

# Swindon Borough Council

## Special Committee

**Thursday, 25 March 2010**

Committee Room 6, Civic Offices, Swindon (Anticipated meeting room)

At 10.00 a.m.

### **Conservative Councillors**

*Roderick Bluh (Chair)  
Fionuala Foley (Vice-Chair)*

*Brian Mattock  
David Renard*

**Deputies:** *All other  
Cabinet Members*

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

### **Labour Councillors**

*James Grant  
Derique Montaut*

**Deputies:** *All other  
Labour Shadow Cabinet  
Members*

### **Liberal Democrat Councillors**

*Stan Pajak*

**Deputies:** *All other Liberal  
Democrat Members*

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

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

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## **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 23<sup>rd</sup> February 2010.

**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. Confirmation of Minutes - Forward Strategy for Delivering Economic Development and Regeneration in Swindon. (DLDS-B) (Pages 3 - 38)**

6. **Sustainable Community Strategy - Supplementary Note.** (DPPP-B)  
(Pages 39 - 52)

7. **Appointment to Outside Body: Digital City (UK) Ltd.** (DLDS-B)  
(Pages 53 - 54)

**Date of Despatch:** 22 March 2010

**Key:**

**Officers:**

CE	-	Chief Executive
GDC	-	Group Director: Children
GDHSC	-	Group Director: Housing & Social Care
GDER	-	Group Director: Environment & Regeneration
GDBT	-	Group Director: Business Transformation
DF	-	Director of Finance
DLDS-B	-	Director of Law and Democratic Services – Business Transformation
DPPP-B	-	Director of Partnership, Policy and Performance – 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**

**TUESDAY, 23 FEBRUARY 2010**

**PRESENT:-** Councillors Roderick Bluh (Chair), Fionuala Foley (Vice-Chair), Brian Mattock, David Renard, Stan Pajak, Derique Montaut and Des Moffatt (Deputy).

An apology for absence was received from Councillor James Grant.

#### **16. Declarations of Interest**

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

#### **17. Minutes**

Resolved – That the minutes of the meeting held on 9<sup>th</sup> February 2010 be confirmed and signed as a correct record.

#### **18. Public Question Time**

No public questions were asked under Standing Order 28.

#### **19. Appointment of Directors to Swindon Commercial Services Ltd. (SCS)**

The Director of Law and Democratic Services reported that the Council's Cabinet on 9<sup>th</sup> December 2009 had approved the establishment of Swindon Commercial Services Limited (SCS) as an "Arms Length Company" from 1<sup>st</sup> January 2010 (Minute 75 of the Cabinet refers). The Council, as shareholder, was required to appoint the Chair and directors of the company, including one Councillor representative to serve on the new company's Board, together with such number of officer representatives as should be agreed with the new company. He circulated at the meeting details of those individuals that it was proposed should serve as executive and non-executive directors on the Board of the company.

Councillor Derique Montaut referred to the remuneration to be paid to non-executive directors. The Director of Law and Democratic Services explained that a decision on the remuneration of directors would be a subject for the new company and that a Remuneration Committee had been established as part of the new company's governance arrangements. Mr. Bill Fisher, Managing Director of Swindon Commercial Services, commented on the role and structure of the Remuneration Committee and advised that no decision had yet been made on this issue. He explained that benchmarking would be undertaken on remuneration levels within other local authority "arms length" companies, and other public sector bodies with non-executive directors. He reminded the Committee that the Council, was shareholder of the company, and retained the ability to remove directors at any time if necessary.

Resolved – (1) That, on behalf of the Council, Mr. Bill Fisher (Managing Director), Mr. Mike Fitzgerald (Finance Director), Mr. Andrew Sims (Business Development Director), and Mr. Frederick Psyk (Commercial Director) be appointed as Executive Directors, and Mr. Neil Holt, Mr. Peter Heath and Councillor Garry

Perkins be appointed as Non Executive Directors of Swindon Commercial Services Limited (SCS).

(2) That it be noted that, at this stage, no appointment will be made of a Council officer representative to serve on the Board of Swindon Commercial Services Limited (SCS), but that the relevant Council Directors attend meetings of the Board to support Councillor Garry Perkins, the Councillor representative on the Board.

(3) That Mr. Neil Holt be appointed as Chair of the Board of Swindon Commercial Services Limited (SCS).

## **20. Appointment to Committees and Other Council Bodies - Standards Committee**

The Director of Law and Democratic Services reported that the Council's Standards Committee had on 8<sup>th</sup> February 2010 recommended to the Council that the membership of the Standards Committee be increased to include an additional parish council representative, increasing parish council representation from two to three representatives, in line with Standards for England recommended best practice. If approved, the Swindon Area Committee of the Wiltshire Association of Local Councils would be requested to nominate a representative to serve on the Standards Committee from May 2010.

Resolved – That, on behalf of the Council, approval be given to the membership of the Standards Committee being increased from the Annual Council meeting on 21<sup>st</sup> May 2010 to include an additional parish council representative (from two to three representatives), and the Swindon Area Committee of the Wiltshire Association of Local Councils be asked to nominate a representative to serve on the Committee.

**Confirmation of Minutes:  
Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**Special Committee**

**Date 25<sup>th</sup> March 2010**

**Author: Director of Law and Democratic Services**

**Wards Affected: All**

**Purpose**

- To consider a Minute for Confirmation arising from the meeting of the Cabinet held on 10<sup>th</sup> March 2010.

**Recommendation**

- The Special Committee on behalf of the Council is requested to approve the recommendations arising from Minute 110(3) of the meeting of the Cabinet held on 10<sup>th</sup> March 2010, as set out in Appendix 1.

**1 Reasons**

- 1.1 Minutes for Confirmation require the approval of the Council or its Special Committee.

**2 Detail**

- 2.1 The Cabinet on 10<sup>th</sup> March 2010 considered a report that contained a recommendation that requires the endorsement of the Council or its Special Committee. The report concerns the “Forward Strategy for Delivering Economic Development and Regeneration in Swindon”, and the relevant recommendation specifically relates to the appointment of Directors, representing the Council, to Forward Swindon Limited (FSL), an “arms length” company limited by shares. The relevant reference and the related report are now presented to the Special Committee for consideration.
- 2.2 The reference (Minute 110(3)) is set out in Appendix 1. Set out in Appendix 2 is the related report submitted to the Cabinet. This report has been previously circulated to all Councillors and made available in the Members’ Room and on the Council’s website.

**Alternative Options**

- No alternative options are proposed. The Special Committee could decide not to support the Cabinet’s recommendations.

# **Confirmation of Minutes: Forward Strategy for Delivering Economic Development and Regeneration in Swindon**

**Special Committee**

**Date 25<sup>th</sup> March 2010**

## **Risk Management**

### *Financial and Procurement Implications*

- The financial and procurement implications are set out in the original reports to the Cabinet.

### *Legal/Human Rights Implications*

- Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

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

- Links are referred to in the original reports to the Cabinet.

## **Consultees / Appendices**

- Appendix 1 - Recommendations from the meeting of the Cabinet held on 10<sup>th</sup> March 2010.
- Appendix 2 – Related Report (Forward Strategy for Delivering Economic Development and Regeneration in Swindon).
- The Director of Finance (S.151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted on all reports.

