

## **CABINET**

**WEDNESDAY, 22 APRIL 2020**

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

### **74. Declarations of Interest.**

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

### **75. Minutes**

Resolved – That, with the amendment of “would be” to “was being” in Minute 71, the minutes of the meeting held on 5<sup>th</sup> February 2020 be confirmed and signed as a correct record.

### **76. Public Question Time**

Mr Gerry Hannon, on behalf of Friends of the Health Hydro submitted a question about how additional funds would be found to pay for repairs at the Health Hydro. Councillor Keith Williams, Cabinet Member for Customer Services and Organisational Excellence, read out the question and responded at the meeting.

Mr Dick Millard on behalf of Swindon Cycle Campaign submitted a question regarding the planned Local Cycling and Walking Infrastructure Plan in relation to the Town Centre Movement Strategy. Councillor Maureen Penny, Cabinet Member for Transport and the Environment, read out the question and responded at the meeting.

### **77. Budget Management Update (March)**

The Cabinet Member for Finance, Education and Skills along with the Corporate Director for Finance and Assets submitted a joint report setting out the 2019/20 revenue budget forecast out-turn.

Councillor Holland advised Cabinet that there would be additional financial costs from responding to the virus that would be brought to Members later. While welcoming the £1.6bn of additional funding from central government, he also advised Cabinet that Swindon’s allocation of this had not been determined.

Resolved - That the 2019/20 revenue budget forecast out-turn for each service area set out in Table 1 and Appendix 1 be noted.

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

### **78. Capital Programme Monitoring 3rd Quarter 2019/20**

The Cabinet Member for Finance, Education, and Skills along with the Corporate Director of Finance and Assets submitted a joint report presenting the third quarter monitoring position for the Council's capital programme and some proposed changes to the programme.

Councillor Holland introduced the report as tabled and, in response to a question from Councillor Ford, confirmed that the Council had signed the agreement to receive government funding for the M4 Junction 15 works. Councillor Penny responded to a question from Councillor Williams confirming that while work on Mead Way had continued, it was taking longer in order to permit social distancing to protect the workers, therefore the anticipated underspend would be less than was forecast.

**Resolved** – (1) That the forecast capital expenditure set out in Table 1 & 2 of the main report and Appendices 1 and 2 be noted;  
(2) That the variances detailed at paragraph 3.2 be noted;  
(3) That the changes detailed at paragraph 3.3 be approved; and  
(4) That the new reporting requirements regarding the 2019-20 Community Infrastructure Levy (CIL) publishing requirements detailed at paragraph 3.4 of the main report and the contents of Appendix 3 be noted.

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

## **79. Affordable Housing Programme**

The Cabinet Member for Housing and Public Safety along with the Director of Housing submitted a joint report setting out the current position of the Affordable Housing Development Programme and emerging projects. The joint report also sought approval for the Director of Housing to be authorised to use Housing Revenue Account resources to develop sites set out in the report.

Councillor Cathy Martyn informed Cabinet how the report set out the Council's ambition to provide a range of affordable housing options, within the funding available. Councillor Martyn responded at the meeting to questions submitted in advance by Councillor Bob Wright about the use of brownfield sites and the balance of social as opposed to affordable rented properties. Councillor Martyn also confirmed to Councillor Brian Ford that if the projects needed to use their contingency budgets then there would be a report to Cabinet showing the details.

**Resolved** – (1) That the Director of Housing be authorised to design and carry out a consultation to complete the construction of 64 units at Windmill Hill site at an estimated cost of £15.1 million,  
(2) That the Director of Housing be authorised to complete the construction of the Queens Drive Regeneration at a cost of £34 million,  
(3) That the Director of Housing be authorised to design and carry out a consultation on a development on land at Bromley Close.

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

**80.**

### **Town Centre Movement Strategy**

The Cabinet Member for Transport and the Environment along with the Service Manager Transport Planning, Development and Street Works Management submitted a joint report setting out the Town Centre Movement Strategy (TCMS), which if adopted would be a package of interventions (schemes) that between them would deliver improvements to movement into and within the Town Centre. The joint report sought Cabinet approval of the revised draft document following Consultation and authorisation to finalise the documents for adoption.

Councillor Maureen Penny introduced the joint report and emphasised that it was intended to provide a 20-year vision to secure funding rather than detailed specific proposals. Councillor Dale Heenan, Cabinet Member for the Town Centre spoke in favour of the report and advised colleagues that addressing how shoppers and visitors moved between the Outlet Village and the town centre would be an important part of the Borough's economic recovery after the Covid-19 virus.

Councillors Stan Pajak and Bob Wright submitted questions before the meeting along with Councillors Oliver Donachie and Brian Ford at Cabinet, covering:

- The response rate to the consultation,
- The range of cycling options including the need to connect fully the cycle routes through or around the town centre,
- The Strategy's relationship with and effect on, the Air Quality Action plan,
- The effect of the proposed interventions on the Heritage Action Zone as well as some alternative suggestions for these proposals, and
- The contribution towards making the Borough carbon-neutral as well as the need to revise the statement in the covering report that suggested this strategy would not contribute to this.

