

## **CABINET**

**WEDNESDAY, 5 FEBRUARY 2020**

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

Apologies for absence were received from Councillors Oliver Donachie and Mary Martin

Councillor Jim Grant attended the meeting in respect of Minutes 63, 64 and 65, Councillor Jane Milner-Barry attended in respect of Minutes 63 and 64, and Councillor Bob Wright in respect of Minute 63.

### **59. Declarations of Interest.**

Councillor Dale Heenan declared a personal but non-prejudicial interest in Minute 69 (A sustainable future for the Community Meals Service) in that his sister worked in the service affected.

Councillor David Renard declared a personal and prejudicial interest in Minute 72 (Wichelstowe Joint Venture – NHBC Guarantee) in that he is a Council-appointed member of the Joint Venture Board.

Councillor Keith Williams declared a personal but not prejudicial interest in Minute 70 (Transfer of Parish Services to Parish Councils) in that he is chair of West Swindon Parish Council's Leisure and Amenities Committee.

### **60. Minutes.**

Resolved – That the minutes of the meeting held on 4<sup>th</sup> December 2019 be confirmed and signed as a correct record.

### **61. Public Question Time.**

Mr Mark Smart, Chair, Reach Arts submitted a written question on proposed funding cuts to Reach Interactive Arts in the 2020/21 Budget, to which Councillor Dale Heenan, Cabinet Member for the Town Centre, provided a response that is published on the Council's website alongside the Minutes. Mr Smart asked a supplementary question on the same topic, to which Councillor Heenan responded at the meeting.

Mr Jacob Tyrell, a Trustee of Prime Theatre, submitted a written question on proposed funding cuts to Prime Theatre in the 2020/21 Budget, to which Councillor Dale Heenan, Cabinet Member for the Town Centre, provided a response that is published on the Council's website alongside the Minutes. Mr Tyrell asked a supplementary question on the same topic, to which Councillor Heenan responded at the meeting.

Ms Shahina Johnson MBE, CEO & Artistic Director, Create Studios, submitted a written question on proposed funding cuts to Create Studios in the 2020/21 Budget,

to which Councillor Dale Heenan, Cabinet Member for the Town Centre, provided a response that is published on the Council's website alongside the Minutes. Ms Johnson asked a supplementary question on the same topic to which Councillor Heenan responded at the meeting.

Mrs Karen Davison-Renouf, Old Town resident, submitted a written question about Council spending to support the Corn Exchange redevelopment, to which Councillor Dale Heenan, Cabinet Member for the Town Centre, provided a response that is published on the Council's website alongside the Minutes. Mrs Davison-Renouf asked a supplementary question on the same topic, to which Councillor Heenan undertook to provide a written response within 10 working days.

## **62. 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. |
|-----------|---------------|-------------|
| 16        | 3             | 73          |

## **63. Budget 2020/2021 and Beyond (Minute for Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance, Education and Skills along with the Corporate Director of Finance and Assets (Section 151 Officer) submitted joint report proposing a Budget for 2020/21 and setting out the financial context for 2021/22 and beyond. 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.

Councillor Holland introduced his report setting out the implications of the delay in having government grants confirmed owing to the General Election, the continuing demographic pressures, and the desire to provide long-term support for arts groups that would be addressed in a proposed amendment to Appendix 3. He explained that the Council had received a grant of £60k, which had allowed officers to make new proposals to assist the arts groups that had previously expected an £80k cut. Councillor Holland also informed Cabinet of statutory changes imminent regarding the Dedicated Schools Budget. He reminded Members that the budget itself would not be determined until Council on 20<sup>th</sup> February 2020.

Councillors Dale Heenan, Jim Grant, Jane Milner-Barry, and Bob Wright asked a range of questions about the budget covering:

- Whether austerity is continuing for local government and the role of central government in funding the projected increased demand for adult social care,
- How the proposed budget changes might affect services for the vulnerable,
- Why Cabinet Members had not brought forward earlier the savings identified in this budget.
- How Cabinet might work with non-executive members to identify ways to

- support cultural groups and activities.
- The use of borrowing to support council and public sector schemes.
- The proposed support for the literature festival.
- What alternative proposals had been submitted during the three months since Cabinet approved the consultation budget.

Councillor Holland responded at the meeting.

