

# **Scrutiny Committee**

**Monday, 26 October 2015**

## **Additional Information**

AGENDA ITEM NO. 5 – CONSIDERATION OF CABINET DECISIONS

Appendix 1 - Draft Minutes of the meeting of the Cabinet held on 21<sup>st</sup> October 2015

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#### **NOTICE OF DRAFT DECISIONS OF THE MEETING OF THE CABINET HELD ON WEDNESDAY, 21<sup>ST</sup> OCTOBER 2015**

##### **31. Local Safeguarding Children Board Annual Report 2014/15**

The Independent Chair of the Swindon Local Safeguarding Children Board submitted a report setting out the Annual Report of the Swindon Local Safeguarding Children Board (LSCB) 2014/15.

Ms Alex Walters, the new Chair of the Swindon Local Safeguarding Children Board, presented the Annual Report explaining that this was a statutory requirement. She commented on the role of the Board and how it worked with partners to ensure the delivery of four safeguarding priority areas for Swindon's children. She explained that the Report set out the performance that agencies both individually and working with other bodies had made towards meeting the four priority areas. Ms Walters added that the Annual Report sought to provide transparency and robust challenges for the safeguarding of children and young people in Swindon.

Councillor Fiona Foley, Cabinet Member for Children's Services, welcomed the report and explained that it had also been discussed at the Council's Health and Wellbeing Board held earlier in the day. She referred to the findings of the Annual Report and the commitment and work undertaken by the Council and the other partners to seek to ensure the safeguarding of Swindon's young people. She highlighted the training that was undertaken to ensure that all those involved with children and young people were aware of safeguarding issues and how to respond to these. She thanked all those involved with the Swindon Local Safeguarding Children Board and, particularly, its former Chair, for their hard work in seeking to keep keeping Swindon's children safe.

Councillor Bob Wright, Chair of the Council's Scrutiny Committee, referred to the findings of the Annual Report and asked whose views were most taken into account to determine if a child or young person was considered to be "safe". He also enquired why the Annual Report described some schools as being "hard to reach" and how accurate was the data supplied.

Councillor Foley advised that the determination of what was appropriate action was undertaken on a "case by case" basis and she would be happy to discuss the assessment process outside of the meeting. She explained that some schools were known to participate more actively in training and other safeguarding activities than others and thus the term "hard to reach" had been used in the Annual Report.

The Board Director, Commissioning reiterated that decisions were made according to the circumstances of each individual case. He explained that it was not the Local Safeguarding Children Board's role to assess individual cases rather it was there to determine whether there were specific lessons to be learned. He confirmed that in safeguarding matters the Council had powers to intervene in all schools regardless of their status. He commented that schools were responsible for

collecting data and the Council sought to build trust-based relationships with all schools to encourage accuracy and easy exchange of information.

Councillor Jim Grant, Leader of the Opposition Group, commented on the contents of the Annual Report and asked how the Council and its partners intended to address the reported five hundred instances of self-harm, which was above the national average.

Ms Walters commented that the report provided evidence of activities and sought to report on the different outcomes. The Board Director, Commissioning commented on the difficulty of linking specific activities and interventions to specific outcomes because there were many different factors associated with individual cases.

Councillor Foley explained that the figures did include those involved in more than one incident of self-harm and this might be a factor which produced a higher figure. She, the Council and the Board were committed to responding to the problem and she was pleased that the data also showed that young people were willing to come forward to receive treatment. Ms Walters added that across the country there had been an increased incidence of self-harm amongst young people and that work was being undertaken to promote preventative measures.

Councillor Mary Martin, Cabinet Member for Corporate, Customer, and Digital Services, referred to the Council's role as a corporate parent. Ms Walters explained that the Corporate Parenting Board was the statutory body responsible for "Looked After Children" whilst the Local Safeguarding Children Board's function was to ensure that the Corporate Parenting Board was effective in its work.

Councillor Brian Mattock, Deputy Leader of the Council and Cabinet Member for Adult Health and Social Care, noted that there were now separate independent chairs for the Children's and Adults Safeguarding Boards. He expressed his thanks to all those involved and to the previous joint chair of those Boards.

Resolved – (1) That the Swindon Local Safeguarding Children Board Annual Report 2014/15 as set out in the Appendix to the joint report be endorsed.

(2) That the Cabinet on behalf of the Council, express its appreciation to the current and former Chair (Mr Mike Howard), and members of the Swindon Local Safeguarding Children Board for their hard work and commitment to keeping Swindon's most vulnerable children and young people safe.