Councillor Penny responded at the meeting and gave an undertaking to ask officers to review the statement about climate change implications in the covering report.

Resolved – (1) That the responses to the consultation as summarised in the body of the text and attached at Appendix 1, along with the significant amendments to the proposed strategy as a consequence of that consultation, be noted.

(2) That the form and content of the Town Centre Movement Strategy as attached at Appendix 2 be agreed and adopted as a strategy.

(3) That the Head of Planning, Regulatory Services and Heritage be authorised to make any minor or typographical changes as may be necessary prior to publication.

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

**81.**

### **Swindon Local Transport Plan Implementation Plan 2020/21**

The Cabinet Member for Transport and the Environment along with the Head of Highways and Transport submitted a joint report seeking approval for the adoption of the Local Transport Plan Implementation Plan for 2020/21 and for the Local Transport Plan Capital Programme budget apportionment for 2020/21.

Councillor Maureen Penny explained to Cabinet that this report set out the allocation of funding that Council had agreed as part of the Annual Budget. Councillor Penny added that she was working with officers to streamline the process

by which Ward Members could request funding to address minor repairs.

Resolved –

- (1). That the Local Transport Plan (LTP) Implementation Plan for 2020/21 be approved.
- (2). That the Local Transport Plan Capital Programme budget categories and total spend of £4.104 million for 2020/21, as detailed in Tables 1 to 7 of the Implementation Plan attached as Appendix 3 be approved.
- (3). That the Head of Highways and Transport, in consultation with the Cabinet Member for Transport 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 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,
  - g. Add additional schemes to the 2020/21 programme subject to receipt of the Pothole Action Fund allocation for 2020/21, and
  - h. Progress delivery of the Local Highways Maintenance Challenge Fund schemes as set out in paragraph 3.18 of the joint report, including match funding of up to £0.97m of existing approvals within the capital programme, subject to a satisfactory review of the grant Terms & Conditions which have not yet been received by the Council.
- (4). That the Head of Highways and Transport, in consultation with the Cabinet Member for Transport and the Environment, be authorised to develop and submit a bid / bids during 2020/21 for relevant funding opportunities 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 it be agreed to continue with the Highways and Transport Minor Works Requests process set out in Appendix 4.
- (6). That the progress on the review and refresh of the Local Transport Plan 3 document be noted.

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

## **82. Heritage Action Zone**

The Cabinet Members for the Town Centre, Strategic Planning, and Corporate Services and Operational Excellence along with Head of Property Assets and the Head of Planning, Regulatory Services, and Heritage, submitted a joint report providing an update on the progress being made on two of the key Heritage Action Zone (HAZ) projects: the Health Hydro and the Mechanics' Institute. The report also provided recommendations as to how the Council could maximise the benefits arising from the HAZ.

Councillor Dale Heenan, Cabinet Member for the Town Centre, introduced the joint report stating that it offered an opportunity for a sustainable future for the

Mechanics' Institute as well as options to support the Grade 2\* listed Health Hydro.

Councillors Oliver Donachie, Cathy Martyn, Gary Sumner and Keith Williams asked questions or made comments covering:

- The need to address the appearance of the Mechanics' as part of the "golden triangle" of the town centre's economy,
- The hard work of the Council's Officers across a number of departments to develop these proposals, and
- The ongoing engagement with social housing tenants in the Railway Village.

Councillor Heenan responded to these at the meeting.

Resolved – (1) That the long-term vision for the Health Hydro outlined in paragraphs 3.16 and 3.17 of the joint report be agreed, and that officers be authorised to identify further opportunities to secure additional funding to deliver the long term vision;

(2) That the proposed way forward to secure a viable new use, and restoration of the Mechanics' Institute as set out in paragraphs 3.30 to 3.33 of the joint report, including preparation for a possible Compulsory Purchase Order be agreed;

(3) That the Head of Planning, Regulatory Services and Heritage be authorised to negotiate S106 development contributions from new residential development coming forward in the Town Centre on the basis of the principles set out in paras 3.48 and 3.49 of the joint report; and

(4) That the Head of Planning, Regulatory Services and Heritage be authorised to allocate the Swindon Heritage Action Zone grant funding in accordance with the Table at Appendix 1 to the joint report.

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

### **83. Reference from the Health and Wellbeing Board - Homeless Prevention and Reduction Strategy (Minute for Confirmation)**

Councillor Cathy Martyn, the Cabinet for Housing and Public Safety and the Chief Legal Officer submitted a joint report asking Cabinet to adopt the draft Homeless Prevention and Reduction Strategy 2020-2024 that had been approved subject to amendments at the Health and Wellbeing Board on 11<sup>th</sup> March 2020. In accordance with the Board's terms of reference, the Minute of that meeting has been submitted to Cabinet.

