

Swindon Borough Council

Special Committee

Thursday, 26 March 2009

Committee Room 1, Civic Offices, Swindon (Anticipated meeting room)

At 5.30 p.m.

Conservative Councillors

Roderick Bluh (Chair)
Fionuala Foley (Vice-Chair)
Brian Mattock
David Renard

Deputies: *All other Cabinet Members*

Labour Councillors

Fay Howard
Kevin Small

Deputies: *All other Labour Shadow Cabinet Members*

Liberal Democrat Councillors

Stan Pajak

Deputies: *All other Liberal Democrat Members*

(Copies to all other Members of the Council – For Information)

Committee Officer: Ian Willcox (Telephone: 01793 463601)
email: iwillcox@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 445500)

AGENDA

PART 1 (PUBLIC ITEMS)

1. Apologies for Absence.

2. Declarations of Interest.

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes. (Pages 1 - 2)

To receive the minutes of the meeting held on 23rd February 2009.

4. Public Question Time.

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Appointments to Committees. (DLDS-B) (Pages 3 - 6)

6. Adjustments to the Council's Organisational Structure. (CE) (Pages 7 - 14)

Date of Despatch: 18 March 2009

Key:

Officers:

- CE - Chief Executive
- DLDS-B - Director of Law and Democratic Services – Business Transformation

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Special Committee - Terms of Reference

The Special Committee shall have delegated to it the power to act for the Council on the advice of the Chief Executive on any policy decision or any particular matter that is urgent and necessary in the best interests of the Council.

The quorum of the Committee shall be three.

Deputy Members may be appointed at the Annual or any meeting of the Council.

Minutes of any proceedings of this Committee shall be submitted to the Council.

SPECIAL COMMITTEE

MONDAY, 23 FEBRUARY 2009

PRESENT:- Councillors Roderick Bluh (Chair), Fionuala Foley (Vice-Chair), Fay Howard, Brian Mattock, David Renard and Martin Wiltshire (Deputy).

Apologies for absence were received from Councillors Stan Pajak and Kevin Small.

18. Declarations of Interest

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

19. Minutes

Resolved – That the minutes of the meeting held on 19th December 2008, be confirmed and signed as a correct record.

20. Public Question Time

No public questions were asked under Standing Order 28.

21. 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. 6 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 22 refers.)

22. Wichelstowe - Renegotiating the Collaboration Agreement

The Wichelstowe Project Director and the Group Director, Business Transformation submitted a joint report concerning the outcome of negotiations undertaken with Taylor Wimpey Ltd. since the last meeting of the Committee on 19th December 2008, on the proposed terms and conditions of a revised Collaboration Agreement between Swindon Borough Council and Taylor Wimpey Ltd. as co-developers of the Wichelstowe site.

Mr. John Whiteoak, Wichelstowe Project Director, explained the reasons why it had not been possible to reach agreement with Taylor Wimpey Ltd. by 31st December 2008, and the discussions that had taken place since to enable an agreement to be reached. He commented on the current proposals to revise the Wichelstowe Collaboration Agreement to protect the Council's interests. He explained the basis of the revised agreement and the financial implications for the Council. He explained how the proposals differed from those put forward in December 2008, and commented that, in his view, they still offered a solution that would meet the requirements of both parties. He responded to questions from Councillors regarding the terms of the agreement, and the implications for the

Council's finances and the future development of Wichelstowe. He commented on the potential risks for the Council associated with the revised arrangements, which, he believed, were outweighed by the risks of not proceeding with the proposed revised agreement at this time. He believed that it remained in the best interests of the Council to progress the proposals at this time given the current market conditions.

Resolved – That the Director of Law and Democratic Services be authorised to enter into an amended Collaboration Agreement for the Wichelstowe Project, together with any other necessary documentation, on terms to be concluded in consultation with the Director of Finance and the Director of Property and Assets and the relevant Cabinet Member, to effect the following:

