 2019/20, and placing these in the context of the Swindon Programme response to continuing financial challenges for local government and the increasing demand for services.

Following his introduction of the report, Councillor Renard, supported by Councillors Oliver Donachie, Fionuala Foley, Brian Ford and Garry Perkins and the Corporate Director, Resources and Growth, responded to questions put by Councillor Jim Grant on the following matters:

- a) Pressures on the Adult Social Care budget and the rationale behind the recommendation to Council that the specific adult social care precept should be 2% in 2018/19.
- b) The projected overspend in respect of children's social care in the current financial year due to increased demand, and the feasibility of reintroducing Sure Start and Children's Centres.
- c) The effectiveness of the Council's schools improvement plan and the proposed addition of a School Improvement post to increase capacity of the School improvement team.
- d) The reduced level of income from housebuilding in 2018/19, referred to in Appendix 4 to the report, and recognition that this income would still be realised in future.
- e) The role and function of Forward Swindon Ltd and the possibility of that role and function being brought "in-house".

Resolved – (1) That the following be noted:

- a) The medium term financial context and impact on Swindon of the draft Local Government Finance settlement.
 - b) The projected out-turn for 2017/18.
 - c) That the Council does not foresee any need to replenish general reserves as part of the 2018/19 budget setting process.
 - d) The consultation feedback, summarised in Appendix 3, in relation to the budget proposals.
 - e) That the detailed Dedicated Schools budget for 2018/19 has been set within the provisional funding envelope of £176.765m.
 - f) That, in line with the requirements of the Local Government Act 2003, the Director of Finance (Section 151 Officer) confirms the robustness of the estimates underlying the recommended Budget and having reviewed the financial risks being faced by the Council concludes that the proposed minimum level of general reserves (£6m) is adequate in the context of the earmarked reserves held, specific contingencies and the proposed budget risk contingency of £2.1m.
- (2) That Council be recommended that, subject to any changes resulting from the Government's announcement of the final local government finance settlement for 2018/19:
- a) The 2018/19 Budget be set at £140.224m.
 - b) The Council Tax be increased by 4.99%, comprising 2.99% for the basic amount of council tax and a specific adult social care precept of 2%.
 - c) It be determined that the proposed increase in the basic amount of Council Tax for 2018/19 is not excessive in accordance with Schedule 5 of the Localism Act 2011 and therefore does not trigger the requirement for a referendum.
- (3) That the 2017/18 virements, set out in Appendix 2 to the report, be agreed.
- (4) That the council tax exemption scheme for Swindon care leavers under the age of 21, as set out in paragraph 3.12 of the report, be approved.
- (5) That the Director of Finance, in consultation with the Cabinet Member for Finance and Commercialisation, be authorised to extend any Exemption or Council

Tax Discount for Swindon Care Leavers between the age of 21 and 25, where good reason or hardship is shown.

(6) That the continuation of the scheme for disregarding refugees with permission to remain but no income from the Council Tax calculation of households be approved.

(7) That the local business rate relief schemes, as set out in paragraphs 3.14 to 3.16 of the report, be approved.

(8) That the medium term financial strategy, set out in Appendix 6 to the report, be endorsed.

(9) That the specific reserves held in support of the 2018/19 Revenue Budget, set out in Appendix 5 to the report, and the approach to funding transitional commitments as set out in paragraphs 3.25 to 3.27 of the report, be agreed.

(10) That the Director of Finance be authorised to balance any changes between the provisional local government finance settlement and the final numbers expected to be released in mid-February by adjusting the budget risk contingency.

(11) That the Corporate Director, Resources and Growth, be authorised to appoint PPS, under the Teckal exemption in Regulation 12 Public Contract Regulations 2015, to carry out the relevant technical work, including planning applications, and grid connection applications, and to advise on transaction structure, marketing and consideration of bids for the proposed Mannington battery storage project on the basis set out in paragraphs 3.35 to 3.42 of the report and other such future schemes to be offered to the market for renewable energy strategy delivery, solar development, storage, heat and transport on Council owned land.

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

73. Capital Programme 2018-19 (Minute for confirmation)

Councillor Russell Holland, the Deputy Leader and Cabinet Member for Finance and Commercialisation, and the Corporate Director for Resources and Growth, submitted a joint report on new Capital Programme requirements for the 2018/19 Financial Year.

In the absence of Councillor Holland due to illness, Councillor David Renard, the Leader of the Council, introduced the report, which, as with the previous report, included proposals for 2018/19 and indicative proposals for 2019/20.