## **Background Papers**

- Cabinet Agenda and Reports.

## CABINET

WEDNESDAY, 10 MARCH 2010

**110. Forward Strategy for Delivering Economic Development and Regeneration in Swindon**

The Cabinet Member for Culture, Regeneration and Economic Development and the Chief Executive submitted a joint report concerning the progress made towards the proposed establishment of a new “arms length Borough wide delivery vehicle” able to deliver regeneration, place marketing, economic development, inward investment and cultural development in Swindon (Minute 72 refers), and setting out the proposed key principles and terms to underpin the working arrangements for the proposed new company to be known as “Forward Swindon Limited” (FSL), and the associated implementation plan that would bring it into operation from 1<sup>st</sup> April 2010.

Councillor Philip Young, Cabinet Member for Culture, Regeneration and Economic Development, referred to the benefits that the proposed new company would bring to the regeneration of Swindon and the reasons for establishing it as an arms length company. He commented on the way in which the Council had worked in partnership with the Home and Communities Agency and the South West of England Regional Development Agency to arrive at a solution that ensured investment in Swindon and a new delivery vehicle to focus and drive regeneration in the Town Centre and across the Borough.

**Resolved** – (1) That the “Heads of Terms” agreed with the Homes and Communities Agency and the South West of England Regional Development Agency in which they commit themselves to assist financially and otherwise, with the transfer of undertakings from The New Swindon Company to Forward Swindon Limited (FSL) and the winding down of The New Swindon Company’s operations, be noted.

(2) That the Director of Law and Democratic Services be authorised to establish Forward Swindon Limited (FSL) as a company limited by shares, with the Council as sole shareholder, on the basis set out in the joint report.

**(3) That the Chief Executive and the Cabinet Member with portfolio responsibility for Economic Development and Regeneration be appointed as Directors of Forward Swindon Limited (FSL).**

(4) That the Deputy Chief Executive of the Council, in consultation with the Shareholder Panel, be authorised to manage the relationship with, and the annual financing of Forward Swindon Limited (FSL), as set out in Appendix 4 of the joint report.

(5) That the Director of Law and Democratic Services, in consultation with the Deputy Chief Executive, the Director of Finance, the Director of Human Resources and Change and the Cabinet Member for Culture, Regeneration and Economic Development, be authorised to complete any necessary documentation on such terms as he considers necessary to give effect to the matters set out in this report and in accordance with the following principles:

Governance arrangements

- To confirm that Swindon Borough Council indemnify their representatives on the Forward Swindon Limited (FSL) Board in respect of their actions or

omissions arising from the powers conferred or duties placed upon them to the extent permitted by law and to secure insurance cover in respect of this Indemnity.

#### SBC Client arrangements

- To approve membership, purpose and operating arrangements for the proposed team, Investment Panel and Shareholder Panel, as set out in paragraph 2.4 of the joint report.

#### Transfer of Undertakings

- To approve the transfer of the undertakings specified in Schedule 4 from Swindon Borough Council, The New Swindon Company and the Cultural Partnership Limited, together with the relevant employees, to Forward Swindon Limited (FSL).

#### Finance arrangements

- To approve the funding arrangements for Forward Swindon Limited (FSL), as identified in paragraphs 2.1.1 to 2.1.8 of the joint report.

#### The New Swindon Company and the Cultural Partnership Limited

- To agree to the winding down of The New Swindon Company's operations, subject to agreement with the other stakeholders and the terms regarding final invoicing, as set out in the joint report, and the winding down of Cultural Partnership Limited.

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



**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

**Author: Cabinet Member for Culture, Regeneration and Economic Development  
and the Chief Executive**

**Parish / Wards Affected: All**

**Purpose**

In December 2009 Cabinet resolved to establish 'a new arms length Borough wide delivery vehicle' better able to deliver regeneration, place marketing, economic development, inward investment and cultural development in Swindon.

This report outlines progress made towards the December 2009 decision and sets out for Cabinet approval the key principles and terms that will underpin the working arrangements for the new 'arms length' delivery vehicle, proposed name 'Forward Swindon Limited' (FSL) and the associated implementation plan that will bring it into operation on the 1<sup>st</sup> April 2010.

Cabinet is requested to consider these key principles and terms, the associated business case and implementation plan and subject to being satisfied, to agree to the establishment of FSL as a wholly owned, "arms length" company limited by shares.

**Recommendation**

Cabinet is requested to:

1. Note the heads of terms agreed with the Homes and Communities Agency (HCA) and the South West of England Regional Development Agency (SWRDA) in which they commit themselves to assist financially and otherwise, with the transfer of undertakings from The New Swindon Company (TNSC) to Forward Swindon Limited (FSL) and the winding down of TNSC's operations.
2. Authorise the Director of Law and Democratic Services to establish FSL as a company limited by shares, with the Council as sole shareholder, on the basis set out in the Report.
3. Authorise the Chief Executive and the Cabinet Member with portfolio responsibility for Economic Development and Regeneration to be appointed as Directors of FSL.
4. Authorise the Deputy Chief Executive of SBC, in consultation with the Shareholder Panel, to manage the relationship with, and the annual financing of, FSL as set out in Appendix 4 of this Report.

*Further information on the subject of this report can be obtained from Gavin Jones on 01793 463010 or Email [gjones@swindon.gov.uk](mailto:gjones@swindon.gov.uk).*

**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

5. To authorise the Director of Law and Democratic Services, in consultation with the Deputy Chief Executive, the Director of Finance, the Director Human Resources and Change and the Cabinet member for Culture, Regeneration and Economic Development to complete any necessary documentation on such terms as he considers necessary to give effect to the matters set out in this report and in accordance with the following principles:
- **Governance arrangements**
    - To confirm that SBC indemnify their representatives on the FSL Board in respect of their actions or omissions arising from the powers conferred or duties placed upon them to the extent permitted by law and to secure insurance cover in respect of this Indemnity.
  - **SBC Client arrangements**
    - To approve membership, purpose and operating arrangements for the proposed team, Investment Panel and Shareholder Panel as set out in paragraph 2.4 of this Report.
  - **Transfer of Undertakings**
    - To approve the transfer of the undertakings specified in Schedule 4 from SBC, TNSC and the Cultural Partnership Limited (CPL) together with the relevant employees.
  - **Finance arrangements**
    - To review and approve the funding arrangements for FSL as identified in 2.1.1 to 2.1.8.
  - **TNSC and CPL**
    - To agree to the winding down of TNSC's operations subject to agreement with the other stakeholders and the terms regarding final invoicing as set out in this report, and the winding down of CPL.

**1. Reasons**

1.1 The Council (SBC) has an ambitious agenda to improve the quality of life for all the people in Swindon. We want to develop a dynamic and thriving Borough by stimulating business innovation, learning, regeneration, and inward investment for the benefit of the existing communities and in developing new areas of growth. The funding for TNSC comes to an end at the end of the current financial year. There is need to refocus and maximise the impact of the limited resources currently invested in the Council's economic development service and TNSC, to meet our wider objectives for

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Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

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Swindon. A Cabinet paper laying out the principles for this new vehicle was presented on the 9<sup>th</sup> December 2009 and is attached at Appendix 1.

