

## **CABINET**

**WEDNESDAY, 20 MARCH 2019**

PRESENT:- Councillors David Renard (Chair), Oliver Donachie, Brian Ford, Dale Heenan, Mary Martin, Cathy Martyn, Maureen Penny, Gary Sumner and Keith Williams

Apologies for absence were received from Councillors Russell Holland

Councillor Bob Wright attended the meeting in respect of Minute nos.71, 72, 73 and 75.

Councillor Stan Pajak attended the meeting in respect of Minute Nos. 72, 74 and 78. Councillor Jane Milner-Barry attended the meeting in respect of Minute nos. 72 and 74.

### **66. Declarations of Interest.**

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

### **67. Minutes.**

Resolved – That the minutes of the meeting held on 6<sup>th</sup> February 2019 be confirmed and signed as a correct record.

### **68. Public Question Time.**

There were no public questions.

### **69. 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 the item listed below, on the grounds that it involves 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.

Item Nos.	Paragraph No.	Minute Nos.
14	3	78

### **70. Budget Management Update**

Councillor Russell Holland, the Cabinet Member for Finance, and the Director of Finance submitted a joint report providing Cabinet with an update on the position in relation to the 2018/19 forecast outturn.

In the absence of Councillor Holland, Councillor David Renard, the Leader of the Council, introduced the report, highlighting the following main issues:

- The forecast that, as at the end of January 2019, the outturn will be delivered within budget for 2018/19, an improvement of £1.3m since the last report.
- The settlement of a claim for a backdated VAT refund resulting in one off income of £3m. This has mitigated the in-year position and reduced the planned use of the cashflowing reserve required to support the 2018/19 budget.
- Recognition of the work of Cabinet colleagues and budget managers in delivering requisite service area budget savings, and the particular success of Adult services in delivering savings.

The report also responded to Council motions on issues relating to the Toothill Farmhouse and how procurement might grow and provide increased benefit to local suppliers within The Public Services Social Value Act.

Resolved – That (a) the in-year forecast outturn for 2018/19, (b) the response to the “Protect Toothill Farmhouse” petition, and (c) the update on the application of the Public Services (Social Value) Act 2012, be noted.

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

## **71. Capital Monitoring Quarter 3 2018/19**

Councillor Russell Holland, the Cabinet Member for Finance, and the Director of Finance submitted a joint report presenting to Cabinet the third quarter’s monitoring position for the Council’s capital programme and some proposed changes to the programme.

In the absence of Councillor Holland, Councillor David Renard, the Leader of the Council, introduced the report, highlighting the following additions to the programme:

- A £1.5m investment to maintain the Health Hydro over the next 5 years
- £420k to replace the lighting in 6 multi-storey car parks with LED alternatives, and to incorporate sensors & timers to provide more efficient lighting during opening hours.
- £455k for capital investment in provision for pupils with Special Educational Needs.
- £139k for pothole repairs, to be included within existing Highways budgets to deliver improvements on the roads.
- The increased budget provision to facilitate the Junction 16 improvements.

Councillor Bob Wright was in attendance and commented on the positive impact that the proposed upgrade of the Health Hydro will have on the Heritage Action Zone and future town centre development.

Resolved – (1) That the forecast capital expenditure, set out in Table 1 & 2 of the report and Appendix 1 to the report, be noted.

(2) That the changes detailed at paragraphs 3.2 to 3.3 of the report be noted and that the required funding adjustments be approved.

(3) That the additions to the programme, set out at section 3.4 of the report, be

approved.

(4) That the changes to the HRA capital programme, detailed at paragraph 3.5 of the report, be noted, and that the required funding adjustments be approved.

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

## **72. Swindon's Art and Museum collections and cultural provision**

Councillor Dale Heenan, the Cabinet Member for the Town Centre, and the Head of Planning, Regulatory Services and Heritage, submitted a joint report on Swindon's heritage and its established and diverse arts and cultural offer. The report recognised that the offer is currently provided at a number of locations, some with limited visibility, and that some of the facilities housing historic or cultural items and activities are difficult to access and in need of investment.

The report advised of the requirement for a co-ordinated and cohesive strategy for how heritage, arts and culture are accessed in the future, and that the most immediate priority was the Swindon Museum and Art Gallery (Swindon MAG).