- 1) Completion of the agreement and related transactions as soon as practicable, subject to agreement on the terms outlined below, and the supporting documentation.
- 2) Taylor Wimpey Ltd. to return to the Council the freehold interest of all land transferred under the terms of the Collaboration Agreement and for there to be no further transfers.
- 3) A relaxation of the restrictions on the Council releasing land for development.
- 4) Taylor Wimpey Ltd. to pay the Council £5m as part of the compensation for releasing them from the Collaboration Agreement, and the Council will pay £5m at the same time as part of the clearing of balances on the Developer Account and agreeing a settlement for returning land.
- 5) Taylor Wimpey Ltd. to pay the Council a further £7m on a date to be agreed, in compensation for releasing them from the Collaboration Agreement financing arrangements. Penalty and interest charges to form part of the agreement in the event of the payments not being made on the due date, which will be linked to the phasing of work forming part of Contract 4.
- 6) The Council to take over responsibility for financing further costs, with effect from 1st January 2009, including Primary Infrastructure Works, Section 106 contributions and any directly associated commuted sums. The Council to also reimburse any sums incurred and charged to the Development Account by Taylor Wimpey Ltd. since 1st January 2009.
- 7) If appropriate, the payment of liquidated damages and/or 'step in' rights if the Council does not achieve agreed delivery targets within Contract 4.
- 8) The Council to take over the managing, planning and phasing of the development of the remainder of the site.

Appointments to Committees

Special Committee

Date: 26 March 2009

Author: Director of Law and Democratic Services

Wards / Parishes Affected: All

Purpose

- To appoint Members to serve on various Committees of Swindon Borough Council for the remainder of the Municipal Year.
- To appoint new chairs of the Children and Young People's Overview and Scrutiny Committee; and the Economic, Environmental and Sustainability Overview and Scrutiny Committee.

Recommendation

Special Committee is recommended to:

- Approve the appointments to committees recommended in paragraphs 2.3.1 to 2.3.3.
- Approve the appointment of Councillor Justin Tomlinson as Chair of the Economic, Environmental and Sustainability Overview and Scrutiny Committee for the remainder of the Municipal Year 2008/09, as set out in paragraph 2.3.4.
- Approve the appointment of Councillor Glenn Smith as Chair of the Children and Young People's Overview and Scrutiny Committee for the remainder of the Municipal Year 2008/09, as set out in paragraph 2.3.5.

1 Reasons

- 1.1 It is necessary under the provisions of the Council's Constitution (Article 4.02) for the Council or Special Committee to appoint members to serve on the Council's Committees for the Municipal year.

2 Detail

- 2.1 Councillor David Sammels has request that he be relieved from his duties as Chair and a member of the Children and Young People's Overview and Scrutiny Committee with effect from 26th March 2009. Councillor Glenn Smith has also intimated an intention to resign as Chair and a member of the Economic, Environmental and Sustainability Overview and Scrutiny Committee with effect from 26th March 2009.
- 2.2 The Conservative Group has advised of its intention to revise its membership of these two Overview and Scrutiny Committee and to

Further information on the subject of this report can be obtained from
Stephen Taylor on Direct Dial No. 463013 or Email staylor@swindon.gov.uk
Ian Willcox, Committee and Member Services on Direct Dial No. 463601 or Email
iwillcox@swindon.gov.uk

Appointments to Committees

Special Committee

Date: 26 March 2009

nominate to the positions of Committee Chair should they become vacant.

2.3 Assuming that the prospective vacancies arise on or before the 26th March 2009, Special Committee is therefore requested to:

2.3.1 Acknowledge the resignation of Councillor David Sammels as Chair of the Children and Young People's Overview and Scrutiny committee and the resignation of Councillor Glenn Smith as Chair of the Economic, Environmental and Sustainability Overview and Scrutiny Committee

2.3.2 Substitute Councillor Glenn Smith for Councillor David Sammels as a member of the Children and Young People's Overview and Scrutiny committee.

2.3.3 Substitute Councillor Justin Tomlinson for Councillor Glenn Smith as a member of the Economic, Environmental and Sustainability Overview and Scrutiny committee.

2.3.4 Appoint Councillor Justin Tomlinson as chair of the Economic, Environmental and Sustainability Overview and Scrutiny committee.

2.3.5 Appoint Councillor Glenn Smith as chair of the Children and Young People's Overview and Scrutiny committee.

Alternative Options

- No alternative options are proposed at this time.

Risk Management

Financial and Procurement Implications

- There are no financial or procurement implications.
- Certain Committee Chairs receive Special Responsibility Allowances. Chairs of Overview and Scrutiny Committees currently receive an allowance of £3,673 (2008/09).