**1.2 Cabinet Resolved –**

- 1.2.1 That the Chief Executive, in consultation with the Cabinet Member for Culture, Regeneration and Economic Development, be authorised to continue to work and negotiate with the Homes and Communities Agency and the South West of England Regional Development Agency, as co investors, to establish a new arms length Borough-wide delivery vehicle responsible for inward investment, economic projects, cultural development, regeneration and place marketing that is better able to deliver the agenda for Swindon Town Centre and the Borough as a whole.
- 1.2.2 That it be noted that, further to the decision in (1) above, any outcome from discussion will require the approval of all co investors.
- 1.2.3 That the Chief Executive, the Director of Human Resources and Change and the Director of Law and Democratic Services be authorised to implement the proposals, as set out in paragraphs 2.2.5 to 2.2.8 of the joint report, to establish a new delivery vehicle for regeneration, growth, place marketing and economic and cultural development in Swindon, that replaces the current remit of The New Swindon Company, and to commence the recruitment process for a new Chief Executive to this company, in consultation with the Director of Finance and the Cabinet Member for Culture, Regeneration and Economic Development.

**2. Detail**

**2.1 Progress to Date**

- 2.1.1 It is recommended that the new company be called “Forward Swindon Limited” (FSL). The company will be a company limited by shares and the shares will be wholly owned by SBC. The Company’s operational business plan and funding is entirely the responsibility of SBC from 1<sup>st</sup> April 2010 onwards.
- 2.1.2 Subject to final agreements and contracts in winding down TNSC and setting up an effective successor, HCA and SWRDA have been very supportive with transitional arrangements. These contributions take into account the transfer of liabilities and obligations to FSL and SBC as the new funding agency.

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**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

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- 2.1.3 In supporting SBC in the transition from TNSC to FSL, SWRDA has agreed to SBC retaining the full benefit of the net rents on commercial properties purchased using their funding. In addition, SWRDA has agreed to provide additional one-off funding of £1.3m plus costs in the current financial year for the acquisition of the former Modus properties and that the rental stream on these properties will be left with the Borough to assist with annual funding. The total net rental income after deducting management and other related costs is estimated to be £100,000 p.a. In addition, SWRDA have agreed to 'top up' the rental income in 2010/11 to £200,000. They are unable at this stage to commit to further top up funding beyond 2010/11.
- 2.1.4 HCA has provided for a one-off contribution of £0.5m towards an already committed scheme at the Railway Station forecourt. HCA is also to make reducing contributions to SBC for the three years from 2010/11 onwards of £200,000, £150,000, and £100,000 respectively to assist with the funding of FSL.
- 2.1.5 Having regard to the additional capital contributions from SWRDA and HCA, and the potential for SBC to provide a one-off cash injection of up to £1m from a reserve identified to Cabinet in February 2010 as part of the budget report to ensure an effective transition, it is proposed that FSL be provided with initial capital of £1.5m. As FSL is to be a company limited by shares with a surplus being subject to corporation tax, this approach assists with the objective of minimising transaction costs in coming years
- 2.1.6 As previously reported to Cabinet and discussed with TNSC Board and SBC's co-investors, FSL is being established on the basis that it will be an effective deliverer of economic development, inward investment, place marketing and regeneration. In undertaking these responsibilities it will also seek alternative sources of funding for its operations with the objective of reducing the annual funding from SBC to £0.5m by 2015/16.
- 2.1.7 In its first year, 2010/11, the company is to have a first annual contribution from SBC of £1.2m (which includes the revenue funding from HCA and SWRDA) to cover its first year budget subject to agreeing a robust Business Plan with the Shareholders Panel. The contributions proposed for subsequent years are £1.0m in 2011/12; £0.9m in 2012/13, £0.7m in 2013/14 and £0.7m in, 2014/15. The following table provides a five year summary of capital and operating budgets.
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## Appendix 2 (Related Report)

# The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

CABINET

Date: 10<sup>th</sup> March 2010

	10/11	11/12	12/13	13/14	14/15	Total
<b>Capital</b>	£m	£m	£m	£m	£m	£m
Initial Funding	(1.5)	-	-	-	-	(1.5)
<b>Operational</b>						
Revenue from SBC	(1.2)	(1.0)	(0.9)	(0.7)	(0.7)	(4.5)
Other revenue / capital drawdown	(0.0)	(0.2)	(0.3)	(0.5)	(0.5)	(1.5)
<b>Total Income</b>	<b>(1.2)</b>	<b>(1.2)</b>	<b>(1.2)</b>	<b>(1.2)</b>	<b>(1.2)</b>	<b>(6.0)</b>
Salaries	0.8	0.8	0.8	0.8	0.8	4.0
Office / Admin	0.1	0.1	0.1	0.1	0.1	0.5
Transition / Planning / Marketing/ Projects	0.3	0.3	0.3	0.3	0.3	1.5
<b>Total Costs</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>1.2</b>	<b>6.0</b>

## 2.2 Business Planning

2.2.1 FSL will deliver Swindon's Economic Development and Regeneration aspirations on behalf of the Council and other investors in a creative, cost effective and high impact way. Drawing on the support, experience and resources of the private sector to assist in the delivery of the strategy, the FSL will also advise SBC on its strategic thinking. Attached at Appendix 2 is a draft of the Objectives and Outcomes for FSL.

2.2.2 Core to the funding and working relationship with FSL will be the annual review and agreement of a robust, challenging and outcome focussed five year business plan. The Business Plan will be further considered and developed with the Shareholder Panel as described in paragraphs 2.4 and 2.5 below.

## 2.3 Governance of FSL

### 2.3.1 Constitution

2.3.1.1 FSL is to be a company limited by shares rather than guarantee. Profits will be subject to corporation tax. The year end is to be 31<sup>st</sup> January. FSL will shortly be in existence and is intended that there be two initial directors; namely, Gavin Jones (SBC Chief Executive) and Cllr Phil Young, Cabinet Member with portfolio

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**Appendix 2 (Related Report)**

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**CABINET**

**Date: 10<sup>th</sup> March 2010**

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responsibility for Economic Development and  
Regeneration.

- 2.3.1.2 FSL is intended to be fully operational from 1st April 2010 and all transfer and winding down activities with regard to TNSC and CPL will be completed as soon as practicable thereafter.
- 2.3.1.3 FSL and the name will shortly have been registered. SBC's Director of Law and Democratic Services is leading the work, with external and internal support, on the legal and contractual aspects of the TUPE arrangements, the Memorandum and Articles of Association, the Shareholder Agreement and various protocols for working with SBC as the shareholder.
- 2.3.1.4 FSL will be wholly owned by SBC. The operational business plan and funding is entirely the responsibility of SBC from 1st April 2010 onwards.
- 2.3.1.5 It is proposed that the FSL Board will be chaired by the Chief Executive of SBC and, as well as the Cabinet Member with portfolio responsibility for economic development and regeneration, it will also include representatives from the private sector together with the Chief Executive of FSL
- 2.3.1.6 It is considered important that the Private Sector is properly represented on the Board. Businesses are key stakeholders and need to be able to contribute to the future direction of the Borough. They also bring specific skills and experience, will be of enormous benefit to FSL and help to secure its success. It is also proposed that community and cultural experience and skills are represented on the Board. The process for appointments to the Board has yet to be finalised.

