

CABINET

WEDNESDAY, 15 FEBRUARY 2012

PRESENT:- Councillors Roderick Bluh (Chair), Garry Perkins (Vice-Chair), Mark Edwards, Peter Greenhalgh, Russell Holland, Colin Lovell, Brian Mattock, Nick Martin, David Renard and Keith Williams

Councillors Junab Ali and Rex Barnett attended the meeting in respect of Minute 83. Councillor Paul Baker attended the meeting in respect of Minute 84. Councillor John Ballman attended the meeting in respect of Minutes 82 and 84. Councillors Mike Bawden, Jim Grant and Rochelle Russell attended the meeting in respect of Minute 82. Councillor Doreen Dart attended the meeting in respect of Minute 87. Councillor Andy Harrison attended the meeting in respect of Minutes 82, 83, 84, 86, 92 and 95. Councillor Dale Heenan attended the meeting in respect of Minutes 82, 84, 93 and 97. Councillor Des Moffatt attended the meeting in respect of Minutes 82, 83, 86, 91, 92 and 96. Councillor Steve Wakefield attended the meeting in respect of Minutes 83 and 96. Councillor Bob (Robert) Wright attended the meeting in respect of Minutes 82, 83, 84, 85 and 93.

78. Declarations of Interest

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

Councillor Garry Perkins, Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, made a personal declaration of interest in respect of items 7 (Revenue Budget Management) and 20 (Update on Swindon's Municipal Waste Management Strategy), as he was a Council appointed Non-Executive Director on the Board of Swindon Commercial Services (SCS) Ltd.

Councillor David Renard made a personal and prejudicial declaration of interest in respect of item 12 (Capital Programme Proposals 2012/13) as he was a Governor of Haydonleigh School and his wife was employed by the school.

Councillor Colin Lovell made a personal declaration of interest in respect of item 17 (Proposed Changes to Fairer Charging Policy, Fees and Charges) as he has a relative who is a recipient of Adult Social Care services.

Councillor Peter Greenhalgh, Councillor Colin Lovell and Councillor Keith Williams made personal declarations of interest in respect of item 18 (Bus Services, Swindon – Motion at Council) as they were Council appointed Directors of Thamesdown Transport Ltd.

79. Minutes

Resolved – That the minutes of the meeting held on 11th January 2012 be confirmed and signed as a correct record.

80.

Public Question Time

The following questions were asked in accordance with Standing Order 28 –

Questioner

Mr. Brian Cockbill, Stratton St Margaret, Swindon

Question

- 1 What income does the Council receive from the operation of their owned Thamesdown Transport Ltd?
- 2 Does the Council receive any benefit from the amount of money collected by its transport undertaking's practice of not giving change on its vehicles?
- 3 Are the figures given, only the cost or estimated annual running of the services, or are they nett and include actual and/or budgeted fare receipts?
- 4 In the event of the Council subsidising the new bus route proposed-
 - a) from what budget heading would the money be taken;
 - b) would the Council be liable for any loss
 - or c) receive any return should a profit result?
- 5 Who were responsible for determining the proposed new service described in Agenda Item 18, Thamesdown Transport Ltd., Council Officers or Council Members?
- 6 What market research was carried out regarding the proposed route?
- 7 I have noted your statement "The service changes were still being considered by the Council which is why one of the services under threat was secured for a year". Can you please advise which Service that was under threat was secured for a year and the date that this decision was made?

Response

The Chair thanked Mr Cockbill for his questions and advised that a response had been prepared and circulated. The Chair and the Cabinet Member for Council Transformation, Sustainability, Strategic Planning and Transport responded at the meeting to Mr Cockbill's questions and comments.

Mr. Cockbill asked a supplementary question regarding the basis on which the route of the proposed replacement bus service had been determined and what consultation had taken place with ward councillors, the parish council and passengers / service users?

The Chair thanked Mr Cockbill for his question and advised that a written response would be provided.

Mr. Cockbill advised that he had a number of further questions he wished to ask on this subject, but noting the restrictions on time available for public questions he would be happy to submit these in writing and receive a written response if his questions were included in the minutes of the meeting. The Chair agreed to this proposal. (See the Appendix to the Minutes.)

Questioner

Ms Josie Lewis, Gorse Hill, Swindon

Question

Agenda Item 19 – Sale of Site at Gorse Hill, Swindon – Noting the statements made

within the report at Agenda Item 19 and the comments made by Council representatives at the Open Forum meeting held prior to this meeting was the Cabinet confident that it had addressed all the legal and Human Rights implications and issues associated with the proposed disposal and development of this site and that, if challenged, it was in a position to defend its stance in any action to be taken in the High Court or European Court of Human Rights?

Response

The Chair thanked Ms Lewis for her question. The Chair, the Cabinet Member for Council Transformation, Sustainability, Strategic Planning and Transport, and the Head of Conveyancing, Environment and Contracts responded at the meeting to Ms Lewis's question and comments.

Questioner

Mr Terry Reynolds, Gorse Hill, Swindon

Question

Agenda Item 19 – Sale of Site at Gorse Hill, Swindon –

- 1 Why isn't there a stop to all building in Swindon over and above 2 houses, until the land alongside the M4 is fully built?
- 2 Do the people who play on the Southbrook Rec. know they are about to lose one perhaps both of the football pitches?
- 3 Who gave permission for that to be included in the total build?
- 4 Who has given permission for Section 106 money to be used to build houses for the builder?
- 5 Has the Council given this land away or have they actually got anything for it, apart from the promise of a clean-up of the area?
- 6 Why was a steel plate, with a pressure load of 40 tons, put over the stream in Malvern Road, and who paid for that?
- 7 There are one possibly two covenants on ground in this area, what is going to happen to those?
- 8 If there are over 500 people on the waiting lists for allotments, why has this site been closed and why were those people forced off in the first place, with promises of sheds, fences etc, which have come to nothing?
- 9 This area apart from the actual Pickards Feld small site, is a 'green' site, so how does the Council explain building on green and sports grounds?

Response

The Chair thanked Mr Reynolds for his questions and advised that a response had been prepared and circulated. The Chair and the Cabinet Member for Council Transformation, Sustainability, Strategic Planning and Transport responded at the meeting to Mr Reynold's questions and comments.

Mr Reynolds asked supplementary questions regarding (a) the use of Section 106 monies for the provision of Housing, and to how funding arising from the St. Marks scheme had been used, and (b) the reasons why the Council was providing funding for the preparation and filing of Digital City UK Ltd accounts rather than the Directors of that company?

The Chair thanked Mr Reynolds for his questions and responded at the meeting. He advised that, as he had advised at the Open Forum meeting, he was unaware of the position regarding Section 106 provision associated with the St

Marks Site and that he would arrange for a written response to be provided to those who had raised the issue.

Questioner

Mr. Martin Edwards, Haydon Wick Bowls Club, Swindon

Question

Agenda Item 6 – Proposal for Regional Leisure Destination (Part 1) –

The Oasis Leisure Centre currently houses a large indoor bowls arena which is constantly used throughout the year, and more so during the winter season.