#### Resolved –

- 1) That the medium term financial context and impact on Swindon of the draft Local Government Finance settlement be noted;
- 2) That the projected out-turn for 2019/20 be noted;
- 3) That Members note the consultation feedback summarised in Appendix 2,
- 4) That the detailed Dedicated Schools budget for 2020/21, based on a provisional funding envelope of £198.28m be noted;
- 5) That, in line with the requirements of the Local Government Act 2003, the Corporate Director of Finance and Assets' confirmation of the robustness of the estimates underlying the recommended Budget and adequacy of reserves in the context of the earmarked reserves and proposed budget risk contingency be noted.
- 6) That the medium term financial strategy, set out in Appendix 5 be endorsed;
- 7) That the specific reserves held in support of the 2020/21 Revenue Budget set out in Appendix 4 be agreed;
- 8) That it be agreed that the proposed Dedicated Schools Budget (DSG) budget deficit should be recovered from within DSG income;
- 9) That the Corporate Director of Finance and Assets be authorised to balance any changes between the provisional and final local government finance settlements by adjusting the Budget Risk Contingency;
- 10) That an updated Appendix 3 with adjusted funding for cultural groups be submitted to Full Council.

#### Minute for Confirmation by Full Council

- 11) That Council be recommended, subject to any changes resulting from the Government's announcement of the final local government finance settlement for 2020/21,
  - a. To set the 2020/21 Budget at £149.074m;
  - b. To increase the Council Tax by 3.99%, comprising 1.99% for the basic amount of Council Tax and a specific adult social care precept of 2%, and;
  - c. To determine that the proposed increase in the basic amount of Council Tax for 2020/21 is not excessive in accordance with Schedule 5 of the Localism Act 2011 and therefore does not trigger the requirement for a referendum.

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

#### **64. Capital Programme 2020/2021 (Minute for Confirmation)**

Councillor Russell Holland, the Cabinet Member for Finance, Education, and Skills along with the Corporate Director of Finance and Assets, submitted joint report to provide an update to the Capital Strategy and report new capital investment requirements through to 2024/25.

Councillor Holland introduced the joint report and proposed the following additional recommendations and amendments:

- Add: 2.1.4 To approve a £4.8m virement from the budget allocated to the proposed Swindon Museum and Art Gallery to Junction 15 M4 from the 2019/20 capital programme.
  - Add: 2.5 Subject to 2.1.4 above being approved at Full Council, to authorise the CEO in consultation with the Cabinet Member for Strategic Planning to agree terms with SWLEP and Highways England and then for the Chief Legal Officer to enter into appropriate agreements.
  - In recommendation 2.3, replace Thamesdown Avenue with Thames Avenue”
- Councillor Gary Sumner, Cabinet Member for Strategic Planning, spoke in support of the additional recommendations regarding the money for work at Junction 15, which was necessary to address traffic flow issues now. Councillor Maureen Penny, Cabinet Member for Transport and the Environment, asked that it be noted that she would be bringing a proposal to install automatic number plate recognition in car parks, which would cost approximately £500K, to Cabinet in March 2020 for consideration.

Councillors Jim Grant and Jane Milner-Barry asked a series of questions about the plans for a new museum and art gallery along with how £400k allocated for improvements to the current building would be ring-fenced and what those works might be. Councillor Dale Heenan, Cabinet Member of the Town Centre, responded at the meeting.

Resolved – (1) That Council be recommend to (Minute for Confirmation):

- (a) approve the additions to the Capital Programme and funding sources for the schemes set out at Appendix 1 to the main report;
  - (b) approve that further updates to the Capital Programme can be approved by Cabinet within the approved capital financing revenue budget and prudential indicators; and
  - (c) approve the Capital Strategy attached at Appendix 2 to the main report; and
  - (d) approve a £4.8m virement from the budget allocated to the proposed Swindon Museum and Art Gallery to Junction 15, M4.
- (2) That Cabinet noted the impact on long-term borrowing of the approvals sought in this paper as set out at paragraph 3.9 of the main report;
- (3) That a budget for £24,922 in 2019/20 funded from S106 contributions for speed reduction measures on Thames Avenue as set out at paragraph 3.6 of the main report be approved;
- (4) That it be approved that the schools capital funding is distributed as detailed in paragraph 3.17 of the main report.
- (5) That, subject to 2.1.4 above being approved at Full Council, the Chief Executive be authorised in consultation with the Cabinet Member for Strategic Planning to agree terms with Swindon and Wiltshire Local Enterprise Partnership and Highways England and then for the Chief Legal Officer to enter into appropriate agreements.

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

## **65. Treasury Strategy Statement 2020/21 (Minute for Confirmation)**

The Cabinet Member for Finance, Education, and Skills along with the Corporate Director of Finance and Assets submitted a joint report Treasury Management

Strategy for 2020/21, including Prudential Indicators up to 2024/25, the Annual Investment Strategy, and the Minimum Revenue Provision Policy Statement.