Legal/Human Rights Implications

- Legal and Human Rights considerations have been taken fully into account in compiling this report. The Council is required to comply with the requirements of the Local Government Acts 1972 and 2000 and associated Regulations and Statutory Instruments.

Further information on the subject of this report can be obtained from
Stephen Taylor on Direct Dial No. 463013 or Email staylor@swindon.gov.uk
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iwillcox@swindon.gov.uk

Appointments to Committees

Special Committee

Date: 26 March 2009

Risk Management

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- The delivery of effective, accountable and transparent decision-making by the Council directly links to those parts of the new Corporate Plan relating to the “Role of the Council” and “Transforming the Organisation”.

Consultees

- The Director of Finance (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

Background Papers

- None.

Further information on the subject of this report can be obtained from
Stephen Taylor on Direct Dial No. 463013 or Email staylor@swindon.gov.uk
Ian Willcox, Committee and Member Services on Direct Dial No. 463601 or Email
iwillcox@swindon.gov.uk

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Adjustments to Organisational Structure

Special Committee

Date: 26 March 2009

Author: Leader of the Council and Chief Executive

Parish / Wards Affected: All

Purpose

- To seek Special Committee's endorsement, on behalf of the Council, of proposed organisational restructuring changes, that will help to ensure that the way in which the Council's business units are organised remains fit for purpose, demonstrates value for money and supports the Council's strategic objectives.

Recommendations

1. That Special Committee, on behalf of the Council, approves with effect from the 1st April 2009:
 - The transfer of the Community Directorate to the Group Directorate of Environment and Regeneration.
 - The Environment and Regeneration Group Directorate be redesignated 'Group Directorate Environment, Regeneration and Community'.
 - The redesignation of the Environment and Regeneration Group Director to 'Deputy Chief Executive and Group Director, Environment, Regeneration and Community'.
 - The transfer of the delegations exercised by the current Director Property and Assets (Nos. 391 to 393) to the Group Director Business Transformation.
 - The deletion of the post of Director of Procurement and the post of Director of Property and Assets from the Management Structure.
 - The Council's Management Structure be as set out in Appendix 1 to the report.
2. That Special Committee, on behalf of the Council, authorises the Director of Law and Democratic Services to make the necessary changes to the Council's Constitution to recognise the organisational changes set out above.
3. The Special Committee is also asked to note the joint appointment of a new Director of Public Health, which was agreed by the Joint Selection and Appointments Committee on 6th March 2009.

Further information on the subject of this report can be obtained from *Nicola Houwayek* on Direct 07824 550456 or Email nhouwayek@swindon.gov.uk.

Adjustments to Organisational Structure

Special Committee

Date: 26 March 2009

1. Reasons

- 1.1 Changes to the Council's high level organisational structure necessitates changes to the Council Constitution.

2. Detail

2.1 Environment and Regeneration - Community

2.1.1 With the Deputy Chief Executive and Group Director, Environment and Regeneration taking the lead responsibility for Connecting People, Connecting Places it is more effective for the Community Directorate to come under the direct control of this post. The Director of Community will also now be partly funded and take on some direct responsibilities for the Primary Care Trust (PCT) including:

- Leading on the development of an effective community engagement strategy for the Council and the PCT;
- Developing the Council's and PCT's relationship with the third sector to deliver more effective outcomes for the people of Swindon;
- Providing leadership for aspects of the World Class Commissioning competencies supporting development of local engagement capability and capacity within the PCT, with Practice Based Commissioners and within the wider NHS community.

2.1.2 In consequence, it is suggested that the name of the Group Directorate be changed to that of the Group Directorate Environment, Regeneration and Community, and that the title of the Group Director be amended, accordingly.

2.1.3 A structure diagram for the re-structured Group Directorate is attached.

2.2 Business Transformation – Property and Assets, and Procurement

2.2.1 For reasons of efficiency, the Director of Property and Assets role has been deleted from the Council's organisational structure.

2.2.2 In consequence, it is requested that the delegated powers for this role (namely, paragraphs 391 to 393 of the Scheme of Delegations which forms Part 8 of the Council's Constitution) be transferred to the Group Director, Business Transformation. It is anticipated that he will authorise the Head of Property Services to exercise those powers on his behalf in accordance with the enabling provisions of the Scheme of Delegations.

Further information on the subject of this report can be obtained from *Nicola Houwayek* on *Direct 07824 550456* or Email nhouwayek@swindon.gov.uk.

