

## **CABINET**

**WEDNESDAY, 4 DECEMBER 2019**

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

There were no apologies

The following councillors attended the meeting in respect of the following Minutes: Councillor Emma Bushell, Minute 51: Councillor Jim Grant, Minutes 49 and 58; Councillor Vinay Manro, Minute 56; Councillor Bob Wright, 52, 55, 57, and 58

### **44. Councillor Des Moffatt**

The Chair advised that Councillor Des Moffatt, a long-serving Thamesdown and Swindon Borough Councillor, had sadly recently died. He expressed his and the Council's condolences to Councillor Moffatt's family.

The Cabinet held a Minute's Silence in memory of Councillor Moffatt.

### **45. Declarations of Interest.**

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

### **46. Minutes.**

Resolved – That the minutes of the meeting held on 16<sup>th</sup> October 2019 be confirmed and signed as a correct record.

### **47. Public Question Time.**

Mr Gary Llewellyn, a town planner, Highworth resident, and Warneford School governor asked Councillor Sumner, the Cabinet Member for Strategic Planning:

- a) To confirm whether the land at Shrivenham Road and Redlands phase two were in the Strategic Housing and Economic Land Availability Assessment (SHELAA) document and
- b) To clarify why officers had informed a developer that a site could have 250 housing units when it was specified for 200

Councillor Sumner responded at the meeting.

Mr Roy Warman, Haydon Wick resident, asked a series of questions about the availability of responses to the initial consultation, the five-year land supply figure and the possible effect of accelerated house construction on that figure. The Service Manager – Planning Policy responded at the meeting.

### **48. Budget Management 2019/20**

Councillor Russell Holland, the Cabinet Member for Finance, Skills, and Education

and the Corporate Director of Finance and Assets submitted a joint report updating the position in relation to the 2019-20 forecast budget outturn and the work underway to address the financial challenge in the period to March 2021. In addition, Councillor Holland and the Corporate Director of Finance and Assets stated that the report was to meet the requirement to publish initial proposals for the Budgetary and Policy Framework at least two months before the Framework must be adopted, in accordance with (paragraph 2 (a), Budget and Policy Framework Procedure Rules, part 4 of the Council's Constitution.

Councillor Holland added that the report set out how Cabinet and officers were working to reduce the current projected overspend to end the financial year in balance. Councillor Holland elaborated on how the Council was responding to changes in the local Council Tax benefit scheme in order to ensure recipients were not adversely affected. In response to Council's resolution about Fair Tax (7<sup>th</sup> November 2019), Councillor Holland drew Cabinet's attention to the joint report and stated how the Council would retain its current procurement processes.

Resolved:-

1. That the in-year forecast outturn position for 2019/20 be noted along with the responding management actions that continue to be employed to eliminate the projected yearend overspend;
2. That the proposed budget and policy framework to address the estimated budget gap of £48m over the four year period to March 2024 be noted;
3. That it be noted that the Local Government Finance Settlement for 2020/21 has yet to be published and therefore the funding position for that year remains uncertain;
4. That it be noted that the council tax base for 2020/21 will be 75,878.9;
5. That the Council's approach to promoting tax compliance through its procurement process be noted;
6. That the virements set out in Appendix 2 to the main report be agreed;
7. That it be agreed that the Local Council Tax Support (benefits) scheme in 2020/21 be amended in line with the national scheme in that, applicable amounts and non-dependant deductions will be increased and mixed age couples claims, where one of the couple becomes a pensioner, will be processed as a working age couple claim;
8. That it be agreed that the Local Council Tax Support (benefits) scheme in 2020/21 be amended to clarify the intention that households where children become 18 and have benefited from the disabilities protection under the local scheme, continue to be protected and do not have their support limited to 80% of the Council Tax liability;
9. That it be agreed that the Council Tax on unfurnished and unoccupied properties in excess of five years be increased from 200% to 300% with effect from 1st April 2020, in accordance with the Rating and Council Tax Act 2018, to encourage their owners to bring them back into use;
10. That it be agreed that the Council's share of the estimated surplus on the council tax element of the Collection Fund as at 31 March 2020 is £991k.