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

## **32. Budget Management 2015/16**

The Cabinet Member for Finance, People and Performance and the Board Director, Resources submitted a joint report setting out (a) the current forecast out-turn position of the Council's Revenue Budget as at the end of August 2015, (b) issues affecting the Council's finances, (c) proposed virements, (d) the consultation response to proposed changes to Taxi and Private Hire Licensing and related fees, (e) the current forecast out-turn position of the Council's Housing Revenue Account and Dedicated Schools Grant 2015/16, and (f) Capital Programme funding in advance of the receipt of Section 106 Planning Obligations monies.

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, introduced the joint report and commented on the projected out-turn position. He drew specific attention to the outcome of the consultation on proposed changes to Taxi and Private Hire Licensing and related fees and to a petition that had been received. He commented that it was necessary to ensure that the service was self-financing. However, he acknowledged the concerns expressed about the level of the increase, noting that the fees had in fact remained unchanged for a number of years.

Councillor Emma Faramarzi, Cabinet Member for Housing and Public Safety, explained that there had been no increase in the fees for three years. She commented that the additional income that would result from the increased income would be used to enable the service and licensing process to be self-financing covering costs associated with providing required DVLA and criminal record checks, additional administrative support, and improvements to the “knowledge” and language tests for drivers. In addition, it was intended that the Council would provide Child Sexual Exploitation awareness training to drivers to enable them to assist in the safeguarding of young people.

Councillor Jim Grant, Leader of the Opposition Group, asked which budgets would be reduced as a result of the Government's decision to make an in-year reduction to the Public Health grant provided to local authorities. He also referred to nursery education and enquired how the Council would seek to ensure that children remained at the Council's pre-schools rather than parents choosing private provision.

Councillor Holland advised that both he and Councillor Brian Mattock, Deputy Leader of the Council and Cabinet Member for Adult Health and Social Care, had responded to the Government's consultation on the Public Health Grant.

Councillor Mattock explained that no details had yet been received from the Government on the proposed reductions but these would be reported to Councillors through the usual Cabinet Budget reports.

The Board Director, Commissioning advised that the Council was in discussions with schools on the issue of pre-school provision, and in particular the link to the funding for places for two-year olds.

Resolved – (1) That the Cabinet notes the projected Revenue Budget Out-turn position for 2015/16, as set out in Table 1 and Appendices 1 and 2 to the joint report.

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

(4) That the additional funding for the Greenbridge Roundabout, Swindon, works as detailed in paragraphs 9.1 to 9.4 of the joint report be approved.

(5) That, having regard to the consultation responses received, the new Taxi and Private Hire Licensing fees for 2015/16, as set out in Appendix 4 to the joint report, be approved and adopted with effect from 1<sup>st</sup> November 2015.

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

### **33. Care Act 2014 - Fairer Charging and Deferred Payments**

The Cabinet Member for Adult Health and Social Care and the Board Director Commissioning submitted a joint report concerning the outcome of consultation undertaken on proposed changes to the Council's Fairer Charging Policy and Deferred Payments Policy that it was proposed to amend to reflect changes included within the Care Act 2014, which came into effect on 1st April 2015.

Councillor Brian Mattock, Deputy Leader of the Council and Cabinet Member for Adult Health and Social Care, referred to the recent consultation exercise carried out into the Council's proposals to amend its Fairer Charging Policy and Deferred Payments Policy. He explained why the changes were necessary and the feedback received from the consultation exercise. He was supportive of the amended Policy as now recommended. He highlighted that the Council was proposing to exclude carers from the charges in recognition of the support they already provided that would otherwise result in work and cost for the local authority.

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, expressed his support for the proposals and, in particular, the recommendation not to charge carers.

Councillor Jim Grant, Leader of the Opposition Group, noted the consultation responses and the main proposals. He enquired whether transport related issues could be dealt with on a "case-by-case" basis, given that different individuals might have different demands at different times.

Councillor Mattock stated that he was aware that there would be exceptional circumstances and that the service always took these into account. It was also intended to review the scheme after twelve months.

Councillor Dale Heenan, Cabinet Member for Sustainability and Transport, noted that the recommendations did not negate the other assistance that the Council provided in terms of helping with transport provision.

Councillor Bob Wright, Chair of the Scrutiny Committee, reiterated that there were people whose mobility would vary over the course of a year according to their medical condition and who might reach a position where more support was required "in-year".

Councillor Mattock assured members that regardless of the proposed changes to the Charging Policy, if a person's care needs changed then the support provided would be reviewed.

Resolved – (1) That the responses received to the consultation carried out on the Council's Fairer Charging Policy and Deferred Payments Policy for Vulnerable Adults, as set out in detail in Appendix 1 and summarised in paragraphs 3.17 to 3.31 of the joint report, be noted.