It is a national problem that older people over the age of 55 experience a decline in activity which makes this group most at risk from a sedentary lifestyle. There are a number of Bowls Clubs in Swindon which use the Centre, providing local people, the majority of which are in their later years, with the ability to remain active and social.

Under the plans to re-develop the Oasis Leisure Centre, could Members of the Cabinet please confirm what the proposals are for the indoor bowls arena?

- Is it intended to keep the indoor bowls arena within the Oasis Leisure Centre?
- If this is not the intention, will the indoor bowls arena be relocated to another part of the development site or another part of Swindon?
- Can Members of the Cabinet make assurances that any changes to the provision of the indoor bowls arena will be communicated to the numerous Bowls Clubs within Swindon and that consultation of their Members will be sought and their opinions taken into account?
- Can Members of the Cabinet outline what the consultation process will be with local Swindon people and local sports clubs on any issues or changes that will affect them in developing the Oasis Leisure Centre?
- How does the Council intend to support the local bowls clubs to deliver the quality sport and physical activity provision as identified as one of the priorities in the Active Swindon Strategy?

Response

The Chair thanked Mr Edwards for his questions. The Cabinet Member for Leisure and Corporate Services explained that a response had been prepared and circulated. He had also responded to and discussed the matter with Mr Edwards both at and following the Open Forum meeting.

Questioner

Ms Lynda Barber, Chair of the Housing Advisory Forum

Question

Agenda Item 14 – References from Other Council Bodies – Does the Cabinet agree that when there is an issue that impacts on the Housing Advisory Forum and its

tenant representative bodies, for example Swindon Tenants Voice and the Tenants Association Sheltered Housing, there should be consultation with the Forum and those bodies as is usually the case? In respect of the issue of the receipt of cash payments in the One Stop Shop will the Leader of the Council and the relevant Cabinet Members attend the next Housing Advisory Forum to explain why such consultation did not take place and the reasons why it is felt that the proposed change to payment arrangements will be beneficial?

Response

The Chair thanked Ms Barber for her questions. The Chair responded at the meeting to Ms Barber's question and comments. He apologised for the failure to consult formally with the Forum on this occasion and advised that he and Cabinet colleagues would be happy to attend the Forum's next meeting.

Questioner

Mr Jordi Rumble-Low, Gorse Hill, Swindon

Question

Agenda Item 19 – Sale of Site at Gorse Hill, Swindon – Will the Cabinet give a guarantee to local residents that Southbrook Recreation Ground will not be built on?

Response

The Chair thanked Mr Rumble-Low for his question and responded at the meeting to Mr Rumble-Low's question and comments.

81. 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 Agenda Item No. 21 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned. (Minute 97 refers.)

82. Sale of Site at Gorse Hill Swindon.

The Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning and the Group Director, Business Transformation submitted a joint report concerning a proposal for the sale of a site at Gorse Hill, Swindon, to enable the development of 241 homes, with 44% of the total scheme delivering affordable housing.

Councillor Peter Greenhalgh, Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning, explained the background to the proposed scheme that would provide 106 affordable family homes representing 44% of the total scheme, secure £30m of investment in a development that would support the local Gorse Hill economy by increasing the number of residents and by creating new work and training opportunities, and secure £1.022m investment for landscaping works allowing more local people to make more use of the open space

areas.

The Chair commented that he recognised that this proposal was likely to be controversial and that, as evidenced by the attendance at the meeting and the comments made at the Open Forum held immediately prior to it, there was considerable opposition to the plans from many residents living close to the proposed development site. However, the Cabinet did, on occasion, have to make difficult decisions, and to consider what was in the best interest of all residents of Swindon. He referred to the demand for housing, particularly, “affordable housing” in Swindon. He noted the pressures for affordable housing in this area and that the last two Council properties that had become available in the area had attracted 150 application bids for each property. There was clearly a real demand for such housing. He referred to the economic benefits of the development for the local economy and to the jobs and training opportunities that it was hoped would develop out of the delivery of the scheme. He noted the planned improvement to the existing open space and to the re-investment in sports pitches and a new pavilion. He outlined the background to the scheme which had started in 2006 with the Council’s Allotment Review and decision to invest £1m in Allotment improvements, funded by way of the disposal of the under used allotment provision at Pickards Small Field. This had been followed approximately a year later by the interest in developing the site by the Haboakus Group. The company had developed a proposal and had undertaken consultation with the local community about it. However, as a result of the recession the scheme stalled and it was only in recent months that Haboakus had again approached the Council with a revised scheme. This was a new larger scheme impacted by the change in economic conditions, particularly, the significant change in land values. The new scheme did offer significant benefits for Swindon and its local economy and would provide a significant number of affordable houses in an area where many people on the Council’s Housing list wished to live. He noted that many of the concerns that had been highlighted at the Open Forum related to planning issues and these would be considered by the Planning Committee once a planning application was submitted. The proposed site disposal was dependent on the company receiving planning permission for its plans.

Councillor John Ballman, Gorse Hill and Pinehurst Ward Councillor, highlighted the concerns of local residents at the loss of this important area of public green open space. He advised that the proposal for such a large development was unacceptable to local residents and a petition of over 500 signatures opposing the development had been gathered in one day. Whilst the disposal of the site may have been proposed some years ago it was only recently that many residents had become aware of it. He believed that if the Council wished to dispose of this site it should first think of disposing of it to the local community. He referred to the Government’s Big Society approach and the soon to be introduced provisions of the Localism Act 2011 relating to the Community Right to Challenge and Assets of Community Value and the ability this would give local communities to take over sites such as this. He asked that consideration of the disposal should be deferred. He explained that a proposal had come forward from the local community that the land should be used to create a community urban forest/open space, managed by a local community group. This proposal has considerable local support and was seen as both a positive way of protecting the open green-space and involving the local community. The Ward Councillors were supportive of this approach and believed the local community should have the first opportunity to obtain the site, whether through a land trust, community grant or some other appropriate mechanism. He

advised there was a local group willing to step forward and start the process, but they would need time to develop their proposals and that was why the decision should be deferred.

Councillor Rochelle Russell, Gorse Hill and Pinehurst Ward Councillor, referred to her opposition to the proposal and support for a deferment to enable the community to develop its own plans for the area.

Councillor Des Moffatt, Western Ward Councillor, commented on the impact on his ward of a development of the size envisaged. He opposed the proposed disposal. He suggested that a decision to defer the proposal should be made now and it should not be left to the planning process.

The Chair and Councillor Peter Greenhalgh, Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning, referred to the concerns raised regarding the loss of playing / football pitches and gave an assurance that no pitches would be lost as a result of the proposed development. The Chair advised that he was happy to amend the proposed recommendation to include reference to this. He also believed that Haboakus would be very likely to support a community land trust or similar initiative to be responsible for the open green space within the development.

Councillor Andy Harrison referred to the use of Section 106 funding to support housing on this site and the flexibility of the description "affordable homes". He did not believe the benefits of the scheme would compensate for the impact of a development of this scale on local residents.