**2.4 Client Arrangement Principles**

- 2.4.1 FSL will build on the well established relationships that have been developed with SBC and across Swindon by TNSC. It is proposed that a limited client resource is established with the Deputy Chief Executive/ Group Director Environment,

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**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

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Regeneration and Community as the principal client supported by the Director of Planning and Transport.

- 2.4.2 SBC will transfer Economic and Regeneration activity to FSL.
- 2.4.3 The client relationship will be supported through the establishment of a set of structured governance arrangements that will comprise an 'Investment Partnership' and a 'Shareholder Panel'. The client will retain the statutory planning functions of Forward Planning and Development Management, this includes research, conservation, enforcement, design, funding/ bidding and regional strategies. Cultural Services is also a retained Council service. The Council will retain overall responsibility for the preparation of statutory Local Economic Assessments and maintain responsibility for the strategic oversight of economic development, but will commission FSL, as the economic development specialists for Swindon, to complete the assessments on the Council's behalf. FSL is expected to work closely with Council officers to ensure a seamless service is provided to all customers. As the sole shareholder for FSL, the Council will retain responsibility for investor relations.
- 2.4.4 The 'Investment Partnership' will be the main vehicle for attracting funding into Swindon. Its terms of reference will be finalised in due course but its essential role will be to oversee and identify opportunities for investment in regeneration and growth in Swindon. It will be a partnership body with members comprising of SBC, HCA, SWRDA, the Government Office for the South West, Arts Council and FSL. The Leader of Council will chair the Investment Partnership and will be supported by the client team and specialist officers as required. The Investment Partnership will meet for a minimum of three times a year, and it will hold an annual conference to communicate with wider stakeholders and partners.
- 2.4.5 The Deputy Chief Executive, in consultation with the 'Shareholder Panel', will be responsible for managing the performance of FSL and ensuring best value for Council investment. The company will deliver against the annual business plan of agreed activity. The business plan will be owned and developed by FSL. The Deputy Chief Executive, in consultation with the Shareholder Panel will be responsible for negotiating the content of the business plan, instructing FSL to deliver, and assessing performance against the business plan. At panel meetings the

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**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

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Chief Executive of FSL will be required to submit a report covering performance over the last period, delivery against the annual business plan, and forecasted delivery for the remainder of the year. The Chief Executive of FSL will be invited to submit project proposals and opportunities for investment. The business plan will be the basis on which the performance and deliverability of FSL will be assessed. The Shareholder Panel members will be drawn from a core team of Cabinet Members, the Leader of the Council (Chair of the Panel); the Cabinet Member with responsibility for Finance and Benefits, and the Cabinet Member with responsibility for Sustainability, Transport and Strategic Planning. The panel will be supported by the client team.

2.4.6 These arrangements are shown at Appendix 3 and Appendix 4.

**2.5 Payment Arrangement Principles**

2.5.1 It is envisaged that the payments from SBC to FSL will follow the process below:

2.5.2 In the first year the monies will be transferred to FSL as follows:

2.5.2.1 50% on 1<sup>st</sup> April 2010

2.5.2.2 The balance and its phasing will be subject to final agreement of a robust business plan following the Chief Executive's appointment and full involvement.

2.5.3 Underlying the SBC funding contributions is the intention to agree with FSL an annual rolling five year operational business plan describing its forward programme of work and outputs with a detailed outline of the resource deployment in the first year of each plan. The formal relationship between SBC and FSL is to be managed through meetings of the Shareholder Panel. The Shareholder Panel is to be programmed to meet with company representatives at least three times a year; to agree the Business Plan, to review midyear progress, and to form an Annual General Meeting and receive the Outturn Report.

2.5.4 TNSC termination arrangements regarding invoicing and payments are to be confirmed and will need to be finalised before any undertakings are transferred.

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*Further information on the subject of this report can be obtained from Gavin Jones on 01793 463010 or Email [gjones@swindon.gov.uk](mailto:gjones@swindon.gov.uk).*



**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

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**2.6    Transfer of Undertakings**

2.6.1    The undertakings to be transferred from SBC, TNSC and CPL are as set out in Appendix 5. The staff currently involved in those undertakings will be transferred to FSL under the TUPE regulations.

**2.6.2    Staffing Arrangements under TUPE**

The Regulations are designed to protect the terms and conditions of employees when a transfer occurs from one employer to another including continuity of service. The new employer takes over all rights, obligations and liabilities arising from the transferring employees' contracts of employment. There is a statutory obligation to consult with employee representatives in good time before the transfer.

**2.6.3    Staffing Arrangements - Pensions**

2.6.3.1    There is a need to decide how SBC wishes progress in respect of the pension provision for three separate groups of staff that will transfer into FSL, with the principle being that SBC would not wish to inherit any pension financial liabilities unnecessarily. Where current staff are members of the Local Government Pension Scheme (LGPS) staff should transfer on no worse conditions, to the new company.

2.6.3.2    It has been established through ongoing dialogue with TNSC that their Board members have requested a definitive position statement from SBC regarding its pension proposals with regard to the existing Company staff. This pensions' position statement, together with other information on the proposed new company structure/governance issues, was discussed at TNSC Board meeting on 23 February 2010.

2.6.3.3    Whilst the various options are still being explored it is proposed that for ease of transfer and industrial relations the staff at TNSC who are currently in the LGPS with Teesside through a separate Transferee Admission Body (TAB) Agreement should be allowed to continue. This option will require SBC to act as a guarantor and Cabinet should be aware that there is currently a deficit on the fund and crystallisation of this deficit sum, currently understood to be £464,000, will require repayment if the Teesside scheme ceases. SBC will want to avoid this and Wiltshire Pensions (WP) have advised that this will

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**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

be achieved if FSL are permitted to become an admitted body in the Teesside Fund as a successor employer.

2.6.3.4 It is proposed that the SBC transferring staff, eligible to be members of the LGPS, continue their membership, however, the approach is still being discussed which may include a separate TAB agreement between SBC, SFL and WP or a transfer to the Teesside scheme if it proves more beneficial to SBC. This will have no direct effect upon the pension provisions for the transferring staff.

2.6.3.5 There will also be a need to make available a group personal pension scheme / stakeholder arrangement within SFL with effect from the transfer date, or very soon thereafter as not all staff are members of the LGPS. Further work will need to be undertaken in securing an appropriate scheme.

### **Alternative Options**

- To continue with the current TNSC format. This option would not allow for the extension of the scope of the geographical remit of the company, neither would it provide the opportunity to address the governance issues. This option is unlikely to deliver the desired outcomes for Swindon and it is unlikely that the HCA and SWRDA would continue to fund the existing model.
- To bring all activity in-house. By bringing the company in-house it is likely that the 'delivery' would become diluted and we would be unable to attract the external resources that the company has the capability of attracting, especially from the private sector. There is also the critical element around perception and the usefulness that a company can serve in bridging the gap between the public and private sectors.