It was noted that the Council owns and operates Swindon MAG, which houses an outstanding modern art collection of national importance, alongside largely locally-sourced artefacts of historic significance and that the collections deserve greater visibility, bringing cultural and educational benefits to a wider audience.

The report recognised that, in line with the adopted Town Centre Masterplan, great potential exists for the development of a wider cultural quarter and civic offer focussed around the Wyvern\Old Town Hall\Regent's Circus area and recommended that work is undertaken towards scoping a comprehensive cultural quarter providing a permanent solution. It was felt that this will also give the best opportunity to display the collection and ensure the long term sustainability of Swindon MAG.

It was noted that the report also responded to the motion at Full Council on 24th January which agreed to "ask the Leader of the Council (to) present a report to Cabinet considering the options of how the Council can organise Swindon's own trail with sculptures decorated by local artists and use it to raise money for the GWH Brighter Futures appeal". In response to the motion, the report proposed that a Member Working Group be established to determine how this project could be taken forward, unlocking opportunities for private sector sponsorship.

Councillor Heenan introduced the report and responded to questions put by Councillors Bob Wright, Stan Pajak and Jane Milner-Barry on the following issues:

- The opportunity to use revenue from the sale and/or redevelopment of the civic offices for investment in the maintenance, improvement, and sustainability of Swindon's heritage buildings.
- The need to ensure community engagement on proposals relating to the wider development opportunity for the area around, and including, the Wyvern Theatre.
- The possibility of developing a hybrid approach, where 'pop up' exhibitions and displays of the art and museum artefacts could take place.

- The viability of the current operating model for Swindon MAG and the mitigation of the proposed £20k budget reduction in its operating costs.

Resolved – (1) That the production of a viable and deliverable masterplan for a rebuild of the Wyvern Theatre, that includes (but is not limited to) a theatre, a new civic focus and a replacement Swindon Museum and Art Gallery, as a cultural quarter for Swindon, informed and supported by a master planning exercise to be funded through a Swindon and Wiltshire Local Enterprise Partnership (SWLEP) grant of £250,000, be approved.

(2) That the principle that appropriate items from Swindon's art and museum collection should be displayed at 'pop up' or rotating exhibitions within heritage and civic buildings around the town, and, subject to relevant safeguards being in place, be made available for local business display, be endorsed.

(3) That a one off budget of up to £100,000 be approved to support the use of space for this wider display of existing art and museum artefacts.

(4) That a budget of up to £400,000 be approved to undertake essential improvements at the Swindon MAG at Apsley House.

(5) That a new Council pledge, that "Every Child will be encouraged to visit the Council's museums including the Swindon Museum and Art Gallery as a learning opportunity while they are at school", be approved.

(6) That the Council's role as a facilitator to support accessible art and culture, including short term sculpture trails, which promote local talent, and may be auctioned for charitable causes, be endorsed.

Councillor Milner- Barry made a personal, non-prejudicial declaration of interest in her capacity as a "Friend of the Museum".

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

### **73. Swindon Local Transport Plan Implementation Plan 2019/20**

Councillor Maureen Penny, the Cabinet Member for Highways and the Environment, and the Corporate Director of Communities and Housing, submitted a joint report seeking Cabinet's approval for the adoption of the Local Transport Plan Implementation Plan for 2019/20 and for the Local Transport Plan Capital Programme budget apportionment for 2019/20.

It was noted that the Local Transport Plan (LTP) is the principal means of delivering the Council's transport programme and is the statutory document that contains the transport policies and programmes of the local transport authority. It is listed in Article 4 of the Council Constitution as a key document in forming the policy framework for the Council and it is subject to an annual report to the Cabinet in order to ensure transparency in the apportionment of the funding and aid the delivery of the programme.

Following her introduction of the report, Councillor Penny, supported by the Council's Service Manager Highway infrastructure, responded to questions put by Councillors Bob Wright and Brian Ford regarding Town Centre Highway Management and the scheduling of improvements in Manchester Road and Corporation Street, the future of bus movements within the Railway Village Conservation Area, and surface treatment programmes.

Resolved – (1) That the Local Transport Plan (LTP) Implementation Plan for 2019/20 be approved.