Councillor Dale Heenan commented that the Planning Committee would be responsible for reviewing many of the areas of concern highlighted by residents once a planning application was received. He referred to the likely timescale of the planning process and could see no reason why the development of the community's own proposal could not proceed at the same time. It could then be implemented if permission for the development was refused. He noted that the relevant provisions of the Localism Act were due to be implemented in April 2012. He suggested a proposed amendment to the report's recommendations should the Cabinet wish to support this.

(At this stage the meeting adjourned for ten minutes)

The Chair noted Councillor Heenan's suggestion but believed there was no need for a specific recommendation as disposal of the site was dependent on the granting of planning permission and there was no reason why the community could not undertake the development of its proposal at the same time. He explained the reasons why the Cabinet did not wish to delay a decision on this matter, this particularly related to the timescales associated with the availability of Homes and Community Agency grant to support the affordable housing provision on the site.

Councillor Bob Wright expressed his concerns regarding the proposed development and noted that there had been objections from the community to the proposed disposal of the Allotment site and to the first Haboakus plans for development of the site in 2006/07. He also referred to the value for money aspects of the proposal and the return available to the Council.

The Chair reiterated his earlier comments regarding the proposal, which he believed offered real benefits to both the Council and Swindon residents, particularly, in terms of providing affordable homes in an area where people wanted such homes.

Resolved – (1) That approval be given to the disposal of the site at Gorse Hill, Swindon, identified in Appendix 1 to the joint report ('the Plan'), to enable Haboakus to develop 241 homes, on the basis that 44% of the homes are affordable, subject to the scheme being granted a suitable planning consent; and the Secretary of State's consent should that be necessary.

(2) That, as part of the consideration for the disposal referred to in (1) above, Haboakus spend not less than £1.022m, being the 'surplus value' of the scheme, on agreed landscape improvements on the open space adjoining the proposed development, shown hatched on the Plan, including providing a new changing pavilion to serve Southbrook Recreation Ground; and that Haboakus and the Council explore the potential to set up a community land trust or other community based model to maintain the open space.

(3) That the disposal proceed on the basis that there be no loss of playing/football pitches on the site as identified in the Plan.

(3) That the allocation of £772,000 of Section 106 Planning Agreement funding towards 14% of the affordable housing provision within the scheme referred to in (1) above, be approved.

(4) That the Director of Planning and Transport be authorised to take the necessary action under Section 228 of the Highways Act 1980 to formally adopt as public highway the land shown cross hatched on the Plan which will form part of the access to the proposed scheme referred to in (1) above.

(5) That the Head of Property and the Director of Planning and Transport in consultation with the Director of Law and Democratic Services, be authorised to make such appropriations to planning purposes in respect of the site, referred to in (1) above, as required.

(6) That the Director of Law and Democratic Services be authorised to complete all necessary and ancillary documentation to give effect to the scheme referred to in (1) above, on such detailed terms and conditions to be determined by the Director of Law and Democratic Services in consultation with the Head of Property and the Director of Finance, in order to protect the Council's interest.

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

83. Proposal for a Regional Leisure Destination (Part 1)

The Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, the Cabinet Member for Leisure and Corporate Services, and the Director of Housing, Leisure, Libraries and Culture submitted a joint report concerning a proposal to enter into a collaboration agreement with a private developer with the aim of the Oasis Leisure Centre and the adjoining former Clares site at North Star, Swindon, being transformed into a regional leisure destination.

Councillor Keith Williams, Cabinet Member for Leisure and Corporate Services, commented on the proposal which he believed offered a once in a generation opportunity for Swindon and which intended to deliver £65m of investment, a refurbished and extended Oasis Leisure Centre, a range of new

leisure facilities on the adjoining former factory site, the potential of up to 1700 new jobs, a reduction in the 18% subsidy provided by the Council to support leisure provision at its facilities, and projected future visitor numbers of up to 4m people.

Councillors Junab Ali, Steve Wakefield and Des Moffatt (on behalf of Western ward councillors), expressed their support for the proposal.

Councillor Bob Wright referred to his hope that through the delivery of the various phases of the project there would be, through the improvements to car parks and access across the railway, significant improvements benefitting not only visitors but the wider community. He emphasised the need to physically link the scheme with neighbouring communities and, particularly, Swindon Town Centre. He also referred to the opportunity to provide centres of excellence on the site, potentially allowing Swindon's remaining leisure facilities to develop other leisure activities, or to house activities displaced from a refurbished and extended Oasis.

Councillor Andy Harrison in supporting the development asked that consideration be given to the impact of the complex on already busy roads serving the area, particularly if major national events were to be held.

Councillor Keith Williams, Cabinet Member for Leisure and Corporate Services, thanked Members for their support and commented that discussions on details remained at a very early stage with the developer enabling the issues highlighted by Members to be part of the ongoing discussions. He confirmed that issues of access and linkages to the Town Centre had already been identified as key considerations.

Resolved – (1) That the Director of Law and Democratic Services, in consultation with the portfolio holders for Regeneration and Leisure Services, Director of Finance and the Head of Property, be authorised to enter into a collaboration agreement covering the Oasis Leisure and former Clares site, at North Star, Swindon, as identified in the plan attached as Appendix 1 to the joint report, for the delivery of a scheme promoted by Moirai Capital Investments Limited to create a regional leisure destination, on such terms as shall have been agreed by the Head of Property in consultation with the relevant Cabinet Members.

(2) That the Head of Human Resources be authorised to carry out as soon as possible a TUPE consultation exercise with all staff in the Oasis Leisure Centre reflecting that under the proposal referred to in (1) above and in the joint report all staff will transfer to the proposed new operator.

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

84. Bus Services Swindon - Motion at Council.

The Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning and the Director of Planning and Transport submitted a joint report responding to (a) a Motion at the Council meeting on 12th January 2012 concerning the withdrawal by Thamesdown Transport Ltd. of services serving Coleview Swindon (Minute 97 of the Council refers), (b) concerns raised by Councillors and the public at the withdrawal of other local services as part of the same exercise, and setting out proposals to respond to the concerns expressed.

Councillor Peter Greenhalgh, Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning, referred to the decision by Thamesdown Transport Ltd. to withdraw a number of un-profitable commercial bus services in Swindon. He explained that this action had resulted in concerns being expressed by Councillors and local people at the loss of bus services in certain areas of Swindon. He referred to petitions received by the Council regarding Service 21 serving Penhill and the Swindon Academy. He and the Acting Director of Planning and Transport had reviewed the issue of the loss of services and the ways in which the Council was able to respond.

Councillor Dale Heenan, Covingham and Nythe Ward Councillor, welcomed the recommendations within the joint report and hoped that efforts could be made to deliver a half hourly / hourly service. He also suggested changes to the proposed route that he believed would better serve local people. He wondered if these suggestions could be taken up with the bus operator. He had been disappointed at the lack of consultation prior to the withdrawal of the service and wondered that in order to promote the “new” service patronage figures could appear on the Council’s web site to enable everyone to see how successful or otherwise the service was. This might even act as an incentive to encourage users. He was also keen that the new service started as soon as possible and wondered that if a joint letter was sent to the Traffic Commissioners by the Cabinet Member and the Managing Director of Thamesdown Transport Ltd. this might help to speed up the implementation process. He hoped that every effort would be made to publicise the availability of Mobility Vouchers and to encourage their use. He referred to the role that Councillors could play in this.