Councillor Holland introduced the joint report, setting out its importance in underpinning valid revenue and capital budgets. Councillor Jim Grant asked about the level of reserves and their adequacy, to which the Councillor Holland and the Corporate Director of Finance and Assets responded at the meeting.

Resolved – That Cabinet recommends Full Council approves the Treasury Management Strategy, Minimum Revenue Provision Policy and Prudential Indicators, as set out in Appendix 1 to the joint report.

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

## **66. Housing Revenue Account - Rents and Charges 2020/21**

The Cabinet Member for Housing and Public Safety along with the Corporate Director, Communities and Housing submitted a joint report setting out the proposed rents, service charges, support charges for 2020/21 and proposed Housing Revenue Account (HRA) budget for 2020/21.

Councillor Martyn introduced the joint report and summarised the different channels the Council had used to promote the consultation among tenants. However, she drew Cabinet's attention to the low response rate and the lack of a majority view for either option hence the report was recommending a rent increase. Councillor Martyn informed colleagues about the continued repayment of the HRA debt, the relocation of staff from Waterside to Hillmead, the ongoing consequences of the Government's decision to impose year-on-year reductions in the levels of rent and how this has affected the volume of repairs and acquisitions undertaken.

Resolved – (1) That Cabinet recommends that Full Council approves the proposed average social rent for Housing Revenue Account (HRA) dwellings for 2020/21 of £81.25 per week (52 week basis), which is an increase of 2.7%, be approved. This will be an average increase of £2.14 per week (on a 52 week basis). The range of increases are shown in paragraph 3.8 of the joint report.

(2) That the Director of Housing be authorised to seek authority from the Secretary of State to extend permission to provide a budget of £200k within the HRA for payments to Council's tenants under the Discretionary Housing Payments scheme in 2020/21 as detailed at paragraphs 3.23 of the joint report.

(3) That the housing related support charges for 2020/21 and service charges for 2020/21 as outlined in Appendix 2 be approved.

(4) That the leaseholder service charges are set for 2020/21 as shown in Appendix 3 be approved.

(5) That based on the proposals within this report, the Housing Revenue Account (HRA) proposed budget 2020/21, shown in Appendix 4, be approved and that the HRA Capital Budget and Funding as shown in Appendix 5 be approved.

(6) That the draft 3 year capital projects and planned maintenance programme be approved at an indicative funding level of £15.5m (2019/20 prices) for 2020/21 Appendix 6.

(7) That the Director of Housing be authorised to undertake a new acquisition programme and approve the acquisition programme budget of £4m for 2020/21 in

accordance with paragraph 3.19 of the joint report, to include the purchase of 1-4 bedroom properties to help meet priority housing needs arising from homelessness and clients supported by Adult Social Care..

(8) That it be approved that rents charged on General Fund properties be increased in line with the Government's Direction on the Rent Standard 2019 also applied to Housing Revenue Account rents. This allows for rent increases of up to the CPI for the September of the preceding financial year, plus 1%. Increases for 2020/21 will therefore be capped at 2.7%. Service charges for General Fund properties, as shown in Appendix 7.

(9) That the charges for Private Sector Leased (PSL) accommodation for those accepted as homeless once published by the Government and as set out in Appendix 7 be approved.

(10) That it be agreed that any underspend or overspend on the 2019/20 Housing Revenue Account be managed through the general revenue reserves.

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

## **67. School Admission Arrangements 2021-22 and Home to School Transport Policy**

The Cabinet Member for Children's Services and the Commissioner Education Place Planning and Admissions submitted a joint report seeking Cabinet's agreement to approve for all admissions in Swindon from September 2021:

- a) The co-ordinated scheme of admission arrangements for the normal point of entry for all primary schools and secondary schools.
- b) The co-ordinated In Year admission arrangements for all primary schools and secondary schools.
- c) The admission numbers and arrangements for Community and Voluntary Controlled schools for all admissions from September 2021.

This report also seeks Cabinet's agreement to approve the Mainstream Home to School Transport Policy for 2021-22.

As the Councillor Mary Martin was unable to present, Councillor Russell Holland, the Cabinet Member for Finance, Education, and Skills introduced the joint report, noting that these policies were statutory requirements. Councillor Holland drew Members' attention to the council's high success rate in placing children at one of their most preferred schools.