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

**49. Capital Monitoring Quarterly Reports - second quarter 2019/20**

Councillor Russell Holland, the Cabinet Member for Finance, Skills, and Education and the Corporate Director of Finance and Assets submitted a joint report setting out the second quarter's monitoring position for the Council's capital programme and some proposed changes to the programme. Councillor Holland welcomed the Planning Committee's recent decision in support of the Southern Connector Road.

Councillor Jim Grant asked a question about what would happen to the Government funding if the compulsory purchase orders did not proceed.

Councillor Gary Sumner, Cabinet Member for Strategic Planning responded in part at the meeting and undertook to provide a full written response.

Resolved:-

1. That the forecast capital expenditure set out in Table 1 & 2 of the joint report and Appendices 1 and 2 be noted.
2. That the changes detailed at paragraphs 3.2 to 3.3 of the joint report be noted.
3. That the additions to the programme noted at section 3.4 of the joint report be approved.
4. That the contents of Appendix 3 regarding the 2018-19 Community Infrastructure Levy (CIL) and its publication on the Council's website be approved;
5. That the annual retention of 5% of the total annual CIL receipts to cover administration costs as per paragraph 3.5 to 3.12 of the joint report be approved;
6. That the intention to allocate CIL receipts to support capital programme proposals will be taken to Cabinet in February 2020 as part of the annual capital budget setting process be noted.

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

## **50. Treasury Management Performance 2019/20**

Councillor Russell Holland, the Cabinet Member for Finance, Skills, and Education and the Corporate Director of Finance and Assets submitted a joint report setting out the mid-year Treasury Management performance for 2019/20. The joint report noted that the CIPFA Treasury Code of Practice recommends that Treasury Management performance is reported at least twice a year.

Councillor Holland drew Members' attention to possible increases interest rates that might affect the Council's investment priorities. Councillor Mary Martin, Cabinet Member for Children's Services, asked about whether the change in Public Works Loan Board interest rates affected existing loans, to which Councillor Holland responded at the meeting.

Resolved:- That the mid-year Treasury Management performance be noted.

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

## **51. Housing Revenue Account - Housing Development Sites**

Councillor Cathy Martyn, the Cabinet Member for Housing and Public Safety, and the Corporate Director of Communities and Housing submitted a joint report seeking approval from Cabinet to allocate the proposed housing site at Bromley Close in order for the Council, through the Housing Revenue Account (HRA), to continue developing social housing for the residents of Swindon. The joint report note that the identified site has been selected following Member engagement and the initial undertaking of due diligence by the Council's Planning Department in terms of constraints. In addition, the joint report sought to inform Cabinet of the intended development of the site at Windmill Hill and how this would be brought forward, as well as to provide an update for Members on the intention of developing an options appraisal regarding a High-Rise strategy within the Walcot and Park North Wards.

Councillor Emma Bushell asked the Cabinet Member questions regarding the number of council properties that might be provided, the possible tenancy mix, the design, the engagement with ward members, tenants, and leaseholders, and the need to keep the same level of maintenance, especially in the high rise blocks. Councillor Cathy Martyn responded at the meeting.