Councillor Paul Baker, Penhill Ward Councillor, expressed reservations regarding the proposed new service, particularly that it would not address the needs of parents and children seeking to travel to and from the Swindon Academy. He hoped this concern could be addressed.

Councillor David Renard, Cabinet Member for Children’s Services, welcomed the report but commented that he had also been approached by Swindon Academy regarding the loss of a bus service at key times for the school. He was aware of the receipt of a petition from the Academy and of communications that it had sent for the attention of Cabinet Members. He believed this was an issue of concern, particularly the absence of a morning service and the timing of the afternoon one. He would wish see an additional recommendation added to the report to include full engagement by Council officers and Thamesdown Transport with Swindon Academy on the issue of transport to and from Penhill.

Councillor John Ballman, Gorse Hill and Pinehurst Ward Councillor, advised that as a result of bus service changes there was now a “bus gate” on Ferndale Road that had no busses passing through it. He enquired if something could be done in respect of this, but that would still avoid the road being potentially used as a “rat run”. He also noted that when the Academy had been established funding had been set aside to provide support for supporting bus services serving the school, and he wondered if this was still available and could be used to resolve the current issue.

Councillor Andy Harrison, Penhill Ward Councillor, expressed his concern at the withdrawal of the bus service serving the Penhill Valley, particularly for the

elderly and those with health or mobility issues. He was also disappointed by the lack of consultation with ward councillors on the issue of the threat to local bus services. He believed that Council officers should advise ward councillors of any bus services that were at risk as soon as this information became available. This would enable the issue to be highlighted locally, which could encourage use of the service at risk improving commercial viability. He noted that buses could be popular and well used but still be at risk commercially if the patronage was mostly people using concessionary fares. He believed that where services were popular and well used there was merit in the Council ensuring they were continued.

Councillor Bob Wright, Central Ward Councillor, commented that the majority of the services affected travelled to the Town Centre and thus his residents were also affected by the changes. He referred to the importance of services serving the wider interests of the community by enabling access to jobs, education, and local businesses. He commented that there was a role for the new localities in dealing with issues of at risk bus services.

Councillor Peter Greenhalgh, Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning, noted Members comments. He commented on the issue of commercial sensitivity and that this impacted on the information that could be made publically available. He reminded the Cabinet of the limitations on the role the Council could play in terms of the operational arrangements of the bus company. He explained why he did not believe it was appropriate to publish actual bus service usage information on the Cabinet's website. However, he noted the approach taken by some other authorities to highlight patronage of particular services. He would be happy to facilitate discussions with Thamesdown Transport Ltd. on the issues of route and timings highlighted by Members. He would ask the Director of Planning and Transport to review the situation regarding Ferndale Road. He did not believe funding remained available to support services to the Academy, but he would seek clarification on this. He shared Members concerns regarding concessionary usage and the costs of providing bus services, but he reminded the Cabinet of the financial constraints facing the Council and the hard decisions that had to be made about where limited resources should be spent.

Resolved – (1) That the action taken by the Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning with regard to Bus Service 18 serving Park South, Swindon, be noted.

(2) That the Director of Planning and Transport be requested to prepare a new local Bus Strategy to enable the Cabinet to ensure that the Borough has a Bus Network that optimises the balance between affordability for Council Tax payers and addressing passenger needs and concerns.

(3) That, pending the proposed Bus Strategy's preparation, as referred to in (2) above, additional one-off funding be approved to support an off-peak service for Penhill and Coleview, Swindon, at a cost of £14,994 for a maximum period of twelve months.

(4) That the Director of Planning and Transport be requested to engage with Thamesdown Transport Ltd. and Swindon Academy on the issue of transport to and from Penhill to the School.

(5) That the Director of Planning and Transport be requested to review the current Mobility Voucher Scheme to ensure it addresses the needs of those who cannot access the revised Bus Service; and to ensure that all those in possession of Concessionary Bus Passes in the affected areas of Swindon, if they still cannot

access the revised bus services, are made aware of the availability of Mobility Vouchers.

(6) That the Council be advised of the contents of this joint report in response to the Motion submitted to the Council meeting on 12th January 2012.

(Councillor Peter Greenhalgh, Councillor Colin Lovell and Councillor Keith Williams made Personal Declarations of interest in respect of the above item, as they were Council appointed Directors of Thamesdown Transport Ltd.)

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

85. Revenue Budget Management 2011/12

The Cabinet Member for Finance and the Director of Finance submitted a joint report setting out the current forecast outturn position of the Council's Revenue Budget as at the end of December 2011.

Councillor Mark Edwards, Cabinet Member for Finance, introduced the report and highlighted the projected position for the outturn of the Council's Budget, which indicated a small underspend on the total Budget at year end. He commented on the challenges the Council had faced in reaching this position, which would place the Council well as it moved forward into the 2012/13 Financial Year. He explained the proposals within the report regarding Digital City UK Ltd. accounts and Swindon Commercial Services Ltd. (SCS) balance sheet, and advised of an amendment regarding the end of the Street Lights "Switch-off" trial.

Councillor Bob Wright commented on the proposal for the Council to cover the cost of the preparation of the Digital City UK Ltd. accounts and his belief that this was an issue for the Directors of the company and not for the Council as shareholder.

The Chair noted Councillor Wright's comments, which he believed had been addressed in responses earlier in the evening.

Resolved – (1) That the current projected Revenue Budget Outturn, as set out in Table 1 of the joint report, be noted.

(2) That a 12 month extension of the Youth Offending Early Intervention Team be agreed to be funded by carrying forward £110,000 from the current Financial Year's underspend in Children Services.

(3) That the Revenue Budget virements, as set out in Appendix 2 to the joint report, be approved.

(4) That the Council funds the preparation and filing of the Digital City UK Ltd.'s accounts, as detailed in paragraph 4.1 of the joint report.

(5) That, subject to the Council's final out-turn position permitting, Swindon Commercial Services Ltd. (SCS) retain a further £300,000 of profit generated in order to improve its balance sheet position and hence secure further external contracts.

(6) That the Director of Planning and Transport be authorised to take the necessary actions to end as quickly as possible the trial switching off of some street lights during non-peak times, in line with the proposal contained within the 2012/13 Budget proposal at Item 9 on this agenda.

(Councillor Garry Perkins, Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, made a personal declaration of interest in respect of the above item, as he was a Council appointed Non-Executive Director on the Board of Swindon Commercial Services (SCS) Ltd.)