Adjustments to Organisational Structure

Special Committee

Date: 26 March 2009

2.2.3 For reasons of efficiency, the post of Director of Procurement has been deleted and a new Head of Procurement post been created. There are no specific delegations to the Director of Procurement in the Council's Scheme of Delegations but there is reference to that post in the Council's Contract Standing orders. Accordingly, it is requested that the Director of Law and Democratic Services be authorised to substitute the Head of Procurement for the Director of Procurement in such documentation.

2.2.4 A structure diagram for the re-structured Group Directorate is attached

3. Joint Appointments Swindon Primary Care Trust / Swindon Borough Council (Housing and Social Care)

3.1 Following the departure of Doctor Jane Leaman, Director of Public Health, the joint appointment of the new Director of Public Health was agreed by the Joint Selection and Appointments Committee on 6th March 2009. The new Director is Doctor Jennifer Harries. Dr Harries is currently Director of Public Health for the Monmouthshire Local Health Board and the Lead Commissioning Support to South East Wales Regional Commissioning Unit.

4. This, and the above changes, are set out in the attached revised Management structure diagram (Appendix 1).

Alternative Options

No change – maintain the status quo

Maintaining the status quo is not seen as an option as it does not enable the establishment of an organisational structure that is fit for purpose as well as ensure a balanced budget is delivered.

Risk Management

Financial Implications: The financial implications of the changes in senior management are summarised in the table below and bring a net annual saving to the General Fund of £198k. This saving has been reflected in the Council's Draft Budget proposals for 2009/10.

	Annual impact 2009/10 & 2010/11 (£000)
Saving on Deletion of post of Director Property Services	(106)
Net Saving on Deletion of the post of Director Procurement	(92)
Total Cost / -Saving	(198)

Further information on the subject of this report can be obtained from *Nicola Houwayek* on Direct 07824 550456 or Email nhouwayek@swindon.gov.uk.

Adjustments to Organisational Structure

Special Committee

Date: 26 March 2009

Legal / Human Rights Implications

- Consistent with the Council's policy on managing organisational change, consultation has occurred with affected staff and, where appropriate, their representative trades unions.
- The Director of Law and Democratic Services is authorised to make the necessary changes to the Council's Constitution to reflect the proposed organisational restructuring and ensure compliance with the provisions of the Local Government Act 2000 and related legislation and Regulations.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- These proposals directly contribute to the Corporate Plan theme – Transforming the Organisation and are a key enabler to the delivery of the 50 Promises.