### **Risk Management**

#### *Financial and Procurement Implications*

- A combination of existing SBC economic & cultural development budgets, funding from external partners and a potential one-off cash injection of £1m from the Council's Town Centre reserve will provide sufficient funding for FSL for the 5 years ending 31st March, 2015.
- In the first year of operation, the following amounts are anticipated to be contributed to FSL from SBC:-
  - £500k capital funding that can be released due to the contribution from HCA to SBC towards an already committed scheme at the railway station forecourt. This will be added to the £1m from SBC's Town Centre reserve to provide initial capital of £1.5m

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**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

- £760k from existing SBC economic & cultural development budgets
  - £200k contribution from HCA to SBC – as described in 2.1.5 above
  - £200k contribution from SWRDA to SBC – as described in 2.1.4 above
  - £30k funding from The Arts Council to SBC for cultural development
  - £10k Other external parties to SBC in relation to cultural development
- 
- The operational funding of £1.2m broadly represents the current level of activity for economic and cultural development taking into account the impact of savings achieved within the SBC economic development section as part of the 2010/11 budget round. The figure comprises salary budgets of £800k, office and administration costs of £130k and marketing/project budgets of £270k.
  - As annual funding will be reducing during this period, FSL will be required to source and generate sustainable income streams from its activities and manage its costs in order to finance any potential shortfalls in its budget.
  - Annual Arts Council funding to the value of £30k has been agreed for 2010/11 for the Swindon Cultural Partnership Ltd. Discussions are ongoing to transfer this to SBC to assist in the funding of FSL. This level of funding will be reviewed with The Arts Council on an annual basis. If they do not allow this transfer of funding to SBC in 2010/11 or if funding ceases in future years, there will be a requirement for FSL to manage this within its overall budget or find an alternative source of external funding.
  - Discussions are ongoing with other external funding partners to agree to fund FSL for £10k for cultural development. If funding is not agreed, there will be a requirement for FSL to manage this within its overall budget or find an alternative source of external funding.
  - The transition costs for FSL, estimated at £93k, will be paid from the funding provided to the company.
  - Work is ongoing to assess which assets and liabilities FSL will take over as a result of the closing down of both TNSC and the Swindon Cultural Partnership Ltd.

*Legal / Human Rights Implications*

- The legal power to establish the company is anticipated to be the economic, social and environmental well being powers set out in section 2 of the Local Government Act 2000. The use of the 2000 Act power is subject to the Council having regard to its Sustainable Communities Strategy which has been amended to specifically refer to this exercise.
- It is recommended that staff will transfer to FSL under TUPE (the Transfer of Undertakings (Protection of Employment) Regulations 2006) in accordance with the Code of Practice on workforce matters. TUPE applies where there is a transfer of an undertaking, business or part of an undertaking or business from one body to another. The employees which are in scope have been identified from SBC, TNSC and CPL and are anticipated to total 12 people. Continuity of service for employees

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**Appendix 2 (Related Report)**

**The Forward Strategy for Delivering Economic Development and  
Regeneration in Swindon**

**CABINET**

**Date: 10<sup>th</sup> March 2010**

transferring will remain unbroken and employees will transfer on their existing terms and conditions of employment.

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

- The proposals complement the current work of the emerging Corporate Plan and support the delivery of the Swindon Community Strategy 'A Shared Vision for Swindon 2030'
- The proposals help the delivery of Promise 35 – Town Centre Regeneration

**Consultees**

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

**Background Papers and Appendices**

- Appendix 1 -Cabinet Report dated 9<sup>th</sup> December 2009.
- Appendix 2 – draft FSL Objectives and Outcomes.
- Appendix 3 - Strategic Growth and Regeneration Investment.
- Appendix 4 – Shareholder Panel.
- Appendix 5 – Undertakings to be transferred.

**Key Decision / Decision in Forward Plan**

- This is a key decision and is included in the Cabinet Forward Plan for March 2010

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# The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

Cabinet

Date: 9<sup>th</sup> December 2009

**Author:** The Cabinet Member for Culture, Regeneration and Economic Development and The Chief Executive

**Parish / Wards Affected:** All

## Purpose

- To consider and approve new arrangements for the delivery of regeneration, place marketing, economic development, inward investment and cultural development in Swindon through the creation of a new Borough-wide delivery vehicle.

## Recommendation

Cabinet is requested:

- To authorise the Chief Executive, in consultation with the Cabinet Member for Culture, Regeneration and Economic Development to continue to work and negotiate with the Homes and Communities Agency (HCA) and the South West of England Regional Development Agency (SWRDA) as co investors to establish a new arms length Borough-wide delivery vehicle responsible for inward investment, economic projects, cultural development, regeneration and place marketing that is better able to deliver the agenda for Swindon Town Centre and the Borough as a whole;
- To note that any outcome from discussion will require the approval of all co investors;
- To authorise hat the Chief Executive, in conjunction with the Director of Human Resources and Change and the Director of Law and Democratic Services to implement the proposals as set out in paragraphs 2.2.5 to 2.2.8 to establish a new delivery vehicle for regeneration, growth, place marketing and economic and cultural development in Swindon that replaces the current remit of The New Swindon Company, and to commence the recruitment process for a new Chief Executive to this company, in consultation with the Director of Finance and the Cabinet Member for Culture, Regeneration and Economic Development.

## 1. Reasons

- 1.1 Swindon Borough Council has an ambitious agenda to improve the quality of life for all people in Swindon. We want to develop a dynamic and thriving Borough by stimulating business innovation, learning, regeneration, and inward investment for the benefit of existing

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# The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

Cabinet

Date: 9<sup>th</sup> December 2009

communities and in developing new areas of growth. The recent economic downturn and its impact on growth, employment and Swindon town centre plans require a review of approach of how we deliver our objectives and the importance of attracting new inward investment into Swindon.

- 1.2 As the funding for the New Swindon Company (TNSC) comes to an end at the close of the current financial year, there is a need to refocus and maximise the impact of the limited resources currently invested in the Council's economic development service and TNSC to meet our wider objectives for Swindon. There is a requirement for a Borough-wide delivery vehicle that pulls together Swindon's objectives for the 'delivery' of regeneration, growth, economic and cultural development.
- 1.3 The formation of the Homes and Communities Agency (HCA) from combining the former Housing Corporation and English Partnerships from December 2008 has brought with it a changing policy from HCA and the South West of England Regional Development Agency (SWRDA) with greater emphasis on project based investment and service level agreements.

## 2. Detail

### 2.1 Background – The New Swindon Company (TNSC)

- 2.1.1 TNSC was formed in late 2002 as one of the Government's Urban Regeneration Companies. The purpose of TNSC has been to stimulate investment and co-ordinate plans for the revitalisation and regeneration of Swindon's town centre. Its area of responsibility was tightly drawn on the core of the central area. The core roles of TNSC can be defined as:
  - To raise the profile of the town
  - To engage the private sector
  - To develop a sustainable regeneration strategy
  - To drive and co-ordinate major projects within the town centre
  - Harnessing public sector powers and resources to assist the private sector in delivery and attracting new investment to the town centre.
- 2.1.2 Since the company's formation TNSC has helped to stimulate regeneration and investment in Swindon's central area. TNSC has put together exciting development packages that have stimulated considerable interest in Swindon's regeneration plans. The company's most notable success has been in attracting Muse as the developer for the Union Square scheme. The company has project managed the delivery of improved public spaces at Wharf Green, is in the progress of

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## The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

Cabinet

Date: 9<sup>th</sup> December 2009

delivering the Canal Walk scheme, and is involved with future schemes at Regent Street and Station Forecourt.