Resolved – That Council be recommended to approve:

- a) The distribution of the Devolved Formula Capital Grant once it has been received from Government, as detailed in paragraph 3.13 of the report.
- b) A budget of £2.582m for the schemes referred to in paragraphs 3.3 to 3.13 of the report and detailed in Appendix 1 to the report.
- c) A total budget of £4.429m for the 2018/19 local priority Highways and Transport schemes, referred to in paragraphs 3.14 to 3.187 of the report and detailed at Appendix 2 to the report.
- d) A total budget of £3.493m for 2018/19 for Corporate & Property schemes as referred to in paragraphs 3.19 to 3.20 of the report and detailed at Appendix 3 to the report.
- e) A total budget requirement of £1.427m for Children's & Older Peoples proposals as referred to in paragraph 3.21 to 3.22 of the report and detailed at Appendix 4 to the report.
- f) The use of CIL receipts as detailed in paragraph 3.23 of the report to support

the existing capital programme of works at Junction 16.

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

74. Treasury Strategy Statement 2018/19 (Minute for confirmation)

Councillor Russell Holland, the Deputy Leader and Cabinet Member for Finance and Commercialisation, and the Corporate Director for Resources and Growth, submitted a joint report on the Treasury Management Strategy for 2018/19, including Prudential Indicators up to 2020/21, the Annual Investment Strategy, and the Minimum Revenue Provision Policy Statement.

Resolved – That Council be recommended to approve the Treasury Management Strategy, Minimum Revenue Provision Policy and Prudential Indicators, as set out in Appendix 1 to the report.

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

75. Housing Revenue Account (HRA) - Rents and Charges 2018/19 (Minute for confirmation)

Councillor Cathy Martyn, the Cabinet Member for Housing and Public Safety, and the Acting Corporate Director, Communities and Housing, submitted a joint report presenting to Cabinet the proposed rents, service charges, support charges for 2018/19 and proposed Housing Revenue Account (HRA) budget for 2018/19.

Councillor Martyn and the Acting Corporate Director, Communities and Housing responded to questions put by Councillors Emma Bushell, Oliver Donachie and Bob Wright on the following matters:

- a) The periods of occupancy permissible for users of the use of the Hay Lane and Chiseldon Traveller and Gypsy sites.
- b) The numbers of new social and affordable houses built by all providers in the current financial year.
- c) The Swindon Joint Strategic Needs assessment of the number of new affordable homes required each year to meet demand and the likelihood that this target will be met in the current year through the Council's Affordable Housing Development Programme and other affordable housing provision.
- d) The detail of any representations to be made by the Council to the Housing Minister regarding the removal of the HRA borrowing cap.
- e) The number of non-traditional (BISF) properties that might not be included in the intended home insulation programme due to the re-prioritisation of funding toward fire safety improvements in high rise blocks.
- f) The impact on some tenants of increased heating charges applicable for the David Murray John building.

Resolved – (1) That Council be recommended that:

- a) The proposed average rent for Housing Revenue Account (HRA) dwellings for 2018/19 of £79.63 per week (52 week basis), which is a decrease of 1.0%, be approved. This will be an average decrease of £0.80 per week (52

- week basis). The range of decreases is shown in paragraph 3.9 of the report.
- b) The Acting Corporate Board Director, Communities and Housing, be authorised to seek authority from the Secretary of State to extend the permission for the use of the Housing Revenue Account for payments to the Council's tenants under the Discretionary Housing Payments scheme, and provide a budget of £200k in 2018/19, as detailed at paragraph 3.25 of the report.
 - c) The housing related support charges for 2018/19 and service charges for 2018/19, as outlined in Appendix 2 of the report, be approved.
 - d) Leaseholder service charges are set for 2018/19 as shown in Appendix 3, to the report.
 - e) Based on the proposals set out within this report, the Housing Revenue Account (HRA) proposed budget 2018/19, shown in Appendix 4 to the report, be approved and that the HRA Capital Budget and Funding be approved as shown in Appendix 5 to the report.
 - f) The draft 3 year capital projects and planned maintenance programme be approved at an indicative funding level of £15.5m (2017/18 prices) for 2018/19 (Appendix 6 to the report refers).
 - g) Rents charged on General Fund properties are reduced in line with Government guidance on Housing Revenue Account rents by 1% for 2018/19. Service charges for General Fund properties, as shown in Appendix 7 to the report, are approved.
 - h) Rents charged for plots at the Hay Lane Traveller and Gypsy Site are increased by £2.57 per week (5.0%) to £53.83 per week (52 week basis) in line with Council policy of fees and charges, and the rents for workpens, as shown in Appendix 7 to the report, are approved.
 - i) The charges for Private Sector Leased (PSL) accommodation for those accepted as homeless outlined in Appendix 7 to the report are approved.
 - j) Any underspend or overspend on the 2017/18 Housing Revenue Account be managed through the general revenue reserves.