Consultees

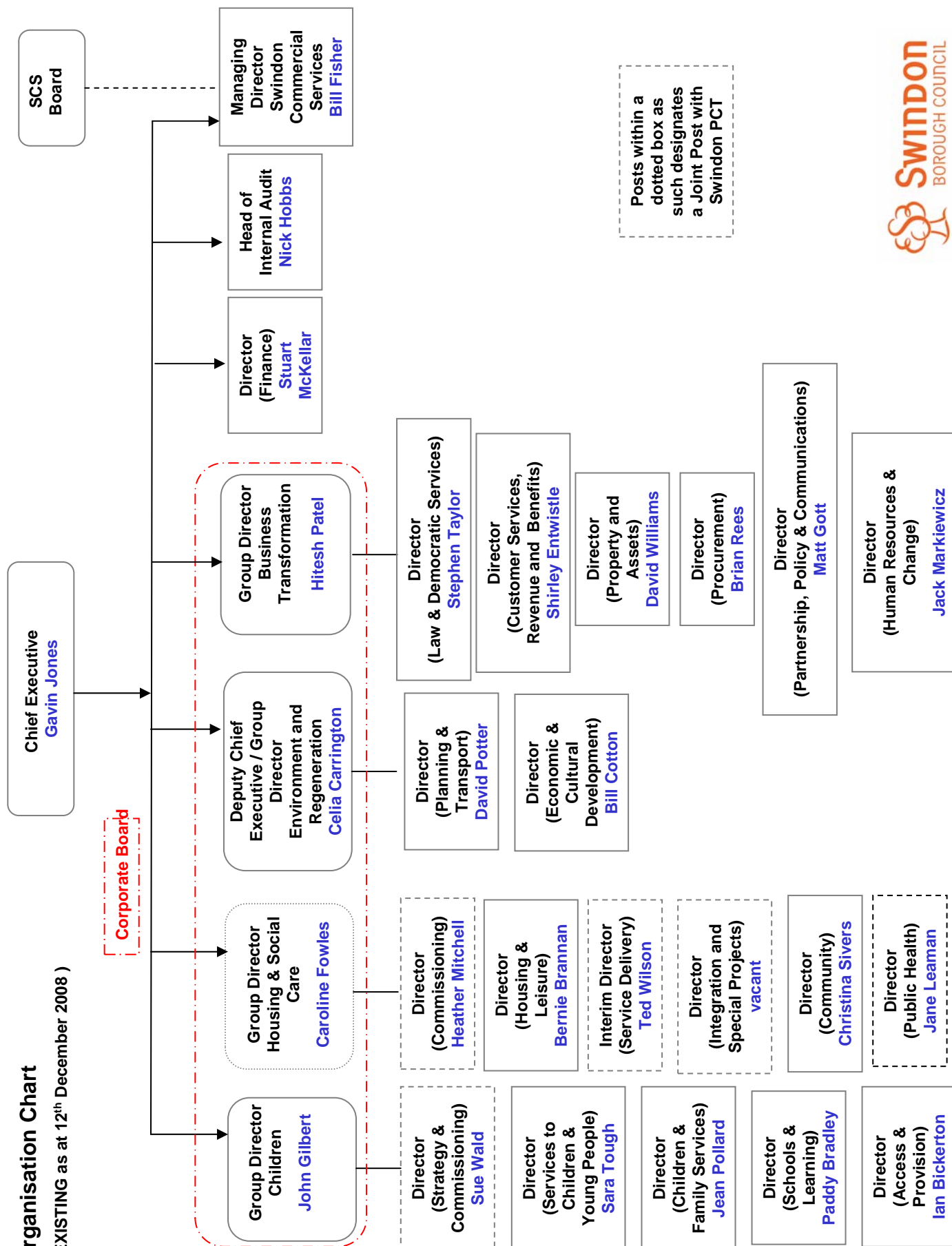
- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- Corporate Board
- Group Director Environment and Regeneration
- Group Director, Housing and Social Care
- Group Director, Business Transformation

Background Papers and Appendices

Appendix 1 – Existing and Proposed new Management Structure (effective 1 April 2008)