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

86. Special Expenses Within the Non-Parished Area 2012/13

The Cabinet Member for Finance and the Director of Finance submitted a joint report concerning the amounts to be charged as Special Expenses within the non-parished areas of the Borough for the Financial Year 2012/13.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the calculation of "Special Expenses" and how this linked to the Council's Budget and Council Tax setting process. He explained that there were no significant changes for 2012/13. He referred to the introduction of the Council's Stronger Together operating model and the move towards more localised decision-making. He expressed his support for the establishment of a working group to review how this might impact on the future calculation of Special Expenses.

Councillors Andy Harrison and Des Moffatt welcomed the establishment of a working group to review the issue of Special Expenses and locality working. Councillor Harrison referred to the issue of play areas which appeared in the lists of sites on an apparent historical basis as no play equipment had been located on the identified sites for a number of years. Councillor Moffatt commented that he believed further clarity was needed on why "historic" sites remained with the list and why some sites were included whilst other very similar sites were not.

Councillor Mark Edwards, Cabinet Member for Finance, noted Members comments and that these were the types of issues which could be considered by the proposed working group.

Resolved – (1) That the level of Special Expenses for the Financial Year 2012/13 be £1,162,238, as set out in paragraph 2.6 and Table 1 of the joint report of the Cabinet Member for Finance and the Director of Finance.

(2) That it be noted that the charge per household is unchanged from that for 2011/12.

(3) That it be noted that the expenses listed in Appendix 2 to the joint report of the Cabinet Member for Finance and the Director of Finance shall be charged to all households of the Borough and shall not be Special Expenses.

(4) That the Corporate Governance Review Working Group be requested to consider the impact of the move towards localised decision-making on the services charged as Special Expenses.

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

87. Budget 2012/13 and Beyond (Minute for Confirmation)

The Cabinet Member for Finance and the Director of Finance submitted a joint report setting out (a) the medium term position for the Council's finances, (b)

the provisional Local Government Finance Settlement 2012/13, (c) the forecast outturn for the Council's Budget 2011/12, (d) Stronger Together Budget Realignment, (e) Council Tax 2012/13, (f) amounts to be charged as Special Expenses within the non-parished areas of the Borough for the Financial Year 2012/13, (g) the Tax Base and Collection Fund position, and (h) the proposed Revenue Budget for the Council for 2012/13 and contingencies, risks, Reserves, fees and charges and one-off resource commitments.

Councillor Mark Edwards, Cabinet Member for Finance, explained that the Budget proposals brought forward remained almost identical to those submitted to the Council in November 2011. He referred to the Budget Planning process that had begun with the agreement of the current year's Budget and to the hard work and commitment shown by all those involved.

Councillor Edwards referred to the consultation that had taken place on the Budget, and advised that Appendix 6, setting out the minutes of a meeting held with Non-Domestic ratepayers on 6th February 2012, had been circulated prior to the meeting for consideration.

Councillor Edwards highlighted the continuing financial challenges facing the Council and made reference to the proposed level of Council Tax for 2012/13. He advised that he would be again proposing no increase in Swindon's Council Tax. He referred to the implications of the implementation of the Stronger Together operating model and the continuing efforts taken to improve efficiency and deliver value for money services whilst protecting, and where possible, enhancing services, particularly for the vulnerable. He explained two proposed amendments to the recommendations within the Budget report, which had resulted from further information coming forward after the report had been published. He believed that the suggested Budget for 2012/13, with a proposed zero Council Tax increase, would deliver the Council's objectives for improving and transforming services at a Council Tax level that was affordable in difficult times.

Councillor Doreen Dart welcomed the Budget proposals and drew attention to the benefits of the Council's proposed continuing contribution to the Cotswold Water Park Trust. She circulated a leaflet that provided information on the "new" Trust and on its future objectives.

Resolved – (1) That the Revenue Budget forecast outturn for 2011/12, and that the Budget is expected to be underspent be noted.

(2) That the feedback received to the Borough-wide consultation process on the Draft Budget proposals for 2012/13, as set out in Appendix 5 to the joint report, and the letter received from Unison dated 1st February 2012, be noted.

(3) That the minutes of the consultation meeting with business representatives from Swindon, on behalf of Non-Domestic Ratepayers, that took place on 6th February 2012, and that are set out in Appendix 6 to the joint report, be noted.

(4) That, in line with the requirements of the Local Government Act 2003, the Director of Finance confirms the robustness of the estimates underlying the recommended Budget and having reviewed the financial risks being faced by the Council concludes that the proposed level of General Reserves (£6m) is adequate in the context of the earmarked reserves held, specific contingencies and the proposed general contingency of £0.65m.

(5) That the proposed changes in fees and charges, as set out in Appendix 1

to the joint report, that fall outside of the assumed Council-wide 3% blanket increase, agreed by Members through the Cabinet Member Decision Note Process, be approved, except the proposed increases in charges for Allotments, which should instead reflect only inflationary increases, with the estimated loss of income of £8,000 being met by a reduction in earmarked funding for future increases in Debt Charges, PFI, Severance, Equal Pay etc. from the £590,000, as shown in Table 2 of the joint report, to £582,000.

(6) That there be no change in the level of Special Expenses charged per household for 2012/13 with the total level of Special Expenses for 2012/13 being £1.162m.

(7) That the Specific Reserves held in support of the 2012/13 Revenue Budget, as set out in Appendix 7 of the joint report, be approved.

(8) That it be noted and endorsed that the Cotswold Water Park Joint Committee will be disbanded as from 31st March 2012 by the member authorities and that the Council's continuing annual contribution of £10,000 will instead be used for improvements to the park area.

(9) That the one-off spending commitments shown in Table 4 of the joint report plus a figure of £40,000 for the Council's contribution to the Swindon and Wiltshire Local Enterprise Partnership for the year commencing 2012/13, with a compensating reduction in the allowance for Severance Costs from £686,000 to £646,000, be approved.

(10) That the Cabinet expresses its appreciation to the Council's Chief Executive, Group Directors and Directors, and the Finance Teams for their valuable work in leading the Budget Planning Process for 2012/13.

(11) That the Cabinet place on record its appreciation to all those members of the Swindon public, the business community and the Council's other partners and stakeholders who have participated in the consultation associated with the Budget Planning Process for 2012/13.

(12) That, subject to any changes resulting from the Government's announcement of the final Local Government Finance Settlement for 2012/13 the Council be recommended that:-

(a) the 2012/13 Budget be set at £137.391m;

(b) there be no increase in Council Tax for 2012/13, and

(c) it be determined that the proposed increase in the basic amount of Council Tax for 2012/13 is not excessive in accordance with Schedule 5 of the Localism Act 2011.

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

88. Treasury Management Strategy Statement 2012/13 (Minute for Confirmation)

The Cabinet Member for Finance and the Director of Finance submitted a joint report concerning the Council's proposed Treasury Management Strategy for 2012/13 including the (a) Annual Investment Strategy, (b) proposed Minimum Revenue Provision Policy Statement for 2012/13, and (c) Prudential Indicators for the Financial Years up to 2014/15.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the contents and purpose of the Treasury Management Strategy, the Minimum Revenue Provision Policy and of Prudential Indicators within the Council, and what

these meant for the Council's financial management, Budget process, and the delivery of its objectives.