(2) That the Board Director Commissioning (DCS/DASS) be authorised to implement with effect from 1<sup>st</sup> November 2015, the policies and proposals associated with the Council's Fairer Charging Policy and Deferred Payments Policy, as set out in the joint report and as amended following the consultation process.

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

#### **34. Highway Asset Management Policy and Strategy**

The Cabinet Member for Sustainability and Transport and the Board Director, Service Delivery submitted a joint report concerning a proposed Highway Asset Management Policy and Strategy 2016-2020.

Councillor Dale Heenan, Cabinet Member for Sustainability and Transport, introduced the report and explained that the new policy and strategy aligned with the Vision for Swindon and Council Priorities approved by the Council on 24th September 2015, and would both enable the effective and efficient management of Swindon's Highway infrastructure and provide the basis and framework on which future funding bids would be prepared and submitted.

Resolved – (1) That the Highway Asset Management Policy and Strategy 2016-2020, as set out in Appendix One to the joint report, be approved.

(2) That the Highway Inspection Manual, as set out in Appendix Two to the joint report, be approved.

(3) That the Head of Highways and Transport, in consultation with the Cabinet Member for Sustainability and Transport be authorised to:

(a) Review and make minor revisions to the Policy and Strategy biennially.

(b) Review and update existing sub-policies and plans and agree new sub-policies and plans as required.

(4) That the Incentive Funding element of future funding for local highways maintenance, be noted.

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

#### **35. Capita Partnership Agreement - IT Service**

The Cabinet Member for Corporate, Customer and Digital Services and the Board Director Resources submitted a joint report concerning proposed changes to IT services provided under the Council's strategic partnership with Capita plc which commenced on 1<sup>st</sup> February 2007.

Councillor Mary Martin, Cabinet Member for Corporate, Customer and Digital Services, introduced the joint report and referred to the reasons why it was now believed to be in the Council's best interests to change the way that IT services were provided within the Council and the positive implications of this both for the service provided and in terms of the Council's finances.

Councillor Jim Grant, Leader of the Opposition Group, asked if the Council would have to meet any penalty charges for ending the existing agreement with Capita and, if so, how they would be reported.

The Board Director, Resources, advised that through the on-going negotiations he hoped that there would be no requirement for any penalty payments. However, if such costs were incurred these would be reported to Councillors.

Councillor Dale Heenan, Cabinet Member for Sustainability and Transport, expressed his support for the proposals noting that both technology and the Council's needs had significantly changed since the original contract for IT Services had been signed. He hoped that the new IT service would enable even more use of digital information and transactions and would result in more savings for the Council.

**Resolved** – (1) That the Board Director Resources be authorised to negotiate the return to direct Council management of such parts of the IT Service as he shall determine and agree terms for the remaining services to be provided under the existing Capita Partnership as referred to in the joint report.

(2) That, further to the decision in (1) above, £250,000 be added to the Council's Capital Programme to fund consequential office accommodation changes.

(3) That the Director of Law and Democratic Services in consultation with the Cabinet Member for Finance, People and Performance, the Cabinet Member for Corporate, Customer and Digital Services, and the Board Director Resources, be authorised to enter into the relevant documentation to give effect to the proposals set out in the joint report for changes to IT services provided under the Council's strategic partnership with Capita plc, on such terms as he considers necessary to protect the Council's interests.

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

### **36. Debt Management**

The Cabinet Member for Finance, People and Performance and the Director of Law and Democratic Services submitted a joint report setting out the current position in relation to Council Tax collection and debt management in the Council.

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, introduced the report and drew attention to its contents and appendices. He believed the report clearly indicated the Council's success in maintaining the Council's income to support services whilst also helping the most vulnerable households to avoid unnecessary costs, hardship, and distress. He noted that whilst the Council remained committed to collecting all monies owed to it, the Council also sought to encourage early repayment and preventing residents accumulating even greater debts.

Councillor Holland noted that there had been an unfortunate increase in the use of bailiffs. However, he pointed out that there had also been three thousand fewer Council Tax summonses issued. He was submitting a bid to the One Swindon Board to seek support for research into the relationships between non-payment and areas with multiple indices of deprivation in Swindon. He was also in liaison with the Government about the possibility of sharing data with Revenues and Customs (HMRC) to facilitate the use by the Council of Attachment of Earnings Orders to recover unpaid bills instead of using enforcement agents. He emphasised that the Council would continue to monitor and respond to all complaints about bailiffs.

