

COUNCIL

THURSDAY, 19 APRIL 2007

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Raymond Fisher, Andy Albinson, John Ballman, Ray Ballman, Michael Barnes, Mike Bawden (Chair), Deborah Baylies, Andrew Bennett, Roderick Bluh, Maureen Caton, Mavis Childs, Sinead Darker, Doreen Dart, Michael Dickinson, Melanie Duff, Mark Edwards, Maurice Fanning, Fionuala Foley, Brian Ford, Geraldine Frost, David Glaholm, Peter Greenhalgh, Andy Harrison, Dale Heenan, Andy James, Charles Lister, Colin Lovell, Peter Mallinson, Nick Martin, Des Moffatt, William Morton, Stan Pajak, Anthony Peake, Garry Perkins, David Renard, David Sammels, Philip Sharp, Eric Shaw, Kevin Small, Glenn Smith, Peter Stoddart, Justin Tomlinson, Chris Van Roon, Steve Wakefield, Keith Williams, Martin Wiltshire, David Wren, Robert Wright and Philip Young.

134. Mayor's Announcements

The Mayor announced that the Council had received Beacon Status for Electoral Services and, on behalf of the Council, he offered his congratulations to The Director of Law and Democratic Services and the Electoral Services Team on their award on 20th March 2007.

135. Apologies for Absence

Apologies for absence were received from Councillors Steve Allsopp, Michael Bray, Ian Dobie, Fay Howard, Mary Martin, Brian Mattock, John Short, Barrie Thompson and David Wood.

136. Minutes

Resolved – That the minutes of the meeting held on 15th February 2007, be confirmed and signed.

137. Public Question Time

Mrs. Martha Parry asked a series of questions relating to the future of the former Railway Museum, why the issue had not been discussed at Cabinet the night before Council and on future plans for the use of the building.

The Leader of the Council indicated that he would provide a written response to the question. However, he explained that the future of the Railway Museum was important and that no decision would be taken on its future until all the necessary facts were available. He reminded Mrs. Parry that the Council was examining all its heritage buildings to establish a coherent strategy. He also noted that the Council was responsible to all its residents for the assets it owned and managed. The Trust's position was well known to officers and Members, and would be taken into account during any decision making process.

138.

Communications

The Chief Executive reported that no communications had been received.

139.

Minutes for Confirmation

- (1) Councillor Roderick Bluh moved and Councillor Fionuala Foley seconded that Minute 150 Adoption of Powers - Clean Neighbourhoods and Environment Act 2005 and Representation on the Wiltshire Waste Partnership) of the Cabinet be confirmed and adopted.
- (2) Councillor Roderick Bluh moved and Councillor Fionuala Foley seconded that Minute 167 (References from Children and Young People's Partnership Board) of the Cabinet be confirmed and adopted.

The Motion was put to the vote and declared carried.

Councillor Roderick Bluh and Councillor Fionuala Foley agreed that Minute 172 of the Cabinet (Proposed Changes to the Council's Constitution) be deferred for further consideration.

The Motion was put to the vote and declared carried.

The Mayor advised Members that Cabinet Minute 153 would be considered as part of Agenda Item No. 7 (Motion – Free Bus Travel for Senior Citizens).

140.

Standing Order 15 Questions

The Director of Law and Democratic Services reported that Councillors Des Moffatt and David Glaholm had submitted Standing Order 15 Questions. These questions, and answers submitted by the appropriate Cabinet Member are attached as an appendix to the Minutes.

Councillor David Glaholm asked the following supplementary question:

Can the Cabinet Member keep me informed of future developments? I am concerned that future developments will be built to different standards.

Councillor Peter Greenhalgh noted that most of the applications relating to the Northern Sector were reserved matters and that, with new applications, officers would negotiate to improve facilities such as parking to improve the area.

Councillor Andrew Bennett also noted that the Council had negotiated at length with developers for higher standards and also increased business parking.

141.