Resolved – That, subject to the confirmation of the Council:

- the Prudential Indicators for the Financial Years up to 2014/15 be noted and endorsed;
- the Minimum Revenue Provision Policy Statement for 2012/13 be approved;
- the Treasury Management Strategy for 2012/13, as set out in Appendix 1 to the joint report, be approved.

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

89. Former Windmill Hill School Site - Sale of Part for Self Build Housing

The Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning and the Group Director, Business Transformation submitted a joint report concerning a proposal for the Council to bring forward suitable sites to the market to enable housing self-build projects, and to an opportunity that had arisen to enter into a partnership agreement with BuildStore Financial Services Ltd to market twelve self-build plots at the former Windmill Hill School site.

Councillor Peter Greenhalgh, Cabinet Member for Council Transformation, Sustainability, Transport and Strategic Planning, expressed his support for the report and its recommendations.

Resolved – (1) That the allocation of the site at the former Windmill Hill School site, Freshbrook, Swindon, as set out in Appendix 1 and identified in the joint report, for a self-build housing scheme, be approved.

(2) That the Head of Property, in consultation with the Director of Finance and the Director of Law and Democratic Services, be authorised using the exemption under Section 3.3 of the Council's Standing Orders Relating to Contracts, to negotiate and conclude a partnership agreement with BuildStore Financial Services Ltd to facilitate bringing twelve fully serviced building plots to the market at the former Windmill Hill School site, Freshbrook, Swindon.

(3) That the Head of Property be authorised to prepare and submit a planning application to establish the scheme and the plot layout for the proposed twelve fully serviced building plots at the former Windmill Hill School site, Freshbrook, Swindon.

(4) That one-off expenditure of £40,000 be authorised for legal, design and planning application fees and a further £380,000 for up-front capital investment to prepare the site at the former Windmill Hill School site, Freshbrook, Swindon, for individual plot sales, funded respectively from the Regeneration Reserve and by borrowing initially, both sums to be recovered through subsequent sales.

(5) That the Director of Law and Democratic Services be authorised to complete all necessary and ancillary documentation associated with the proposed partnership self-build housing scheme at the former Windmill Hill School site, on such detailed terms and conditions to be determined by the Director of Law and Democratic Services in consultation with the Head of Property and the Director of Finance, in order to protect the Council's interest.

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

90.

**Capital Programme Proposals 2012/13
(Minute for Confirmation)**

The Cabinet Member for Finance and the Director of Finance submitted a joint report concerning (a) Capital Programme scheme proposals for 2012/13, (b) the related Revenue Budget impact and associated debt charges, (c) a proposed level of future Capital Programme approvals, (d) an update on Capital Grant Settlement allocations for 2012/13, and (e) a proposed Property Strategy for the acquisition and disposal of Council assets.

Councillor Mark Edwards, Cabinet Member for Finance, commented on the Capital Programme scheme proposals for 2012/13. He referred to the implications of increased levels of borrowing for the Council's Revenue Budget and the restricted Capital Programme that was feasible given the current economic situation. He referred to the proposed Property Strategy and to how this would help the Council in achieving its goals. He highlighted that whilst the programme was restricted it still contained a number of significant infrastructure projects which were key investments for the future of the Borough.

Resolved – That subject to the confirmation of the Council -

(a) The new Capital schemes, as detailed at Appendix 1 to the joint report, subject to the addition of the self-build housing scheme at the former Windmill Hill School site, be approved and added to the Capital Programme.

(b) The impact of the new approvals referred to in (1) above on the Council's debt levels and debt charges, be noted.

(3) The Highways and Children's Services funding allocations for 2012/13, be noted.

(4) The funding of £392,551, as detailed at paragraph 2.9 of the joint report, be made available for use as determined by the Director of Finance in consultation with the Cabinet Member for Council Transformation, Transport and Strategic Planning and Ward Councillors representing the area covered by the Haydon 3 Section 106 Planning Agreement.

(5) The proposed Council Property Acquisition and Disposal Strategy, as set out in Appendix 3 to the joint report, be approved.

(Councillor David Renard made a personal and prejudicial declaration of interest in respect of the above item as he was a Governor of Haydonleigh School and his wife was employed by the school. He left the room taking no part in the discussion of this item.)

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

91.

**Housing Revenue Account - Rents and Charges 2012/13
(Minute for Confirmation)**

The Cabinet Member for One Swindon, Communities and Housing, and the Director of Housing, Leisure, Libraries and Culture submitted a joint report concerning the proposed budget for the Housing Revenue Account for 2012/13 and the implications for rents, service charges and support charges.

Councillor Russell Holland, Cabinet Member for One Swindon, Communities and Housing, presented the report that set out the context and background to the

proposed Housing Revenue Account Budget for 2012/13, and the reasons for the proposed changes in the levels of rents and services charges. He referred to the consultation that had taken place with tenants and stakeholders and, particularly, to the discussions that had taken place at the Housing Advisory Forum held on 18th January 2012. (Minute 28 of the Housing Advisory Forum refers.)

Councillor Des Moffatt commented that he had sought clarification from officers on the figures appearing in Appendix 8 to the joint report relating to “Supervision and Management General” and “Supervision and Management Special”. He had not been satisfied by the answers he had received to his queries and wished to draw this to the Cabinet’s attention in the hope that further clarification could be provided prior to the Council meeting.

Resolved – That, subject to the confirmation of the Council –

- The proposed average rent for Housing Revenue Account (HRA) dwellings for 2012/13 of £75.06 per week (52 week basis), which is an increase of 7.89%, be approved in accordance with the Government’s Rent Restructuring Policy. This will be an average increase of £5.24 per week.
- The proposed review of the grounds maintenance of communal areas around flats and bungalows during 2012/13, which may result in the introduction of an additional service charge in 2013/14, be endorsed.
- The housing related support charges for 2012/13 and service charges for 2012/13, as outlined in Appendix 3 of the joint report of the Cabinet Member for One Swindon, Communities and Housing, and the Director of Housing, Leisure, Libraries and Culture, be approved.
- Leaseholder service charges set for 2012/13 as shown in Appendix 4 of the joint report, be approved.
- Based on the proposals set out within the joint report the Housing Revenue Account (HRA) proposed budget for 2012/13, as shown in Appendix 6 to the joint report, be approved and that the HRA Repairs Budget and Funding be approved as shown in Appendix 7 to the joint report.
- Rents charged on General Fund properties be increased by an average increase of 7.15% and the rents and charges for the David Murray John Apartments, as shown in Appendix 8 to the joint report, be approved.
- Rents charged for plots at the Hay Lane Residential Gypsy Site be increased by £3.00 per week to £45.00 per week (52 week basis) and the rents for workpens, as shown in Appendix 8 to the joint report, be approved.
- The homelessness contribution, as outlined in Appendix 8 to the joint report, be approved.
- That it be noted –
 - Un-pooling of all current service charges will occur from 2nd April 2012 as agreed by the Council on 17th February 2011.
 - Options for the long term Housing Revenue Account Business Plan and Borrowing requirements, including the use of the debt head-room will be the subject of a further report to the Cabinet as referred to in paragraph 2.25 of the joint report.