(2) That written responses be provided to Councillor Emma Bushell in respect of her questions regarding:

- a) The numbers of new social and affordable houses built by all providers in the current financial year.
- b) The Swindon Joint Strategic Needs assessment of the number of new affordable homes required each year to meet demand and the likelihood that this target will be met in the current year through the Council's Affordable Housing Development Programme and other affordable housing provision.
- c) The detail of any representations to be made by the Council to the Housing Minister regarding the removal of the HRA borrowing cap and the negotiation of the Housing debt settlement.

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

76. Pay Policy Statement 2018 / 2019 (Minute for confirmation)

Councillor Keith Williams, the Cabinet Member Cabinet Member for Corporate Services and Digitalisation, and the Director of Human Resources & Organisational Development, submitted a joint report setting out the Council's Pay Policy

Statement for 2018/2019.

It was noted that the Localism Act 2011 requires local authorities to agree and publish a Pay Policy Statement by 1st April each year.

Resolved – That the Council be recommended that the Council's proposed Pay Policy Statement for 2018/2019, as set out in Appendix 1 to the report, be approved.
(2) That, subject to (1) above, the Director of Human Resources & Organisational Development be authorised to update the salary information on 1st April 2018 prior to publication.

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

77. Creation of a Swindon Music Trust

Councillor Fionuala Foley, the Cabinet Member for Children's Services and School Attainment, and the Head of Education, submitted a joint report seeking Cabinet's approval to create an independent charity to run Swindon Music Service (SMS). It was noted that transferring this service from the council to an independent entity would provide protection to the council in terms of liability and would also secure the future of the Music Service.

Councillor Foley introduced the report, providing some background to the proposal and explaining how, in moving forward, it would help the Music Service in meeting its future service ambitions by facilitating access to additional funding sources not currently available to the service as a part of the Council.

Following her introduction of the report, Councillor Foley responded to questions put by Councillor Bob Wright on the following matters:

- a) The effectiveness of the investment in the Platform in supporting youth service provision generally.
- b) The occupancy and long-term future for the building in the light of suggestions of under-occupancy of the building.
- c) The status of the Music Service, whether this would be a commissioned or "stand alone" service receiving income from its clients.

Resolved – (1) That it be agreed that the Swindon Music Service becomes an independent charity by September 2018 or as soon as is practicable thereafter.
(2) That the Director of Children's Services and the Head of Education, in consultation with the Director of Law and Democratic Services and the Cabinet Member for Children Services and School Attainment, be authorised to take such steps as are required to create the charity.
(3) That, subject to (1) and (2) above, the Head of Property Assets, in consultation with the Director of Law and Democratic Services, the Cabinet Member for Economy and Skills and the Cabinet Member for Children's Services and School Attainment, be authorised to negotiate an initial 2-year lease of The Platform to help the new charity establish itself. Swindon Borough Council (SBC) to review and define its property with a report to come back to Cabinet in the spring of 2020.
(4) That, subject to (1) and (2) above, Swindon Music Service to be authorised to carry over into the new financial year, a sum of money (no more than £15k) from its

earned income towards the legal costs of establishing the new charity.

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

78. Air Quality Management Area Declaration

Councillor Cathy Martyn, the Cabinet Member for Housing and Public Safety, and the Director of Public Health submitted a joint report asking Cabinet to declare an Air Quality Management Area (AQMA) within the Borough of Swindon by way of an Air Quality Management Area Order. It was noted that, following a review and assessment of air quality within the Borough of Swindon, the Department for Environment, Food and Rural Affairs (DEFRA) objectives for Air Quality, with specific respect to Nitrogen Oxides (NOx), are not being achieved in the Kingshill area. It was further noted that, by virtue of Section 83, Environment Act 1995, the Council is obliged to declare an Air Quality Management Areas (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. The report's recommendations would initiate the process of responding to the issues that will result from the declaration of an AQMA.

Councillor Martyn responded to questions put by Councillors Paul Dixon, Oliver Donachie, Jane Milner-Barry and Bob Wright on the following matters:

- a) The need for a holistic approach to resolving the air quality problems in the area, the role of the proposed steering group and engagement with councillors and residents' groups.
- b) The historic monitoring of air quality in this area and the timing of this intervention.
- c) The Council's responsibilities to monitor particulate levels.
- d) The precise area covered by the draft order appended to the report.
- e) The apparent ineffectiveness of works undertaken previously to mitigate the air quality problems in this area, including the opening up of Redpost Drive in order to alleviate traffic on Kingshill.
- f) The availability of traffic volumes comparison data for the area.
- g) The margin of error recognised within the air quality monitoring information supporting the determination of a "likely breach".

Resolved – (1) That the Director of Law and Democratic Services, in consultation with the Director of Public Health, be authorised to make the Air Quality Management Area Order, under the Environment Act 1995 Part IV Section 83(1), as set out in Appendix A to the report.