Motion - Free Bus Travel for Senior Citizens

Councillor Stan Pajak moved and Councillor Martin Wiltshire seconded:

“That the Council supports the principle of free bus travel for its senior citizens and wishing to meet both the expectations and hopes of this important group of Swindon

residents seeks to implement an earlier start time for free bus travel commencing at 9.00 a.m.”

Councillor Roderick Bluh moved and Councillor Fionuala Foley seconded that Minute 153 of the Cabinet be agreed and that the Motion be amended to read:

“The Council supports the principle of free bus travel for its senior citizens **and those in receipt of free passes** and wishing to meet both the expectations and hopes of this important group of Swindon residents seeks to implement an earlier start time for free bus travel commencing at 9.00 a.m. **when the full cost of implementation are fully funded by Central Government so that no additional costs falls on the Council Tax Payers of Swindon.**”

The amendment was put to the vote and declared carried forming the substantive motion.

Councillor Des Moffatt moved and Councillor Kevin Small seconded that the substantive motion be amended to read:

“The Council supports the principle of free bus travel for its senior citizens and those in receipt of free passes and wishing to meet both the expectations and hopes of this important group of Swindon residents seeks to implement an earlier start time for free bus travel commencing at 9.00 a.m. **and calls upon the Government to take this into consideration when introducing the National Scheme.**”

The amendment was put to the vote and declared lost.

The substantive motion was put to the vote and declared carried.

(Councillors Dale Heenan and David Wren made a Personal and Prejudicial Declaration of Interest under the Council’s Code of Conduct, as Directors of Thamesdown Transport Ltd.)

(Councillors Michael Barnes and David Wren made a Personal and Prejudicial Declaration of Interest under the Council’s Code of Conduct, as a Non-Executive Director of the Swindon Primary Care Trust.)

(Councillors Peter Mallinson and David Glaholm made Personal Declarations of Interest under the Council’s Code of Conduct, as they were eligible to receive a free bus pass.)

142. Motion - Licensing Act 2003

With the agreement of the Council the Mover (Councillor Steve Wakefield) and the Seconder (Councillor Colin Lovell) withdrew the Motion.

(Councillor Des Moffatt made a personal declaration of interest under the Council’s Code of Conduct in respect of this item, as his daughter works in the Licensing Trade.)

143. Motion - Damage to Council Property

Councillor Peter Mallinson moved and Councillor Peter Greenhalgh seconded:

"In recognition of the underlying costs to the residents of Swindon of the wilful or wanton damage to public property caused by some people in our community.

This Council instructs the Director of Law and Democratic Services to bring recommendations to the Council on how this Council could take civil action against the perpetrators for full recovery of all costs involved and what the financial implications would be of doing so. "

With the agreement of the Council, the Motion stood adjourned to the Cabinet under Standing Order 9(1).

144. Motion - New Mechanics' Trust

Councillor Stan Pajak moved and Councillor David Wood seconded:

"That this Council offers the New Mechanics' Trust a renewable 5-year lease of the former Railway Museum, which the Trust has been seeking for 7 years.

We ask that the Trust's Proposal, as submitted on 5 March 2007, form the basis in principle for the Trust's development of the premises, and support the Trust's efforts to supplement the £1 million which this Council has identified for repairs and alterations to that building, by the Trust's submission of applications to external bodies, such as the National Lottery's grant-giving bodies."

With the agreement of the Council, the Motion stood adjourned to the Cabinet under Standing Order 9(1).

145. Calendar of Meetings 2007/08

Councillor Mike Bawden moved and Councillor Roderick Bluh seconded -

"(1) That next year's Annual Council meeting be held on Friday 16th May, 2008, at 2.30 pm;

(2) That ordinary meetings of the Council be held on the following dates in the 2007/2008 Municipal Year:

Thursday 19th July 2007

Thursday 27th September 2007

Thursday 22nd November 2007

Thursday 17th January 2008

Thursday 25th February 2008 (Annual Budget, Council Tax and Housing Rents Setting)

Thursday 24th April 2008

Monday 28th February 2008 be held as a provisional 'Reserved Date', only required if the Annual Budget is 'called in' by the Leader of the Council in accordance with the Council's Constitution;

(3) That the Timetable of Meetings for 2007/ 2008 be adopted as set out in Appendix 2 to the minutes.