Resolved:-

1. That the allocation of the land at Bromley Close, detailed on the plan attached at Appendix 1 to the joint report, be approved as a future housing development site to be delivered through the HRA.
2. That the Head of Property Assets in consultation with the Chief Legal Office be delegated the authority to take all necessary steps to appropriate the land at Windmill Hill, detailed on the plan attached as Appendix 2 to the joint report, from the General Fund to the HRA at a value to be determined, to enable it to be developed through the HRA with potential collaboration with the Swindon Housing Company.
3. That a budget of £50K be approved, to be allocated from the HRA, to progress the detailed feasibility and design for the sites at Bromley Close and Windmill Hill, as well as the work to progress the development of Milverton and Torrington Courts

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

**52. Swindon Borough Local Plan Review - Regulation 19 Consultation (submission draft) (Minute for Confirmation)**

Councillor Gary Sumner, the Cabinet Member for Strategic Planning and the Head of Planning, Regulatory Services, and Heritage submitted a joint report seeking Cabinet's recommendation to Council to approve undertaking public consultation on the submission draft Swindon Borough Local Plan Review for a period of 6 weeks in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Councillor Sumner added that the consultation would be for a six week period and that the draft text would be checked prior to publication.

Councillor Brian Ford, Cabinet Member for Adults and Health, spoke on behalf of Councillor Cathy Martyn, Cabinet Member for Housing and Public Safety in their roles as Wroughton and Wichelstowe Ward councillors. Councillors Ford and Martyn advised that they both supported the recommendation that the Local Plan

continue to the next round of consultation. They requested that it be recorded in the minutes that this did not mean they agreed with the proposed site allocations for Wroughton. Councillor Ford added that they would be encouraging residents to respond to the draft. Councillor Ford requested that Councillor Sumner and relevant officers arrange a meeting in Wroughton to inform and consult residents.

Councillor Bob Wright and Councillor Dale Heenan, Cabinet Member for the Town Centre asked questions about:

- How the Local Plan would identify sufficient land for additional tree planting,
- How it would assist the Council in preserving the Borough's existing trees, and
- Whether it would consult on the contraction of the town centre shopping area in line with changing retail trends.

Councillor Sumner and Councillor Keith Williams, Cabinet Member for Customer Services and Operational Excellence responded at the meeting.

Resolved:-

1. That Special Committee be recommended that the Head of Planning, Regulatory Services, and Heritage be authorised to undertake public consultation on the Draft Swindon Borough Local Plan Review as attached at Appendix 1 in accordance with the arrangements set out in paragraph 3.24 of the joint report.
2. That Special Committee be recommended that the Head of Planning, Regulatory Services, and Heritage, in consultation with the Cabinet Member for Strategic Planning, and the Chief Legal Officer, be authorised to make minor non-material changes to the content of the documents if required, prior to publication.

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

### **53. Corporate Customer Feedback Policy**

Councillor Keith Williams, Cabinet Member for Corporate Services and Operational Excellence and the Head of Customer Services, Registrars and Bereavements submitted a joint report setting out proposed alterations to the Council's current Corporate Customer Feedback Policy following a recent review. The joint report noted that the Corporate Customer Feedback Policy was previously reviewed in February 2015 and therefore required reviewing following the outcome to the Annual Local Government and Social Care Ombudsman's Report 2018-19.

Councillor Williams thanked officers for their work in producing the draft policy and informed Members that the changes reflected common practice in other local authorities and would continue to ensure a consistent approach across the Council.

Resolved:-

1. That it be agreed that the policy be renamed the Customer Feedback and Complaints Handling Policy.
2. That it be agreed that the purpose of the Customer Feedback and Complaints Handling Policy is to provide customers with clear guidance about how to achieve a prompt resolution to complaints in a fair and consistent fashion.

3. That the adoption of the reviewed and updated Customer Feedback and Complaints Handling Policy be authorised as the Council's method for handling all relevant complaints to ensure that, where possible, complaints are resolved internally before such matters are referred to the Local Government Ombudsman (LGO).
4. That the adoption of a new Customer Behavioural Policy be authorised to replace the Council's current Persistent and Vexatious Customer section within the current Corporate Customer Feedback Policy.