- 2.1.3 TNSC has been jointly funded by the HCA, SWRDA and SBC. The current agreed annual revenue funding arrangements between the co investors concludes in March 2010. The current annual revenue contributions to TNSC from the three investors is approximately £750,000 in total.
- 2.1.4 It is an opportune time to review TNSC for a number of reasons: -
- The funding agreement between the three funding partners, HCA, SWRDA and SBC, comes to an end at the close of the current financial year
  - The impact of the global recession on Swindon's plans for central regeneration and the opportunities that the recovering economy brings
  - An opportunity to engage with private investors in a way not seen before
  - The requirement for town centre regeneration to link in a more integrated way with plans for the rest of the Borough to ensure Swindon's existing communities benefit from regeneration and growth
  - Deployment of limited resources for maximum impact and for best value. There is a duplication in some work areas between the Council and TNSC especially with regards to place marketing activities
  - The HCA and SWRDA wish to direct their funding towards project based investment and service level agreements and operate in a more arms length way in relation to delivery vehicles such as TNSC.

### 2.2 The Way Forward

- 2.2.1 Swindon has an ambitious aspiration for its future, as set out in the Community Strategy for Swindon, 'A Shared Vision for Swindon 2008 – 2030'. Economic well being and its development will be critical issues for the Council to deliver on its aspirations for the next 20 years.
- 2.2.2 The Borough Council has made Economic Development a priority work area over the past few years, as a way of stimulating investment in Swindon. The Economic Development team have been involved in a number of high profile initiatives and programmes including ranging from attracting a university to Swindon, initiatives to improve skills to match local company requirements and inward investment projects.
- 2.2.3 Since the formation of TNSC there has been a split in roles between the delivery of town centre regeneration and delivering projects for the

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## The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

Cabinet

Date: 9<sup>th</sup> December 2009

remaining part of the Borough, which sits outside of the remit of TNSC. Plans for the central area need to link and draw on plans for the rest of Swindon. The Council and TNSC have worked together effectively on bringing these work areas together, but it is clear that the workstreams could be more joined up in approach to increase effectiveness for the benefit of Swindon as a whole.

- 2.2.4 Therefore, it is proposed that a new delivery vehicle for Swindon be created. The benefits include commercial flexibility, the ability to achieve balance between best value and making things happen and attracting businesses into the area through people and structures more able to communicate to commercial operators. There is also a critical element around perception and the usefulness that a company, by being independent to the Council, can serve in bridging the gap between the public and the private sectors especially in relations with the development industry and in attracting private sector funding.
- 2.2.5 The proposed delivery vehicle would have geographic scope that is Borough-wide. Town Centre responsibilities will coincide with the adopted town centre action area, which includes Old Town for a more holistic approach to ensure the development of a sustainable town centre. The new company would also take the lead on place marketing for the whole Borough. Place Marketing is primarily about local economic development, its main purpose is to encourage more investment in Swindon. There is a need to move to a new model of delivering Swindon's place marketing activity because place marketing delivery is fragmented across different organisations and agencies, inefficient in as much as we fail to join up our efforts consistently and broadly speaking it lacks a common purpose and direction.
- 2.2.6 A new Board and non-executive Chairman would accompany the new structure. A new Chief Executive will need to be appointed and a company structure adopted with the objective of the new company being fully operational by April 2010.
- 2.2.7 The existing Council based economic development staff will be seconded to the new company. Staff affected are being consulted on the proposal and further work is underway on how this is to be arranged with effect from January 2010.
- 2.2.8 The proposals contained in this report have no impact on Borough Council staff employed in the Culture division of the Council. It is proposed that the Swindon Cultural Partnership forms a part of a new delivery vehicle for Swindon. The companies remit for culture would be set out in a business plan agreed between the Council and the new company. Cultural development activities delivered by a new delivery vehicle would include assisting with the delivery of a major event

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## The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

Cabinet

Date: 9<sup>th</sup> December 2009

programme for Swindon, sustainable community based activities, and the development of a new cultural quarter in the town centre that links with the companies responsibilities for town centre regeneration.

- 2.2.9 Alongside the review and improvement in the way in which the investors and the company work there is also the opportunity to refine how the investors support the dialogue with the Company in agreeing policy, strategic milestones and reviewing performance. The proposal include developing new client side relationships with the Borough Council acting as lead on behalf of and with the support of co investors. The Council will be rationalising existing mechanisms.
  
- 2.2.10 The relationship with a new Borough-wide delivery company will be captured in a rolling 5 year business plan agreed with the company annually as part of the funding negotiations. The agreed business plan will be a crucial basis for setting the companies outcomes and deliverables. The new company will not deliver on any areas that have not been referred to in this report, for example the Housing Revenue Account will continue to managed by the Council's Housing department.
  
- 2.2.11 As part of the new arrangement, the aim is to reduce company funding over the period to 2015 so as to remove the equivalent of the current partner contributions to TNSC of some £750,000 per annum. Recognising the current economic challenges and the importance of an effective response, SBC aims to continue with its existing level of funding of £250k per annum plus the financing of the transferred economic development team and related project budgets. Funding with co investors is ongoing in dialogue.
  
- 2.2.12 The Council has supported both the Swindon Strategic Economic Partnership and the Swindon Cultural Partnership as part of the wider effort to promote the economic and cultural development of Swindon. Proposals to change the Councils relationship with these organisations and foster an integrated approach with a new delivery vehicle for Swindon are currently being discussed with partners. Closer collaboration and joint working with the proposed delivery vehicle will be encouraged between InSwindon, the Business Improvement District Company that manages the Town Centre environment on behalf of retailers, other town centre investors, and the Council
  
- 2.3.14 At Annex 1 the principles for the new company are attached, and at Annex 2 there is a draft diagram. The diagram outlines the potential programme areas within the Borough wide geographic scope for the new company. It is recognised that the Company should have the opportunity to influence and shape the approach in these areas through constructive dialogue.

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## The Forward Strategy for Delivering Economic Development and Regeneration in Swindon

Cabinet

Date: 9<sup>th</sup> December 2009

### Alternative Options

- To continue with the current The New Swindon Company format. This option would not allow for the extension of the scope and geographical remit of the company, neither would it provide the opportunity to address governance issues. This option is unlikely to deliver the desired outcomes for Swindon and it is unlikely that the HCA and SWRDA would continue to fund the existing model.
- To bring all activity in house. By bringing the company in-house it is likely that the 'delivery' element would become diluted and we would be unable to attract the external resources that the company has the capability of attracting, especially from the private sector. There is also a critical element around perception and the usefulness that a company can serve in bridging the gap between the public and the private sectors.