(2) That the Local Transport Plan Capital Programme budget categories and total spend of £4,104k for 2019/20, as detailed in Tables 1 to 7 of the Implementation Plan attached as Appendix 3 to the report, be approved.

(3) That the Corporate Director of Communities and Housing, in consultation with the Cabinet Member for Highways and the Environment, be authorised to:

- a) Prioritise schemes in accordance with Vision for Swindon priorities;
- b) Approve scheme progression in accordance with the updated Protocol (attached as Appendix 2 to the report and originally approved by the Cabinet in July 2010);
- c) Amend the Protocol to reflect changing job titles, organisational restructuring and improved input from and visibility to members;
- d) Vary allocations between different budget categories;
- e) Approve variations in scheme costs;
- f) Add/substitute schemes, provided expenditure is contained within the approved total budget; and
- g) Add additional schemes to the 2019/20 programme subject to receipt of the Pothole Action Fund allocation for 2019/20.

(4) That the Corporate Director of Communities and Housing, in consultation with the Cabinet Member for Highways and the Environment, be authorised to develop and submit a bid / bids during 2019/20 for relevant funding opportunities that might be launched by Government, or other funding agencies, for transport schemes that will benefit Swindon and which are in accordance with Vision for Swindon priorities.

(5) That the Highways and Transport Minor Works Requests process, set out in Appendix 4 to the report, be continued.

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

#### **74. 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 inviting Cabinet to approve the draft Air Quality Action Plan for the Kingshill Air Quality Management Area.

It was noted that Cabinet approved the declaration of an Air Quality Management Area for a stretch on the Kingshill in February 2018, this 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 respect to Nitrogen Oxides (NOx) not being achieved in the Kingshill area.

Following her introduction of the report, Councillor Martyn, supported by the Public Health Consultant, responded to questions put by Councillors Stan Pajak and Jane Milner-Barry regarding the effectiveness of the Air Quality Steering Group's investigation, particularly in respect of its engagement with the public, and the Joint Strategic Needs Assessment (JSNA) of Air Quality in Swindon.

Resolved – (1) That the following priorities to improve air quality in the Air Quality Management Area be approved:

1. To investigate sustainable options for reducing emissions from road vehicles

on Kingshill Road; particularly in the uphill, South-East direction.

2. To facilitate a shift to more sustainable modes of travel, more active travel, better planned journeys, and more sustainable fuels.

(2) That the draft Air Quality Action Plan for the Kingshill Air Quality Management Area, as set out in appendix 1 to the report, be approved.

(3) That the Director of Public Health be authorised to consult with DEFRA, the Environment Agency and neighbouring Local Authorities on the draft Action Plan for the Kingshill Air Quality Management Area and to report back to Cabinet following such consultation for final approval of the plan.

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

## **75. The Bus Boulevard at Fleming Way. Bid to the Future High Street Fund**

Councillors Dale Heenan, the Cabinet Member for Town Centre Development, and Maureen Penny, the Cabinet Member for Highways and the Environment, and the Chief Executive, submitted a joint report seeking Cabinet's approval of (i) an outline strategy for how Swindon should approach the challenges and future of the town centre's High Street, and (ii) an application for £25m funding through the Future High Streets Fund for the Bus Boulevard public transport interchange at Fleming Way, Kimmerfields.

In addition, the report recommended that the emerging Town Centre Movement Strategy, test the Whalebridge Junction north south movement to offer greater permeability of traffic movements at this junction.

Councillor Heenan responded to questions put by Councillor Bob Wright regarding the absence of public toilet provision within the concept design for the Bus, the need for a Right turn from Islington Street into Whalebridge, and the implications of the scheme for the Council's air quality aspirations for Swindon.

Resolved – (1) That the themes set out at paragraph 3.12 to 3.19 of the report, that will inform the development of a vision for Swindon Town Centre which will accompany the capital bid for the Bus Boulevard to the Future High Street Fund, be endorsed.

(2) That the concept design for the Bus Boulevard scheme attached at Appendix 1 to the report, along with the accompanying artistic impressions at Appendix 2, be approved.

(3) That the Chief Executive, in consultation the Cabinet Member for Finance, be authorised to apply for external funding to deliver the Bus Boulevard scheme.