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

#### **54. Amending the Diversity Impact Assessment Process to strengthen Swindon Borough Council's role as a Corporate Parent**

Councillor Keith Williams, the Cabinet Member for Customer Services and Organisational Excellence and the Director of Performance, Organisational Improvement and Communications submitted a joint report to update Cabinet on some key actions driven by the Children's Service Improvement plan. The report also sought Cabinet's approval to adopt the equality and diversity strategy, which would lead to an amendment of the Council's current Equality & Diversity policy and process, (Cabinet Minute 132, 2009/2010 refers), to ensure that the needs of Children in Care and Care leavers are at paramount when proposing any policy or service changes across Swindon Borough Council (SBC).

Councillor Williams drew Members' attention to the fact that while children in care and care leavers were not protected characteristics set out in law, the proposals reflected the Council's wider duties towards those young people in and leaving its care.

Councillor Mary Martin, Cabinet Member for Children's Services and Councillor Russell Holland, Cabinet Member for Finance, Education, and Skills, both spoke about the importance of helping young people through the transition stages of care as well as councillors' duty as corporate parents.

#### **Resolved:-**

1. That the Equality and Diversity strategy considered by both the Equality Task Group and Equality Advisory Group CMAG in 2018 be approved and that the Equality and Diversity Policy be aligned to deliver the strategy.
2. That beyond the statutory definitions, it be approved that children in care and care leavers be included as a tenth characteristic for the Council's diversity impact assessment process at Swindon Borough Council.
3. That the Chief Executive and relevant officers be authorised to implement the updated diversity impact assessment policy as part of the Council's decision-making processes.

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

#### **55. Adult Community Learning Plan 2019-21 (Minute for Confirmation)**

The Cabinet Member for Finance, Education, and Skills along with the Head of

Skills, Employment and Life Long Learning submitted a joint report setting out the findings or a review of the needs of adult learners in Swindon. The report requested that Cabinet recommend Council approve and implement the new Adult Community Learning Plan 2019-2021 and note the Theory of Change as appended to the main report. Councillor Holland requested that Members note the success rate of the courses provided as reflected in the tables in the joint report.

Councillor Mary Martin, Cabinet Member for Children's Services, asked how the Council was seeking to engage with hard to reach groups, particularly those who had come to Swindon without much experience of formal education or similar opportunities. Councillor Holland responded at the meeting. Councillor Bob Wright asked a question about the numbers who were completing courses and then finding employment. The Head of Skills, Employment and Life Long Learning undertook to provide a written response

Resolved:-

1. That Council be recommended to approve the ACL Plan 2019-21 and the 'Theory of Change' attached at Appendix 1 to the main report and to note the summary of performance.
2. That, subject to Council approving the ACL Plan, that the Head of Skills, Employment and Lifelong Learning be authorised to implement it.

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

**56. Natural England District Licensing Project for Great Crested Newts Habitats**

Councillor Gary Sumner, the Cabinet Member for Strategic Planning and Councillor Keith Williams, the Cabinet Member for Customer Services and Operational Excellence, along with the Head of Planning, Regulatory Services and Heritage & Head of Property Assets, submitted a joint report seeking authority for Swindon Borough Council to become part of the national roll-out by Natural England of District Level Licensing (DLL) for Great Crested Newt habitats. This would provide an alternative mechanism for protecting newts, which is intended to reduce the costs on developers and which would enable newt populations to flourish in suitable locations.

Councillor Sumner introduced the joint report, informing Members that a site had been identified and additional sites would be sought.

Councillor Brian Ford, Cabinet Member for Adults and Health, and Councillor Vinay Manro asked question about the size of the great crested newt population and the proposed site. Councillor Sumner and the Planning Manager responded at the meeting. Councillor Dale Heenan, Cabinet Member for the Town Centre, welcomed the report and noted how it would support future development in the Borough.