(4) That the Director of Law and Democratic Services, in consultation with Leader of the Council, be authorised to vary these dates and times should this prove necessary for the efficient discharge of Council business.

146. Cabinet

Council considered (a) a report of the Director of Law and Democratic Services setting out a report of the meetings of the Cabinet held on 17 January, 7th February and 7th March 2007, and (b) questions to the Cabinet Members regarding their Portfolio responsibilities, as set out within the report, and answers received.

147. Decisions taken by Cabinet Members relating to their Portfolio Responsibilities

The Council received decisions taken by Cabinet Members relating to their Portfolio Responsibilities.

148. Standards Committee

The Council considered (a) a report of the Director of Law and Democratic Services on the minutes of the meetings of the Standards Committee held on 19th January and 2nd April 2007, and (b) questions to the Committee Chair regarding the work of the Committee, as set out within the minutes, and answers received.

149. Audit Committee

The Council considered (a) a report of the Director of Law and Democratic Services on the minutes of the meeting of the Audit Committee held on 23rd January and 20th February 2007, and (b) questions to the Committee Chair regarding the work of the Committee, as set out within the minutes, and answers received.

The Council congratulated and thanked the Officers and Members involved in the Council achieving Level 3 for delivering, economy, efficiency and effectiveness in its Use of Resources in 2006 and the commendation on this achievement from RSM Robson Rhodes, the Council's External Auditors.

150. Overview and Scrutiny Committees

The Council considered (a) a report of the Director of Law and Democratic Services on the work of the Council's Scrutiny and Overview Committees between 3rd January and 3rd April 2007, and (b) questions to the Committee Chairs regarding the work of their Committee, as set out within the minutes, and answers received.

151. Planning Committee

The Council considered (a) a report of the Director of Law and Democratic Services on the meetings of the Planning Committee held on 9th January, 13th

February and 13th March 2007, and (b) questions to the Committee Chair regarding the work of the Committee, as set out within the minutes, and answers received.

152. Regulatory Committees

The Council considered (a) a report of the Director of Law and Democratic Services on the work of the Council's Regulatory Committees held between 2nd January and 2nd April 2007, and (b) questions to the Committee Chairs regarding the work of their Committee, as set out within the minutes, and answers received.

153. Children Services Bodies

The Council considered (a) a report of the Director of Law and Democratic Services on the work of the Council's Children Services Bodies held between 11th January and 25th March 2007, and (b) questions to the Committee Chairs regarding the work of their Committee, as set out within the minutes, and answers received.

154. To receive the Minutes of the Police and Fire Authorities

The Council received the Minutes of the meetings of (a) the Wiltshire Police Authority dated 9th February 2007, and (b) the Wiltshire and Swindon Fire Authority dated 14th December 2006 and 8th February 2007.

155. To receive the Minutes of the South West Regional Assembly

There were no minutes available from the South West Regional Assembly.

The Council received an update on issues relating to the Regional Assembly from The Worshipful The Mayor.

156. Retiring Members

The Mayor thanked Councillors Debbie Baylies, Geraldine Frost, Andy Harrison, Wayne Lawley and Chris van Roon were not standing for election on 3rd May 2007, for their service to the Council.

The Mayor wished all those Councillors standing in the forthcoming election good luck, even if they were standing against each other.

Councillor David Glaholm asked the Cabinet Member for Local Environment the following Question:

The Council has set itself high targets for recycling and will seek to raise those in the future.

It is also reviewing parking standards for new developments.

Are we able to insist developers in the Haydon sector, on areas not yet built on, provide facilities for storing wheelie bins and recycling boxes and apply the new standard for parking when the detail is finalised?

The Cabinet Member for Local Environment responded:

Virtually all applications in the Northern Development Area are reserved matters based on the original outline for the area. Developers can, therefore cite the outline consent and subsequently approved Framework Plans as being the documents that they have to satisfy. These consents are old, and do not embrace current standards.