**Resolved** – (1) That it be noted that:-

(a) Council Tax, Business Rate, Business Improvement District charges and Housing Rent collections continued to improve in 2014/15.

(b) Overpaid Housing Benefits repayment collections reduced, following



national Department of Works and Pensions schemes to reduce fraudulent and erroneous benefit payments, and this created a large number of overpayments in the second half of the financial year.

(c) Collection rates remain above average compared to other Unitary Authorities.

(d) The outcome of the work being undertaken to reduce Council Tax recovery proceedings and the use of Enforcement Agents had seen a 21% reduction in the number of summons issued (a fall of 3008).

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

### **37. Polling District and Places Review (Minute for Confirmation)**

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report concerning the outcome of a review of polling places within the wards of Blunsdon and Highworth, Central, Chiseldon and Lawn, St Andrews, St Margaret and South Marston and Wroughton and Wichelstowe and a proposal to create a new polling district in the Chiseldon and Lawn ward.

The Leader of the Council introduced the report and highlighted the minor changes proposed.

Councillor Brian Ford, Cabinet Member for StreetSmart and a Wroughton and Wichelstowe Ward Councillor, advised of his concerns at the proposed change to the arrangements in the Wroughton and Wichelstowe polling district. He explained that the proposed alternative polling place was over a mile from the homes of the residents affected. This was a far longer distance than most other electors within the Borough had to travel to vote. He believed further work should be undertaken to identify a more suitable location for a WWE polling place.

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, expressed his support for Councillor Ford's views, noting that a polling station located in the polling district should help increase access and turnout.

Resolved – That the Council be requested to

(a) endorse the recommended changes to Polling Places within the Borough as follows –

(i): Blunsdon and Highworth Ward - That an additional polling place at Highworth Community Centre be created for the BHH register.

(ii) Central Ward - That the polling place for register CEA move back to Robert Le Kyng Children's Centre from Robert Le Kyng Primary School.

(iii) Chiseldon and Lawn Ward - That a new polling district CLC be created and a new polling place for CLC at The Sun Inn be created.

(iv) St Andrews Ward - That an additional polling place at Tadpole Farm Primary Academy be created for the SAA register.

(v) St Margaret and South Marston Ward - That the polling place for electoral registers SMA and SME move back to The Church of Jesus Christ of Latter-day Saints from Grange Infants School.

(vi) Wroughton and Wichelstowe Ward - That officers be requested to locate a polling station within the WWE polling district.

(b) Note that the Director of Law and Democratic Services (as Returning Officer) will implement the proposed changes for the Borough and Parish elections

and the Police and Crime Commissioner election on Thursday 5th May 2016.

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

### **38. Local Government Ombudsman - Annual Review 2014/2015**

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report concerning the Local Government Ombudsman's Annual Review for 2014/15 that highlighted the annual summary of statistics on the complaints made to the Ombudsman regarding the Council for the year ended 31st March 2015.

The Chair welcomed the Local Government Ombudsman's Annual Review and noted the Council's good overall performance. He emphasised that the Council was not complacent in its approach to complaints. He encouraged the Chief Executive and senior officers to secure local resolutions of disputes where practicable, and thanked all those officers who dealt with the Ombudsman and with Council complaints generally.

Resolved – (1) That the contents of the Local Government Ombudsman's Annual Review 2014/15, and that there were four complaints upheld by the Ombudsman in the year ending 31st March 2015, be noted.

(2) That the Chief Executive, Board Directors and Heads of Service be requested to continue to ensure that, where possible, complaints are resolved internally before reference to the Local Government Ombudsman and that requests for information from the Local Government Ombudsman are speedily dealt with.

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

### **39. Updated Contract Standing Orders (Minute for Confirmation)**

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report setting out proposed revised Contract Standing Orders for the Council.

The Chair introduced the report and advised that the changes to the Council's Standing Orders relating to Contracts were required to reflect changes in legislation, best practice, and to meet statutory requirements. He was supportive of the recommendations set out in the report.

Resolved – (1) That the Council be recommended to adopt the revised Contract Standing Orders, as set out in the Appendix to the joint report.

(2) That the proposed new six-monthly reporting process to Cabinet as part of the Budget Management Report be implemented for:

(a) procurement activity above EU thresholds for goods and services, or £500,000 for works; and

(b) the use of exemptions; to enable trends and Council-wide activity to be monitored.

(3) That it be noted that –

(a) information recorded on key procurement Record of Decisions Notices or equivalent written record will include the date that Cabinet Members are informed around the use of exemptions and contract awards within their portfolio for

procurements above EU thresholds for goods and services or £500,000 for works; and

(b) the internal processes and toolkit to support adherence to the updated Contract Standing Orders are being refreshed with a view to implementing the new approach with effect from 13<sup>th</sup> November 2015, if the changes are adopted.