### Risk Management

#### *Financial and Procurement Implications*

- The opportunity for an enhanced economic development presence in bidding for available funds and promoting Swindon's case for attracting employers and employment will be increased.
- The impact of funding the economic development service will have limited financial implications because it is proposed that staff will be seconded.
- Negotiations with SWRDA and HCA are on-going and are crucial if the proposed delivery vehicle is to meet our aspirations, without their investment we could be in a position of significant funding problems. Negotiations to date have been successful, and will continue over the coming weeks.

#### *Legal / Human Rights Implications*

- Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with human rights.

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

- The proposals complement the current work on Destination Swindon, and support the delivery of the Swindon Community Strategy 'A Shared Vision for Swindon 2030'.
- The proposals help the delivery of Promise 35 – Town Centre Regeneration.

### Consultees

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

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## **The Forward Strategy for Delivering Economic Development and Regeneration in Swindon**

**Cabinet**

**Date: 9<sup>th</sup> December 2009**

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### **Background Papers and Appendices**

- Annex 1 - Principles for a new Borough-wide Delivery Vehicle
- Annex 2 - Company Diagram

### **Key Decision / Decision in Forward Plan**

- This is a key decision and is included in the Cabinet Forward Plan for December 2009.

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**FORWARD SWINDON LIMITED ('FSL')  
DRAFT OBJECTIVES AND OUTCOMES**

**Purpose**

FSL's purpose is to deliver economic development, inward investment, place marketing, regeneration and development, cultural development and high quality and sustainable growth in Swindon, operating on behalf of investors and shareholders.

**Objectives**

The key objectives are as follows:-

Regeneration and Development

- To facilitate in the Borough, the highest possible quality development and regeneration, in terms of design, environmental sustainability and supporting infrastructure
- To drive forward delivery of the development at Union Square
- To deliver an improved town centre retail offer by the development of Granville Street car park and liaising/assisting private sector schemes.
- To drive forward the delivery of the Central Area Action Plan and influence the wider planning policy of the Borough
- To manage the design and delivery of public open spaces
- To ensure the effective estate management of investor and company assets in the Borough
- To negotiate development agreements on behalf of the investors
- To promote the development of a cultural quarter
- To seek redevelopment of town and rural village centres in the rural areas

Economic Development

- To develop and deliver projects that will secure Swindon's successful economic future. This will include, but not be limited to:
  - The improvement of the skills base in Swindon at all levels
  - Delivery of a university in Swindon, improving access to higher education
  - Business support and Enterprise development projects
  - Sector development projects expanding green and renewable technologies and including the Environment Technology Project in close conjunction with Honda, the Technology Strategy Board and key Universities
  - Business liaison and interface on behalf of the Council
  - Search for investment from expanding foreign economies and firms e.g. China

### Inward Investment

- To increase inward investment in the Borough of by seeking potential investors across sectors and the creation of an attractive business environment
- To help the expansion of existing companies and secure further investment in them and maintain their presence in the Borough
- To provide a coherent and comprehensive relocation service to new companies

### Place Marketing

- To ensure a coordinated and professional approach to the marketing of Swindon Borough to potential businesses and investors; the public and voluntary sectors; and the Government and its agencies
- To develop Swindon's "brand" and image to ensure Swindon competes nationally and internationally

### Cultural Development

- To maximise the opportunity existing cultural activities present to improve Swindon's image
- To develop an aspirational Cultural Quarter in the town centre which attracts visitors and tourists to Swindon while providing popular facilities for Swindon's communities

## **5 Year Outcomes**

### Regeneration and Development

- A Twenty First Century town centre that increasingly has more to offer
- The first phases of Union Square by MUSE are substantially complete or underway in terms of retail, leisure and culture
- Significant improvement in public open spaces
- The Great Western Historic Area is linked firmly into the town centre and a vibrant Heritage Quarter is in place
- The new Bus Exchange is completed and operational
- Modernised town, village and local shopping centres

### Economic Development and Inward Investment

- Inward investment and company expansion creating significant jobs
- Environmental Technology sector grown by 20% and Environmental Technology showcase implemented
- Culture of entrepreneurship, support and incubation for start up businesses
- A skilled workforce able to take advantage of a growing economy
- Enhanced access to Higher Education
- An improved Further Education offer more geared towards local employers

- An increase in NVQ level 2 and 3 in the workforce

#### Place Marketing

- An authentic, distinctive identity for Swindon
- An improvement in Swindon's image and reputation including its rural town and villages
- Swindon is recognised as a priority for infrastructure investment, and foundations of a sustainable transport and communications infrastructure are laid