However, we do remind Developers of current standards and seek to negotiate parking and other requirements in accordance with them, where they update those in the outline consent\ Framework Plan. We have generally been successful in doing this, and have not yet had to refuse any application in the Northern Development Area on the basis that it does not meet current standards. We would seek to apply new parking standards on this basis.

Similarly, once planning guidance on storage for recycling boxes and wheelie bins is adopted we would similarly seek to negotiate with Developers to ensure that they comply.

Councillor David Glaholm asked the Cabinet Member for Local Environment the following question.

Could the Cabinet Member please make assurances that he will instruct the borough solicitor to look into the powers we have for charging those convicted of a graffiti related offence for the removal of their tags?

The Cabinet Member for Local Environment responded:

I know the Director of Law and Democratic Services is keen to pursue offenders where the evidence is available and Councillor Glaholm will know that there is a Motion on the Notice of Meeting calling for a report to be submitted to the Cabinet regarding this issue. I have spoken to the Director of Law and Democratic Services who has advised me that the points raised in your question will form part of his report.

Councillor Des Moffatt asked the Leader of the Council the following question:

Is the leader of the Council content that the Legal department of Swindon Borough Council is adequately funded and staffed given the time elapsed between the Cabinet decision to compulsory purchase a derelict house in Western Ward and the progress to date?

The Leader of the Council responded:

Following the Cabinet resolution on 24th August 2005, the Director of Law and Democratic Services received a request to undertake legal work and the use of outside solicitors, likely timescales and cost implications, were discussed with the service department although the work was subsequently undertaken in-house.

The work on the Compulsory Purchase Order needed to be prioritised against other work that was required during this period such as the Council's Auction Disposal Programme, work associated with the disposal of the Hreod School site and the Wyvern Theatre.

The Council also needed to comply with the normal legal procedures and received power to confirm the Order from the Government Office of the South West on 25th January 2007.

A Cabinet Member Decision Note became operative on 6th April 2007 and this is now being actioned.

I am happy that the Council's Legal Department is adequately funded and staffed to undertake its current workload and any further change in workload capacity would be the subject of discussion between myself, the Group Director, Resources and the Director of Law and Democratic Services. The Director of Law and Democratic Services, in liaison with client officers also has the authority to pass appropriate work to outside solicitors and has put in place call-off arrangements with a Panel of outside Solicitors in order to ensure this can be done efficiently and effectively.

Councillor Des Moffatt asked the Cabinet Member for the Local Environment:

Has there been any work done in Swindon or elsewhere on the unit cost of picking up a piece of litter.

That is, the total hourly cost including all on costs of employing a litter picker for one hour divided by the average number of items a litter picker actually picks up in an hour with the full costs of bagging, collecting and disposing of the litter picked in an hour expressed as a cost per item.

What is the Swindon cost and should the Council not be bringing this to the attention of the public?

The Cabinet Member for the Local Environment responded:

This measure of unit cost is not currently recorded by Swindon Borough Council and from investigations is not recognised or recorded elsewhere (locally or nationally) to the best of our knowledge.

Litter is collected by the most efficient means possible which includes machine, receptacles for public use and hand picking. The measure would not only be difficult to apply but would capture only one aspect of collection.

The budget for 2007/08 street cleaning (sweeping, litter collection, fly tipping and graffiti) is around £2,12 million and 58 operatives are engaged in this service.

Performance is measured by a national indicator, BV199 which is reported and audited annually by the Government. The PI measures "The proportion of land and highways that is assumed as having deposits of litter and detritus across 4 categories of cleanliness". In November, Swindon's results stood at 13%, predicted to fall to 11% (subject to audit) at March 2007 (the lower the % the better the performance).

Locally, other measures of performance that could be considered are:

- Cost of Street Cleansing Service per Household
- Cost of Street Cleansing Service per Head of Population

These would be subject to discussion and agreement with the client department.