(4) That the Director of Finance, in consultation with the Cabinet Member for Resources and Cabinet Member for the Town Centre, be authorised to identify available funding, as detailed at paragraph 3.21 of the report, as a match element of the Future High Street Fund bid and bring the detailed allocation to a future Cabinet meeting for approval prior to the submission of a Phase 2 bid.

(5) That improvements to the Whalebridge Junction be supported and the Head of Highways, in consultation with the Cabinet Member for Highways and the Environment, be authorised to undertake detailed modelling linked with the emerging Town Centre Movement Strategy, as outlined in paragraphs 3.42 to 3.45 of the report.

(6) That the Head of Town Centre Development, in consultation with the Head of

Property Assets and Director of Finance, be authorised to settle compensation claims pursuant to the issue of a General Vesting Declaration relating to the compulsory purchase of land to facilitate the Kimmerfields development, utilising budgets previously authorised by Cabinet (Cabinet minutes 22, 2013/14 and 37, 2017/18 refer).

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

## **76. Swindon Borough Local Development Scheme Review 2019**

Councillor Gary Sumner, the Cabinet Member for Strategic Planning and Sustainability, and the Corporate Director of Communities and Housing, submitted a joint report seeking agreement for the revised Swindon Borough Local Development Scheme (LDS) 2019, which establishes the work programme for the production of Local Development Plans, (principally the Local Plan), including joint working arrangements with Wiltshire Council, and of the arrangements to make it publicly available.

It was noted that the LDS was last published in September 2017 and that, since then, the revised National Planning Policy Framework (NPPF2018) has been published which has implications for the production of the Swindon Local Plan review and joint working arrangements with Wiltshire Council. It was also noted that, in order to formally commence the Review, it was critical that an updated LDS is published to inform stakeholders and the public on the work programme and key dates in its production.

Resolved – (1) That the Swindon Borough Local Development Scheme, as attached at Appendix 1 to the report, be approved and that it be published in accordance with the arrangements set out in paragraph 3.24 of the report.

(2) That the Head of Planning, Regulatory Services, and Heritage, in consultation with the Cabinet Member for Strategic Planning and Sustainability, and the Interim Director of Law, be authorised to make minor non-material changes to the content of the Swindon Borough Local Development Scheme if required, prior to publication.

(3) That the preparation of a Statement of Common Ground with Wiltshire Council, to clarify the strategic cross boundary issues between the two authorities, be supported.

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

## **77. References from Other Council Bodies - Health and Wellbeing Board**

Councillor Brian Ford, the Cabinet Member for Adults, and the Corporate Director Adults' Services, submitted a joint report regarding a recommendation of the Health and Wellbeing Board, at its meeting on 13<sup>th</sup> March 2019, concerning proposed Multi-agency Safeguarding Arrangements for Children and Adults at Risk.

Resolved – That the recommendations of the Health and Wellbeing Board, at its meeting on 13<sup>th</sup> March 2019, that (a) the proposed multi-agency safeguarding arrangements, set out in Appendix 1 to the report to the Board, be endorsed and (b) that a Swindon Safeguarding Partnership, with the Swindon Clinical Commissioning

Group and Wiltshire police, be established, be approved.

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

## **78. Proposed Sale of the County Ground Stadium, Central Swindon**

Councillor David Renard, the Leader of the Council, and the Chief Executive, submitted a joint report advising Cabinet of an offer for the council's freehold ownership of the County Ground Stadium and inviting Cabinet to consider if it wished to consider the sale of the site.

Councillor Renard introduced the report, highlighting the key benefits of the proposal to members, and responded to a question put by Councillor Stan Pajak regarding the proposed uses of the site. In response to a second question by Councillor Pajak, Councillor Renard advised that the area of the freehold proposed for sale was clearly defined and would not impinge on the adjoining cricket ground.

Resolved – (1) That the sale of the Council's freehold ownership of the County Ground Stadium, as identified in the plan appended to the report, based on the heads of terms referred to in the main body of the report, to the Party as identified in the main body of the report, for the reasons and for the sum also identified in the main body of the report, be approved.

(2) That the Chief Executive, in consultation with the Leader of the Council, be authorised to negotiate finalised terms for the disposal, on such terms and conditions that are considered appropriate in order to protect the Council's interests.

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