Resolved - (1) That the co-ordinated scheme of admission arrangements (Appendix 1a and 1b) for the normal point of entry (Reception Year, Year 3 and Year 7) for all primary schools and secondary schools in Swindon for all admissions be approved and be implemented from September 2021 for all applicants;

(2) That the co-ordinated In Year admission arrangements (set out at Appendix 4), for all primary schools and secondary schools in Swindon for all admissions be approved and be implemented from September 2021 for all applicants;

(3) That the admission numbers and arrangements for Community and Voluntary Controlled schools (Appendix 2) for all admissions be approved and be implemented from September 2021 for all applicants and that it be noted that no opposition from Schools was received;

(4) That the Mainstream Home to School Transport Policy (Appendix 5) for all admissions be approved and be implemented for all applicants for 2021-22.

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

#### **68. Swindon Pay Policy Statement (Minute for Confirmation)**

The Cabinet Member for Corporate Services and Organisational Excellence along with the Director Human Resources & Organisational Development submitted a report as the Localism Act 2011 requires local authorities to agree and publish a Pay Policy Statement by 1st April each year. The joint report sets out the Council's Pay Policy Statement for 2020 / 2021 for consideration by Cabinet, prior to referral to Full Council for approval.

Councillor Williams introduced the joint report, reminding Members that this was a statutory requirement. Councillor Williams drew attention to the detailed information in the appendix about staff, ethnicity, grades, and pay. Councillor Russell Holland, Cabinet Member for Finance, and Skills, spoke in support of the recommendations noting that report refutes misconceptions about the number of staff and levels of pay.

Resolved – (1) That the review of Council's Pay Policy Statement for 2020 / 2021, as set out in Appendix 1 to the report, be noted.

(2) (Minute for Confirmation) That the Pay Policy Statement be recommended to Council for approval, and, if approved, that the Director of Human Resources & Organisational Development be authorised to update the salary information on 1<sup>st</sup> April 2020 prior to publication.

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

#### **69. Transfer of the Community Meals Service to AGE UK Wiltshire**

The Cabinet Member for Transport and the Environment along with the Head of Streetsmart submitted a joint making a recommendation to secure a sustainable future for the Community Meals service, which is currently provided by the Council. The report provides Cabinet with an update from a proposal contained within the February 2019 Cabinet Budget report 'Community Meals – Preferred option to transfer operation to new provider currently running similar services elsewhere in the country' (Cabinet Minute 56 2018/19) refers.

Councillor Penny introduced the joint report noting how the Council had come to be responsible for the service when the initial provider was unable to make it viable. She added that while the service was valuable, the Council was also unable to cover its costs, hence it sought alternative provision. Councillor Brian Ford, Cabinet Member for Adults and Health, spoke in favour of the recommendations noting that officers in his portfolio area were consulted and supported the proposals.

Resolved – (1) That the business transfer of the Council's community meals service to Age UK Wiltshire (AGUKW) be approved.

(2) That the Corporate, Director Communities and Housing in consultation with the Chief Legal Officer (Monitoring Officer) and the Corporate Director of Finance and

Assets (s.151 Officer) be authorised to proceed with the next steps to appoint Age UK Wiltshire and to enter into a Business Transfer Agreement.

(3) That the Chief Legal Officer (Monitoring Officer) in consultation with the Corporate Director Communities and Housing and the Corporate Director of Finance and Assets (s.151 Officer) be authorised to complete all necessary documentation to transfer the operation including staff by means of a Business Transfer Agreement on such terms as she considers appropriate to protect the Council's interests

(4) That the Director of Human Resources and Organisational Development be authorised to plan and undertake a TUPE consultation exercise with all relevant staff, recognising that under the proposals staff engaged on those services will transfer to the new operator.

(5) That it be authorised that £50k of one-off resources to be earmarked to fund the costs of any necessary legal, property and other transaction costs to support the conclusion of the negotiations and completion of the relevant contractual documentation.

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

(Councillor Dale Heenan, Cabinet Member for the Town Centre, left the room for the discussion of this item having declared a personal but not prejudicial interest.)

## **70. Transfer of Parish Services to Parish Councils**

The Cabinet Member for Transport and the Environment along with the Head of Streetsmart submitted a joint report recommending that Swindon Borough Council (SBC) begin a process to terminate the Service Level Agreements with four Parish Councils, which provide for SBC to deliver certain StreetSmart Services to those Councils. In addition, it seeks authority to enter into agreements with those Parish Councils to TUPE transfer the SBC staff to the respective Parish Councils.

Councillor Penny introduced the joint report and summarised how there had been consultation with the parish councils affected. Councillor Penny stated that it was no longer possible to achieve economies of scale with the current delivery model.

Councillor Keith Williams, Corporate Services and Operational Excellence, declared a personal but non-prejudicial interest in the report in that he was chair of West Swindon parish council's Leisure and Amenities Committee; however, he elected to remain in the meeting.