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

92. References from Other Council Bodies - Housing Advisory Forum

The Cabinet Member for One Swindon, Communities and Housing and the Director of Law and Democratic Services submitted a joint report concerning recommendations arising from the meeting of the Housing Advisory Forum held on 18th January 2012.

The Chair advised that Minute 138 of the Scrutiny Committee concerning a request for the Cabinet to reconsider its policy on the closure of the cash desks at the One Stop Shop had been tabled.

Councillor Russell Holland, Cabinet Member for One Swindon, Communities and Housing, referred to the discussions that had taken place at the Advisory Forum and the reasons behind the recommendations that were forthcoming.

The Chair explained that prior to the Cabinet meeting, and together with Councillor Russell Holland, Cabinet Member for One Swindon, Communities and Housing and Councillor Colin Lovell, Cabinet Member for Customer Services and a Safer and Stronger Borough, he had met with Tenant / Housing Advisory representatives to discuss their concerns regarding the lack of consultation with the Forum on the proposal to no longer accept Housing rent payments in cash by way of the Swindon Direct "One Stop Shop". The meeting had also discussed the implications of the closure of the cash payments desks.

The Chair explained that the issue of the cash desks had also been highlighted by the Scrutiny Committee. He explained the proposed change of practice and how this action would save the Council money by way of the Capita partnership, should not result in hardship for those who had difficulty in paying by other means, and should help the viability of local post offices where rents and other Council payments could be made. A similar approach had been adopted successfully in a number of other local authorities.

Councillor Andy Harrison expressed his concern regarding the proposal to close the cash desks, particularly for the elderly and those that did not use credit or debit cards. Councillor Des Moffatt commented that he could not see any advantage in the Council making changes that would result in it being more difficult for the public to pay the money they owed the Council. He believed it would be difficult for many older people to adjust to using new methods of payments.

The Chair noted the concerns expressed by Councillors Harrison and Moffatt and explained that, in reality, only a small percentage of elderly people visited the cash desks to make payments. There would also be help available to those who needed assistance with adapting to new ways of paying. He reiterated that similar decisions had been taken by other local authorities without any significant negative impacts being reported. He believed it was a sensible way forward saving the Council money and promoting the use of local post offices.

Resolved – (1) That the decision contained in Minute 28 of the Housing Advisory Forum, concerning the Housing Revenue Account and proposed rents and charges for 2012/13, be noted.

(2) That, further to Minute 29(1) of the Housing Advisory Forum, the implementation of the revised strategic objectives for the Housing Repairs and

Maintenance Contract, as set out in the joint report of the Cabinet Member for One Swindon, Communities and Housing and Director of Housing, Leisure, Libraries and Culture, be approved.

(3) That the decision contained in Minute 31(1) of the Housing Advisory Forum, concerning the Forum's views on the consultation undertaken regarding the Council's decision to not accept rent payments at the One Stop Shop, be noted.

(4) That the decision contained in Minute 138 of the Scrutiny Committee, concerning the request for the Cabinet to reconsider its policy on the closure of the cash desks at the One Stop Shop, be noted.

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

93. Towards A University For Swindon

The Cabinet Member for Children's Services, the Deputy Leader and Cabinet Member for Regeneration and Culture and the Group Director, Children submitted a joint report responding to a Motion at the Council meeting on 22nd September 2011 concerning the provision of a university for Swindon (Minute 47 of the Council refers.) and setting out proposals to refocus the Council's higher education strategy in the light of current economic circumstances.

Councillor David Renard, Cabinet Member for Children's Services, commented on the background to the report and on the work that the Council was undertaking in the area of higher education and to realise the collective ambition for a university for Swindon.

Councillor Dale Heenan expressed his support for the contents of the report and thanked the authors for making use of the research material and case study information that he had been able to provide.

Councillor Bob Wright referred to the emerging Core Strategy and the identification of a location for any future university, particularly in view of the proposal for the development of the former Clares site.

Resolved – (1) That the Group Director, Children be authorised to: -

- Develop a radical new higher education strategy and long-term plan to expand higher education provision and facilities in Swindon, with the aim of attracting university provision to the Borough to help drive economic development and cultural regeneration;
- Submit a report to the Cabinet within four months on the establishment of a project group, reflecting the range of One Swindon partners, to develop the higher education strategy; and
- Submit a further report about the proposed higher education strategy and long-term plan to the Cabinet by the end of the calendar year

(2) That the Council be advised of the decision in (1) above and of the contents of the joint report.

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

94. Great Western Franchise Replacement Consultation

The Cabinet Member for Council Transformation, Sustainability, Strategic Planning and Transport, the Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, and the Group Director, Environment, Regeneration and Community submitted a joint report concerning a proposed response to the consultation for the new Great Western franchise, which will operate all rail passenger services to and from Swindon from April 2013.

Councillor Peter Greenhalgh, Cabinet Member for Council Transformation, Sustainability, Strategic Planning and Transport, presented the joint report and expressed his support for the recommendations and the proposed response. He noted the deliberations that had taken place at the Scrutiny Committee on 31st January 2012, regarding the rail franchise issue.

Resolved – (1) That the re-letting of the Great Western franchise being overseen by the Department for Transport be noted.

(2) That the Director of Planning and Transport, in consultation with the Cabinet Member for Council Transformation, Sustainability, Strategic Planning and Transport, be authorised to submit a response to the Great Western franchise consultation on behalf of Swindon Borough Council, as attached at Appendix 2 to the joint report.

(3) That the Leader of the Council along with the Swindon Members of Parliament be requested to raise the matter of the current level of fares to and from Swindon Rail Station with the Secretary of State for Transport.

(4) That the recommendations and outcomes of the Scrutiny Committee's considerations of the rail franchise issue on 31st January 2012, as set out in paragraph 2.12 and Appendix 1 of the joint report be noted.

(5) That the Director of Planning and Transport be authorised to develop a strategy to achieve the priorities set out in the response to the Great Western franchise consultation and to report back on this to the Cabinet as soon as practicable.

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

95. Proposed Changes to Fairer Charging Policy, Fees and Charges.

The Cabinet Member for Health and Adult Social Care and the Group Director, Children (and Adults) submitted a joint report concerning the outcome of a consultation exercise undertaken with users and carers on proposed changes to the Council's Fairer Charging Policy and fees and charges in relation to Adult Social Care.

Councillor Brian Mattock, Cabinet Member for Health and Adult Social Care, explained the background to the report and the proposals that had been subject to consultation. He commented on the response to the consultation and to the response to the views expressed. He asked Cabinet colleagues to note the revisions to the table in the Appendix to the joint report, which had been updated to reflect the comments received by the end of the consultation period. The update had been published on the Council's website and Members notified. He explained that as a result of feedback from Swindon Carers it was his intention to refer Proposal 2 to his cross-party Advisory Group for further consideration.