Resolved:-

1. That the Head of Planning, Regulatory Services and Heritage in consultation with the Chief Legal Officer be authorised to enter into a Memorandum of Agreement to progress the Council's involvement in Natural England's District Level Licensing project for Great Crested Newts (GCN) 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 Head of Planning, Regulatory Services and Heritage be authorised to:
  - a) Utilise the land at Mouldon Hill, Swindon as shown on the plan attached as Appendix 1 to the main report, for GCN habitat purposes.
  - b) Identify further Council owned land, which is assessed as suitable for GCN habitat and unsuitable for any alternative development, and in consultation with the Cabinet Member for Corporate Services and Operational Excellence, to utilise that land for GCN habitat purposes in line with the District Level Licencing initiative.
3. That the Head of Property Assets in consultation with the Chief Legal Officer be authorised to enter into an agreement with Natural England to regulate the use of land identified in 2(a) and 2(b) above as GCN habitat on such terms and conditions that are necessary 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.

## **57. Carriage Works Regeneration - Phase II**

Councillor Dale Heenan, the Cabinet Member for the Town Centre, and the Head of Town Centre Development submitted a joint report setting out how in 2017 Cabinet approved capital investment of £3.6m for the refurbishment of units 7/9/11 on the basis that the works would only proceed on a pre-let basis. The joint report sought approval for an uplift in the previously agreed budget to £4.6m as well as approval for funds for major structural works to units 7/9 to be released in advance of pre-lets.

Councillor Heenan introduced the joint report by summarising the improvements in phase one and how these proposals, if adopted, would support attracting further jobs as well as promote the Railway Village by opening up the undercroft spaces. Councillor Bob Wright asked a question about financial details, to which Councillor Heenan undertook to provide a written response.

Resolved:-

1. That an increase in the budget for units 7/9/11 of £530,000 funded through borrowing be approved, of which the debt charges will be financed from the existing capital financing budget in year 1, and from rental income beyond that.
2. That it be agreed that a budget of £480,000, funded through borrowing, for additional works to the undercroft as set out at paragraph 3.5 of the joint report. Further, that it be agreed that resulting debt charges will be financed from the existing capital financing budget in year 1, and from rental income beyond that.
3. That it be approved that £0.9m of the total revised budget to be released in advance of prelets.

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

## **58. Nythe Road/Oxford Road Capacity Enhancement Scheme: New**



## **Eastern Villages (NEV)**

Councillor Gary Sumner, the Cabinet Member for Strategic Planning, and Councillor Maureen Penny, the Cabinet Member for Transport and the Environment, along with the Corporate Director for Communities and Housing submitted a joint report to respond directly to concerns raised by local residents, by petition, to the Nythe Road/Oxford Road Capacity Enhancement Scheme (Draft Council Minute 45, 2019/2020 refers). The joint report outlined the benefits of the scheme, which is being delivered as a part of mitigation requirements for the New Eastern Villages (NEV) development.

Councillor Sumner introduced the draft report and requested that paragraph 1.3 be deleted as this was retained in error from an earlier draft, to which Cabinet consented.

Councillor Russell Holland, Cabinet Member for Finance, Education, and Skills spoke as a ward councillor about the concerns of residents but the greater investment that had been secured for the transport infrastructure. Councillor Dale Heenan, Cabinet Member for the Town Centre, noted the need to make the changes to ensure traffic kept flowing.

Councillors Jim Grant and Bob Wright asked a number of questions relating to:

- Why the Council was not widening some existing roads that had the land to permit this,
- The pattern of traffic flows,
- The degree of concern felt by residents at the proposals affecting Oxford Road, and
- The lack of improvements reported by residents when major works were undertaken at Bruce Street Bridges.

Councillor Gary Sumner responded at the meeting.

Resolved: -That, in light of the residents' petition and Council's resolution, the Corporate Director of Communities and Housing in consultation with the Cabinet Member for Strategic Planning and Cabinet Member for Transport and the Environment, be authorised to proceed with delivering the scheme as it relates to the Oxford Road/Nythe Road junction as approved by Cabinet on July 2019 (Cabinet Minute 21, 2019/20 refers) and summarised in the body of the report

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