The Leader of the Council invited Mr Chris Watts, Chair of Central Swindon South Parish Council to speak. Mr Watts expressed the parish's support for taking responsibility for the staff but noted that the title did not accurately reflect the fact that Borough had already devolved the responsibility for the work.

At the request of the Chief Executive, the Leader requested that the recommendations be amended to delegate authority to the Corporate Director of Finance and Assets, to which Members gave their consent.

Resolved – (1) That the Cabinet Member for Finance, Education, and Skills and the Cabinet Member for Transport and the Environment, in consultation with the



Corporate Director for Finance and Assets to be authorised confirm the cost implications of the future pension and redundancy costs set out in the body of the report.

(2) That the Corporate Director for Finance and Assets be authorised in consultation with the Cabinet Member for Transport and the Environment along with Cabinet Member for Finance, Skills and Education:

- (a) subject to 2 above, to terminate the service level agreements with Central Swindon South Parish, Central Swindon North Parish, West Parish and St. Andrews Parish Councils and
- (b) Subject to (a) above, to commence the TUPE transfer process for all affected SBC staff to the respective Parish Councils in order for the Parish Councils to self-deliver these services.

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

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

The Cabinet Member for Adults and Health along with the Chief Legal Office submitted a joint report asking Cabinet to note the Swindon findings from the Bath & North East Somerset, Swindon, and Wiltshire (BSW) report considered Health and Wellbeing Board held on 9<sup>th</sup> October 2019, endorse the recommendations and adopt the BSW Suicide and Self-Harm Prevention Strategy 2019 -2023.

Councillor Brian Ford introduced the joint report and drew Members' attention to the wide range of actions being proposed that would help to reduce the incidence of suicide further. Councillor Dale Heenan, Cabinet Member for the Town Centre asked if training would be provided to Members to promote awareness. Councillor Ford gave an undertaking that he would request that this be one of the scheduled Member Training Sessions, which he hoped would be supported by the political Party Groups.

Resolved –That Cabinet note the Swindon findings, endorse the Health and Wellbeing Board's recommendations of 9<sup>th</sup> October 2019, and adopt the BSW Suicide and Self-Harm Prevention Strategy 2019 -2023.

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

## **72. Wichelstowe Joint Venture - NHBC Guarantee**

In the Leader's absence for this item, Councillor Holland, Deputy Leader of the Council and Cabinet Member for Finance, Education, and Skills, took the chair.

The Cabinet Member for Strategic Planning and the Corporate Director of Communities and Housing submitted a joint report setting out the benefits and risks of the Council of providing an indemnity to the National House Building Council (NHBC) in relation to housebuilding and sales activity undertaken by Wichelstowe LLP (JV).

Councillor Gary Sumner advised Cabinet that approving the recommendation would

help to avoid higher costs from the development.

Resolved – That the Chief Legal Officer be authorised, in consultation with the Corporate Director of Communities and Housing and the Cabinet Member for Strategic Planning to complete the necessary contractual arrangements with the JV and the NHBC on the terms as set out in the body of the report

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

(The Leader of the Council declared a personal and prejudicial interest as a Council-appointed member of the JV Board and left the meeting for the duration of this item. The Chief Executive and the Corporate Director of Finance and Assets as fellow appointees to the JV Board also left the meeting.)

### **73. Land in Central Swindon**

The Leader of the Council resumed the chair.

The Cabinet Member for the Town Centre and the Head of Town Centre development submitted a joint report seeking authority to acquire land in Swindon Town Centre as identified in the main body of the report.

Councillor Dale Heenan drew Members' attention to the updated information that he had tabled at the meeting.

Resolved – (1) That, subject to approval of capital programme by Council in February 2020, the Council be authorised to acquire land set out in Appendix 2 to the main report from the party, and for the consideration, identified at Appendix 1 to the main report, and that the purchase is to be funded through borrowing, on terms agreed by the Head of Property Assets in consultation with the Head of Town Centre Development.

(2) That the Council be authorised to enter into a Funding Agreement to secure up to £5m of capital grant for up front infrastructure delivery to service land on terms agreed by the Head of Town Centre Development and the Corporate Director of Finance and Assets, in consultation with the Chief Legal Officer and the Cabinet Member for Town Centre, as detailed at paragraphs 3.15 to 3.18.

(3) Subject to approval of capital programme by Council in February 2020 that the Corporate Director of Finance and Asset be authorised, in consultation with the Cabinet Member for Town Centre, to approve 'top up' capital funding, paid for through authorised borrowing, to complement the grant funding at recommendation (2) above.

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