Councillor Andy Harrison referred to the issue of the payment of backdated benefits and to the importance of ensuring that people received the full benefits they were entitled to. He believed that this was essential if Fairer Charging was to work properly.

Councillor Mattock confirmed that every effort was made to encourage people to claim all the benefits they were entitled to. He explained how the Fairer Charging system worked in a situation where there was the back payment of benefits.

Resolved – (1) That the feedback from the consultation exercise undertaken with users and carers on proposed changes to the Council's Fairer Charging Policy and fees and charges in relation to Adult Social Care, be noted.

(2) That the recommendations in respect of the Fairer Charging Policy Changes and Fees and Charges, as set out in paragraph 4.2 of the joint report, be approved, with the exception of Proposal 2 (Board and Lodging - Respite Care) which be referred to the Cabinet Member for Health and Adult Social Care's cross-party Advisory Group for further consideration in view of the responses received from Swindon Carers on this matter.

(3) That the related financial impact assessment associated with the proposed changes to the Fairer Charging Policy and Fees and Charges, be noted.

(4) That the Group Director, Children (and Adults), in consultation with the Cabinet Member for Health and Adult Social Care, be authorised to redraft the Fairer Charging Policy in the light of decision referred to in (2) above, and to implement the revised policy and fees and charges.

(Councillor Colin Lovell made a personal declaration of interest in respect of the above item as he has a relative who is a recipient of Adult Social Care services.)

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

96. Update to Swindon's Municipal Waste Management Strategy

The Cabinet Member for StreetSmart and Parks and the Deputy Chief Executive and Group Director, Environment, Regeneration and Community submitted a joint report concerning proposed actions to mitigate the current risks around future arrangements for waste disposal and to enable the development of a sustainable strategy for the disposal of municipal waste within the Borough.

Councillor Nick Martin, Cabinet Member for StreetSmart and Parks, explained the background to the joint report and its proposals. He stressed that this was not a new contract proposal and highlighted the need to address the management of the Borough's Municipal Waste in order to avoid increasing economic and environmental costs of landfilling such waste.

Councillor Steve Wakefield commented that he had discussed the proposals with the relevant officers and believed the proposed approach did present opportunities and future long term benefits for the Borough. Councillor Bob Wright hoped that it would be possible for all Councillors to contribute to the development of the proposed strategy. Councillor Moffatt advised that he was supportive of the approach recommended in the report.

Resolved – (1) That Swindon Commercial Services Limited be appointed as the Council's agent to procure the development of options and market strategy, and advise on the resulting procurement of a contract for the diversion of treated waste from landfill.

(2) That a budget of £100,000 be approved in respect of the decision in (1) above, to be funded from the remaining Corporate Contingency within the current year's Budget (2011-12).

(3) That the Deputy Chief Executive, in consultation with the Cabinet Member for StreetSmart and Parks, be authorised to award a contract to Swindon Commercial Services Limited for a period of 8 years with the potential for a two-year extension to convert the Council's municipal waste into a refuse-derived fuel (RDF) in line with the previously agreed strategy, on such terms as are advised by the Director of Law and Democratic Services.

(4) That, further to the decision in (3) above, Contract Standing Orders be waived accordingly.

(5) That it be noted that that Swindon Commercial Services Limited is currently 'Teckal' compliant and that contracts subject to OJEU can only be awarded in this way whilst Swindon Commercial Services Limited is 'Teckal' compliant.

(6) That expenditure of £37,500 be funded from the remaining Corporate Contingency within the current year's Budget (2011-12) to purchase Landfill Allowances and Trading Scheme (LATS) allowances for 2012/13, in order to mitigate potential penalties in excess of £1m.

(7) That the Director of Finance, in consultation with the Cabinet Member for Finance, be authorised to offer a loan to Swindon Commercial Services Limited at a market rate for a period of 5 years and with an approximate value of £5m for the build costs of the refuse-derived fuel plant, subject to him being satisfied with the robustness of the business case following the first stage procurement exercise and the replacement of estimated costs with market prices.

(8) That the Director of Law and Democratic Services, in consultation with the Director of Finance, be authorised to enter into an 8 year licence or lease (as appropriate) for the relevant part of the Waterside site on which the refuse-derived fuel plant would be located, subject to the outcome of the first stage procurement exercise.

(9) That it be noted that the Municipal Waste Strategy approved by the Cabinet on the 20th January 2010 is currently being reviewed in light of the issues outlined in the joint report, and that an updated Strategy will be brought back to the Cabinet once the market analysis has been completed and a preferred way forward established.

(Councillor Garry Perkins, Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, made a personal declaration of interest in respect of the above items as he was a Council appointed Non-Executive Director on the Board of Swindon Commercial Services (SCS) Ltd.)

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

97. Proposal for a Regional Leisure Destination (Part 2)

The Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, the Cabinet Member for Leisure and Corporate Services, and the Director

of Housing, Leisure, Libraries and Culture submitted a joint report concerning the terms of a collaboration agreement and four proposed leases with a private developer with the aim of the Oasis Leisure Centre and the adjoining former Clares site at North Star, Swindon, being transformed into a regional leisure destination.

Councillor Keith Williams, Cabinet Member for Leisure and Corporate Services, commented on the detail of the proposals which should deliver £65m of investment and a projected regional leisure destination attracting visitor numbers of up to 4m people.

Councillor Dale Heenan welcomed the joint report and commented on the potential impact on Swindon of the delivery of some of the exciting facilities proposed for the future phases of the development.

Resolved – That the Director of Law and Democratic Services, in consultation with the Cabinet Members with portfolio responsibility for Regeneration and Leisure, the Director of Finance and the Head of Property, be authorised to

- Enter into a collaboration agreement covering the Oasis Leisure Centre and former Clares site, at North Star, Swindon, with the parties identified in the main body of the joint report, as identified in the plan attached as Appendix 1 to the joint report, to create a regional leisure destination
- Enter into a 99 year lease with the party named in the main body of the joint report for the Oasis Leisure Centre on the basis that agreed improvement works, as stated in Appendix 2 of the joint report, are carried out within 12 months of the commencement of the lease,
- Enter into a further three 99 year leases with the parties named in the main body of the joint report, covering proposed development phases on the former Clares site, subject to the Council having step-in rights to take back the sites if agreed activity is not completed on time,
- Grant the four proposed leases based on the site areas identified in the plan attached to Appendix 3 of the joint report,
- Complete all necessary, and ancillary, documentation on such detailed terms and conditions as will be determined by the Director of Law and Democratic Services in consultation with the Head of Human Resources, Head of Property and the Director of Finance, in order to protect the Council's interest;
- (If the option is exercised by the relevant tenant) complete the freehold sale of the Oasis Leisure Centre, subject to practical completion of one of the three further phases, and the granting of 999 year leases when each of the other three phases achieve practical completion,
- Authorise the Head of Property, in consultation with the Project Board, relevant Cabinet Members and Ward Councillors to agree uses and associated delivery timelines for the four development phases.

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