Resolved – (1) That the Director of Housing, in consultation with the Cabinet Member for Housing and Public Safety, be authorised to make the amendments to the draft Homeless Prevention and Reduction Strategy 2020-2024 as discussed at the Health and Wellbeing Board on 11th March 2020.

#### Minute for Confirmation

(2) That Cabinet recommends that Council, subject to the completion of the amendments in (1) above, agree the recommendation of the Health and Wellbeing Board at its meeting on 11th March 2020: "that Swindon Borough Council's Cabinet adopt the Homeless Prevention and Reduction Strategy 2020-2024."

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

### **84. Amendments to the Constitution and Delegated Decision-making**

The Leader of the Council and the Chief Legal Officer (Monitoring Officer) set out a joint report seeking Cabinet's support for changes to the Council's Constitution, which includes necessary changes as a result of the ongoing global coronavirus Covid-19 situation to be recommended to Council for approval. The report also sought support for the Council to renew and update its constitution on an annual basis. The changes proposed seek to augment the Members and Officers' ability to make decisions in a timely manner that can adjust to any external needs, especially the current response to the Covid-19 virus.

The Leader introduced the joint report, which set out both changes to Annual Council that had been reviewed by the Corporate Governance Review Working Group as well as revised delegate decision powers to make the Council more resilient. He also noted that if Cabinet agreed, these proposals would be passed to Special Committee for confirmation. Councillor Renard tabled two amendments:

- 1) To delete the existing recommendation 2.4 and insert  
"2.4 That the Chief Legal Officer be authorised:  
2.4.1 In consultation with the Corporate Governance Review Working Group, to vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business during the course of the Municipal Year.  
2.4.2 In an emergency situation - when the "Gold Command" has been activated - in consultation with the Leader of the Council, the leaders of the other political party groups and the Chief Executive - to add to or vary the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business. In addition, the Chief Legal Officer (Monitoring Officer) shall submit a report to the next Full Council setting out how the additional powers added to the Constitution have been used and to invite Council to recommend that the Corporate Governance Review Working Group review any such additions at the next meeting."
- 2) To amend Paragraph 302 (Appendix Two, Scheme of Delegations).  
"To name new streets, subject to consultation with other appropriate officers as necessary, the Royal Mail, relevant ward councillors, and with Parish Councils where applicable." Members agreed to accept these.

- Resolved (1) That Cabinet recommends to Council that (Minute for Confirmation):
- (a) Council adopts the proposed changes to the Annual Council meeting to ensure that it is a civic occasion (see Appendix One to the main report).
  - (b) Council authorises the Chief Executive to undertake any delegation that Members have previously authorised at Annual Council on 17th May 2019 (Council Minute 11 2019/20 refers) and at Council on 20th February 2020 or reallocate these to other officers in order to ensure the efficient dispatch of the Council's business.
  - (c) Council adopts the updated the Scheme of Delegations to reflect current post titles and reporting lines along with updated delegation numbers (see Appendix Two to the main report).
  - (d) Council authorise the Chief Legal Officer to:
    - (i) In consultation with the Corporate Governance Review Working Group, to vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business during the course of the Municipal Year.
    - (ii) In an emergency situation - when the "Gold Command" has been activated - in consultation with the Leader of the Council, the leaders of the other political party

groups and the Chief Executive - to add to or vary the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business. In addition, the Chief Legal Officer (Monitoring Officer) shall submit a report to the next Full Council setting out how the additional powers added to the Constitution have been used and to invite Council to recommend that the Corporate Governance Review Working Group review any such additions at the next meeting

(e) With the addition of the amendment to paragraph 302 to include consultation with Ward Members over street names, Council adopts the updated the Scheme of Delegations to reflect current post titles and reporting lines along with updated delegation numbers (see Appendix Two to the main report).

(f) Council approves the changes to delegated decision-making as set out in the report below (attached at Appendix Three to the main report).

(i) That the augmented the wording of Article 14.06 to allow Officers to act once the Chief Executive has activated the “Gold command”/strategic response to an incident be adopted.

(ii) That the scope of who may make key or strategic decisions in line with legislation be revised.

(iii) That delegated decisions that are neither high profile nor contentious and which would otherwise have been made and publicised through the Council’s website using Cabinet Member Briefing Notes to be made, recorded, and made public via the Officer Decision Note process be permitted.

(g) That the Chief Legal Officer be authorised on behalf of Council to grant a leave of absence for reasons relating to Coronavirus Covid-19 to any Councillor who may apply.

(2) That the use of electronic signatures from councillors’ registered email addresses to sign or provide consent for the exercise of Cabinet Members’ and Officers’ delegated powers be approved.

(3) That it be noted the Leader of the Council can act in respect of any executive powers and responsibilities as set out in legislation.

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