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

**40. References from Other Council Bodies - Licensing Committee / Corporate Governance Review Working Group (Minute for Confirmation - Minute 40(2))**

The Leader of the Council, the Cabinet Member for Finance, People and Performance, the Cabinet Member for Housing and Public Safety and the Director of Law and Democratic Services submitted a joint report concerning recommendations arising from the meetings of the Licensing Committee on 17<sup>th</sup> September 2015, regarding the Cabinet's adoption of an annual review of the Council's Taxi Fee Structure, and the Corporate Governance Review Working Group on 29<sup>th</sup> September 2015, regarding the Council conducting a Community Governance Review.

Councillor Emma Faramarzi, Cabinet Member for Housing and Public Safety, referred to the comments she had made earlier in the meeting regarding the proposed increase in Taxi Licensing fees and to the request from the Licensing Committee for Council officers to undertake an annual review of the Council's Taxi Fee Structure to avoid the level of any proposed fee increases being significant for a single year, as had been the case this year. She was supportive of such an approach being adopted.

The Chair referred to the discussions that had taken place at the Corporate Governance Review Working Group on 29<sup>th</sup> September 2015, regarding the Council conducting a Community Governance Review. He expressed his support for such a review not taking place.

Councillor Toby Elliott, Cabinet Member for Communities and Strategic Planning referred to Minute 4 of the Corporate Governance Review Working Group and explained that the proposed Review would cover issues relating to parish electoral arrangements that had been raised by existing parishes, whether there should be any changes to existing parishes, or whether unparished parts of Swindon should have parishes. The views of the public on all these issues would be sought.

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, referred to the parishing of unparished areas and to his belief that new parishes would provide democratic accountability as well as provide some local services in a sustainable or improved way.

Councillor Toby Elliott commented on the success of the four pilot schemes where parishes had taken on some services and improved their delivery in the view of local residents.

Councillor Bob Wright, Chair of the Scrutiny Committee, asked if there were areas where there was evidence that the public perception was that the Council was failing to deliver services effectively. He expressed his concern about establishing new parishes that could be seen as an extra layer of bureaucracy and although he was supportive of parishes in principle, he believed there were areas where they were not appropriate. He invited Cabinet Members to review the experience in Milton Keynes where not all the newly created parishes were functioning well.

Councillor Russell Holland referred to the challenges facing the Council as it went forward and that the establishment of new parishes might be a good way to ensure that many future needs of local communities were met.

Councillor Fionuala Foley, Cabinet Member for Children's Services, commented that she believed parishes were an extension of local democracy and local choice allowing areas to respond more effectively to residents' wishes.

Councillor Elliott thanked Councillors for their comments. He advised that subject to Council's approval of the proposed Review taking place, the first stage of the process was to invite residents to submit their own views. He hoped that a wide range of comments would be forthcoming.

Resolved –(1) That, further to Minute 9(2) of the Licensing Committee, officers undertake an annual review of the Council's Taxi Fee Structure.

(2) That, further to Minute 4 of the Corporate Governance Review Working Group, and subject to the following additional text being added to the end of the first paragraph on the second page of the Appendix ("Draft Terms of Reference and Timescale", page 72) "To that end, the Council is also reviewing unparished areas of the Borough to obtain views as to enabling community empowerment at local level which could include the Council devolving power and responsibility to neighbourhood level and extending localism to those parts of the town that do not presently benefit from their own local councils.", the Council be recommended to –

(a) Agree to conduct a Community Governance Review, in accordance with the Local Government and Public Involvement in Health Act 2007, for the whole of the Borough of Swindon including both parished and un-parished areas.

(b) Agree to the proposed timescale and Terms of Reference of the Community Governance Review as set out in Appendix A to the joint report.

(c) Authorise the Director of Law and Democratic Services to take all necessary steps in relation to the Review in consultation, as appropriate, with the Corporate Governance Review Working Group and the Cabinet Member for Communities and Strategic Planning.

(d) Authorise the Director of Law and Democratic Services in consultation with the Leaders of the Political Groups on the Council and the Cabinet Member for Communities and Strategic Planning, to make changes to the proposed timescale and Terms of Reference of the Community Governance Review, as set out in Appendix A to the joint report, prior to its consideration by the Council and to any subsequent publication.

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

*Date of Publication of Draft Decisions: 22<sup>nd</sup> October 2015*

*Issued to Members of the Scrutiny Committee: 23<sup>rd</sup> October 2015*