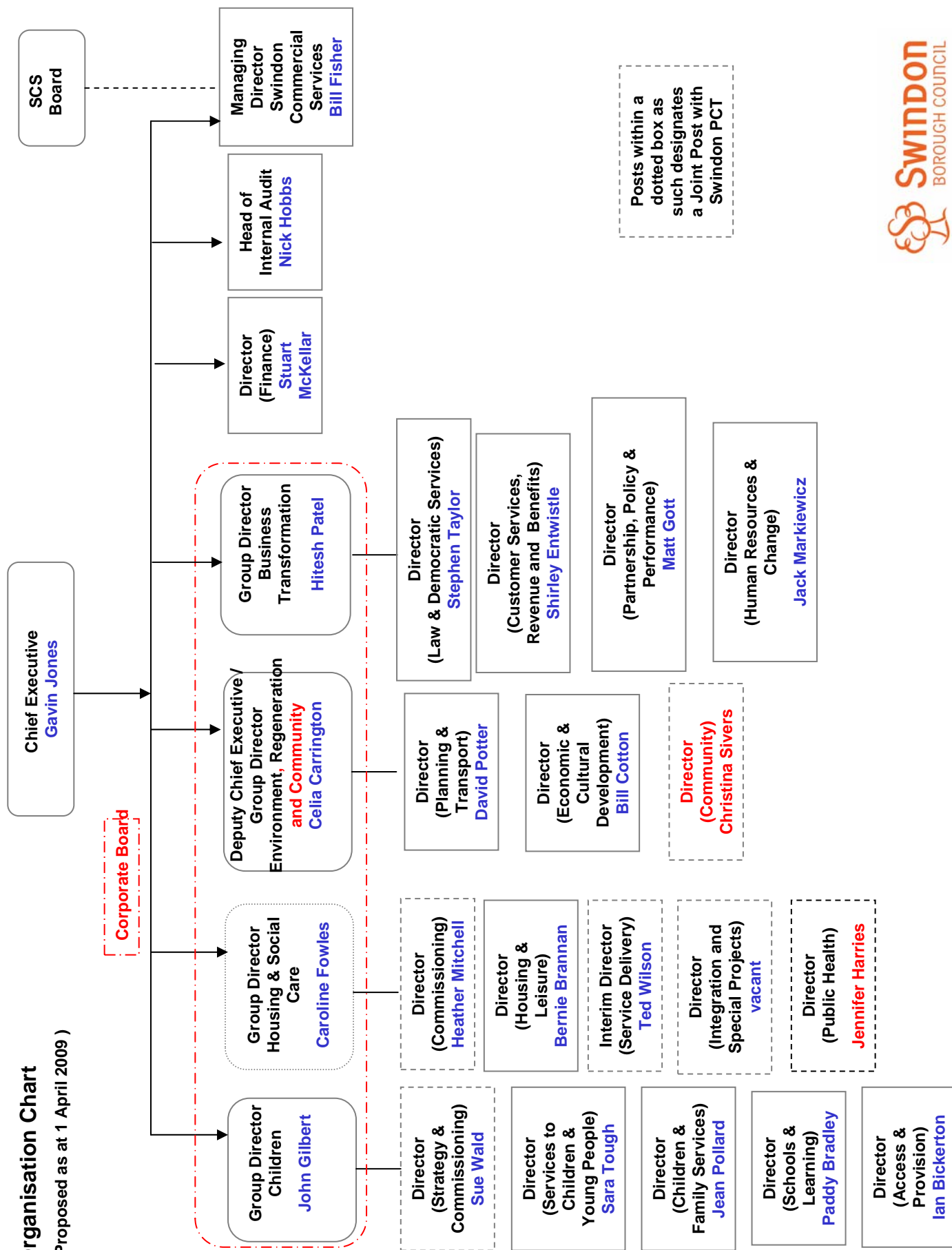
Organisation Chart

(EXISTING as at 12th December 2008)

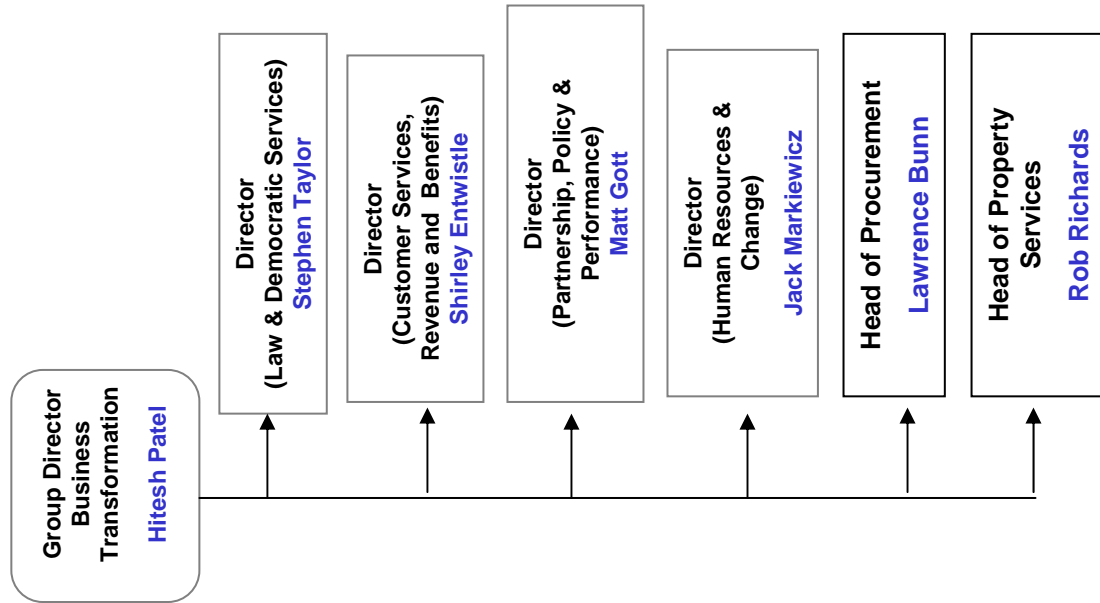


Organisation Chart

(Proposed as at 1 April 2009)



Business Transformation – Organisational Structure (proposed as from 1 April 2009)



Organisational Structure – Environment, Regeneration and Community
(proposed as from 1 April 2009)