(2) That the Director of Public Health, in consultation with the Cabinet Member for Housing and Public Safety, be authorised to establish an Air Quality Steering Group and develop an Air Quality Action Plan in accordance with DEFRA's 2016 Policy Guidance (PG16) – Local Air Quality Management.

(3) That written answers be provided to Councillors Jane Milner-Barry and Bob Wright in response to their questions regarding:

- a) The Council's responsibilities to monitor the level of particulates in this area.
- b) The availability of traffic volumes comparison data for the area.

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

79.

Swindon Borough Playing Pitch Strategy

Councillors Toby Elliott, the Cabinet Member for Strategic Planning and Sustainability, and Mary Martin, the Cabinet Member for Communities and Place, and the Acting Director for Communities and Housing, submitted a joint report seeking approval for the adoption of the Swindon Borough Playing Pitch Strategy (SPPS), as part of the evidence base to inform future planning policy (including the Local Plan Review), and to assist as a material consideration in the determination of planning applications where appropriate. Paragraph 73 of the National Planning Policy Framework (NPPF) requires the Council to base Local Plan policies on robust and up-to-date assessments of the needs and opportunities for open space and recreation and it was noted that the Local Plan Review is at an early stage and the SPPS will be used to inform it. It was also noted that the strategy will directly support the implementation of the adopted Local Plan policies ensuring that appropriate protection is given to existing playing pitches, and new and improved pitches and facilities can be secured through the planning process.

Councillors Elliott and Martin, with the Deputy Monitoring Officer, responded to questions put by Councillor Bob Wright regarding (i) the suggestion that a particular playing field site might be suitable for conversion for 3G pitches, (ii) the possible sacrifice of existing cricket facilities at the particular site to accommodate such 3G pitch provision, and (iii) the statutory planning application process and future playing field provision at the site.

Resolved – (1) That the Swindon Borough SPPS and Assessment Report, be approved and published in accordance with the arrangements set out in paragraph 3.22 of the report.

(2) That the SPPS Steering Group, comprising of Council Officers, representatives from the sport's National Governing Bodies, Sport England and local league representatives for the grass sports, be authorised to oversee implementation of the Strategy.

(3) That the Head of Planning, Regulatory Services and Heritage and the Director of Law and Democratic Services be authorised to undertake further work to support implementation of the SPPS and make any minor changes, in consultation with the Cabinet Member for Strategic Planning and Sustainability and the Cabinet Member for Communities and Place prior to publication.

(4) That the Head of Planning, Regulatory Services and Heritage be authorised to carry out any consultation that may be required for a future review of the SPPS and bring a report in respect of the review to Cabinet for consideration.

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

80. Special Educational Needs and Disability (SEND) Capital Investment Strategy

Councillor Fionuala Foley, the Cabinet Member for Children Service's and School Attainment, the Corporate Director Children's Services, and the Head of Education submitted a joint report setting out the strategy for the allocation of capital funding specifically for provision that serves children with Special Educational Needs and Disability in Swindon. It was noted that this report was necessary to approve the

investment strategy following consultation in order to comply with the Department for Education requirements to access the first tranche of funding on the 1st April 2018.

Councillor Foley introduced the report, drawing Members' particular attention to the changes that had been made in response to issues raised in the consultation.

Resolved – (1) That the analysis of the consultation attached at Appendix 2 to the report, be noted.

(2) That the Special Educational Needs and Disability Capital Investment Strategy attached at Appendix 1 to the report, be approved.

(3) That the Head of Education, in consultation with the Cabinet Member for Children's Services and School Attainment, be authorised to implement the actions in the Capital Investment Strategy.

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

81. Superfast Broadband Extension Programme

Councillor Toby Elliott, the Cabinet Member for Strategic Planning and Sustainability, and the Corporate Director, Resources and Growth, submitted a joint report informing Cabinet about the work being undertaken to provide superfast broadband to rural parts of the Borough and to update Cabinet on securing ultrafast broadband to support the local economy.

It was noted that the report was a response to Council's resolution of 13th July 2017, set out in paragraph 3.3 of the report, and also provided an opportunity to report progress towards achieving part of the Council's Vision, Priorities, and pledges.

Resolved – (1) That the report and the progress being made towards achieving the Vision Pledge be noted.

(2) That the Corporate Director, Resources and Growth, in consultation with the Cabinet Member for Strategic Planning and Sustainability be authorised to:

- a) facilitate the deployment of the 20th base station to complete the coverage of the 4GLTE network
- b) issue a letter of variation to BDUK that will encompass the contract change concerning the reduction in the number of base stations to be used in North Swindon and the associated reduction in the value of the contract

(3) That the Cabinet Member for Strategic Planning and Sustainability be authorised to inform Council about the response to its resolution as soon as is practicable.

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