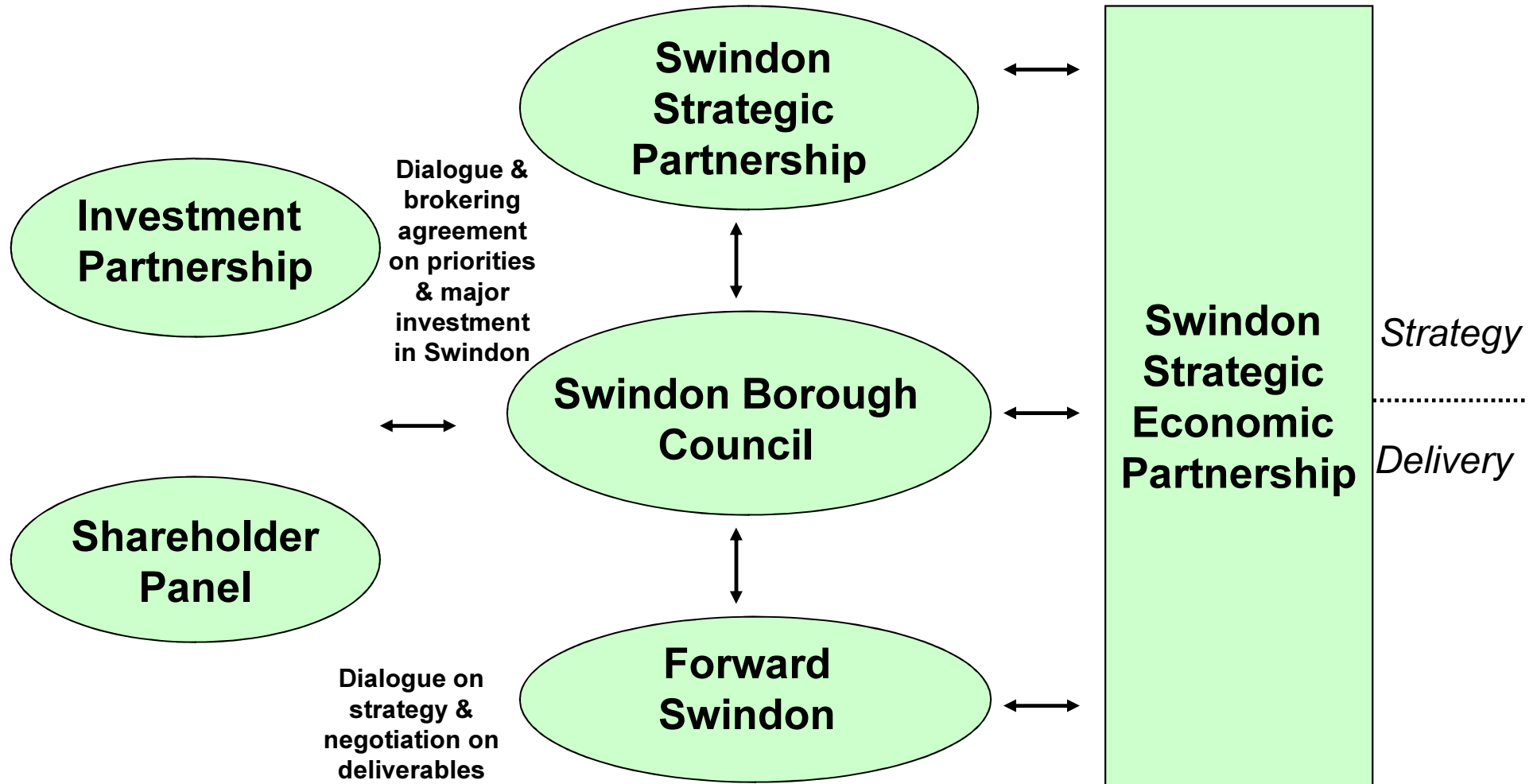
#### Cultural Development

- A comprehensive annual and cultural programme with some nationally recognised events
- Plans in place for a vibrant cultural quarter

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# Strategic Growth & Regeneration Investment



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### Forward Swindon Ltd

#### The Role of the Shareholder Panel (The Panel)

The Deputy Chief Executive of SBC, in consultation with the Shareholder Panel, shall manage the relationship with and the annual financing of the wholly owned subsidiary company known as Forward Swindon Ltd (the company). At the request of the Shareholder Panel, the Deputy Chief Executive shall call meetings with the company as and when it considers necessary with a minimum of three meetings with the company taking place in each Council financial year. The business of the meetings with the company shall be decided by the Deputy Chief Executive in consultation with the Panel and the following business will be addressed as necessary:

- a) Considering and agreeing the approach described in the company's proposed rolling annual five year business plan including the budget for the first financial year
- b) Considering a mid-year review report on progress and performance against the agreed business plan for the period.
- c) Arrangements for and business to be conducted at the Annual General Meeting of the company to include receiving and approving a report from the company on performance against the agreed business plan, the financial outturn and, in the event of a profit for the year, whether the dividend should be waived or reduced.

The Panel shall note that the business plan is core to establishing and maintaining an effective working relationship between the council and the company and enabling the company to operate effectively in undertaking the agreed brief. The business plan will be 'signed off' by the Deputy Chief Executive of SBC in consultation with the Panel on behalf of Swindon Borough Council (SBC). The Panel shall report back to the Council on any matters it considers necessary to support the process of compiling the draft business plan for acceptance by the Panel and will emphasise the importance of SBC 'client' departments and the company engaging in timely discussion and analysis to support effective working in achieving the objectives and outcomes described in the Report submitted to the March 2010 Cabinet meeting..

The draft business plan submitted to the Panel shall as a minimum contain the following information

- a) A schedule of the company's priority outcomes and success criteria for the 5 year period described in a way that enables progress to be assessed.

- b) An indication of the priority projects, success criteria and timescales on major projects to be undertaken in the first year in the 5 year plan period. The draft plan to also describe how the company is planning to change and redirect resource allocation to support priorities.
- c) The company's internal organisational structure, projected financial requirements over the subsequent five years with analysis of the estimated costs and revenues for the first financial year. The analysis should include an assessment of the balance sheet reserves available at the beginning of the five year period and any proposed changes to the scale of reserves and if any are to be applied to support operational activity.
- d) The funding required from the council in the first year, proposed cash flow and billing arrangements.
- e) How the SBC and the company can most effectively operate so as to achieve the best outcome for the local community in relation to minimising the impact of transaction costs and taxation.

Below is a schedule of the key assumptions and context for the preparation of the first draft business plan. The Deputy Chief Executive, in consultation with the Panel, will have authority to change this schedule at formal meetings:

- a) To explicitly draw to the attention of the Panel any proposed changes to the functions and roles of the company and any change in relationship, financial or otherwise, with SBC for example, where it is proposed an activity shall no longer be undertaken by the company or where the charging arrangements to the council are to change.
- b) To plan on the clear understanding that the company funding from SBC will gradually be reduced from the approved level in 2010/11 (expected to be circa £1.2m) to £0.5m per annum from 2015 onwards. This objective will be subject to annual plan negotiation based on the company's needs and the company's ability to draw on alternative sources of funding. In this context, the company will include in the business plan the description of how costs are to be reduced and additional income generated to live within the expected funding.
- c) That the company will not acquire fixed assets without specific approval within the business plan.
- d) That the company has flexibility and discretion in the deployment of available funds to deliver the agreed objectives in the way the company board thinks fit within these agreed parameters
- e) Unless agreed otherwise at the AGM or at a shareholder panel meeting, annual profit will be repaid to the shareholder as dividend.

- f) That where services are being provided to the council there will be no charges made to SBC other than those specifically agreed with SBC.

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### **Undertakings transferring from Swindon Borough Council (SBC), the Cultural Partnership Limited (CPL) and The New Swindon Company (TNSC) to Forward Swindon Limited**

#### **Regeneration and development (TNSC)**

- Facilitating development by working with the private sector to ensure highest quality of development in terms of design, environmental sustainability and supporting infrastructure.
- Driving forward the delivery of the Central Area Action Plan and influencing the wider planning policy of the Borough
- Managing the design and delivery of public realm projects
- Ensuring the effective estate management of investor and company assets in the Borough
- Acquiring and disposing of investments in land and property
- Negotiating development agreements
- Master-planning and producing Planning & Development commissioned by the Council
- Using Public sector land to facilitate development

#### **Inward investment (TNSC)**

- Searching pro-actively for inward investors
- Facilitating the expansion of existing companies and securing further investment from them. This will involve close liaison with SBC on planning and other issues
- Liaising with agents to facilitate expansions and relocations
- Managing up-to-date property databases, intelligence and data on Swindon.
- Providing relocation support to inward investors

#### **Place Marketing (TNSC)**

- Ensuring a coordinated and professional approach to the marketing of the town to potential businesses and investors, the public and voluntary sectors and the Government and its agencies.
- Developing the town's brand and image to ensure Swindon competes national and internationally.
- Undertaking market research to provide an evidence base for the Company's activity.
- Marketing venues and events in Swindon to wide ranging audiences.
- Developing and delivering a strategy to build Swindon's image as a leisure and business tourist destination.
- Managing the Big Screen in Swindon Town Centre

- Delivering marketing projects commissioned by SBC.
- Securing sponsorship and generating funding to help ensure the vision is a reality.
- PR and communications for Company projects

### **Economic Development projects (SBC)**

- Developing and delivering projects that meet the aims and aspirations of the Swindon Economic Development and Regeneration Strategy and will collectively fulfil its objectives. This will include, but not be limited to, the development and facilitation of:
  - Skills and labour market projects
  - The University project – improving access to Higher Education
  - Business support and Enterprise development projects
  - Sector development projects including the Environment Technology Project in close conjunction with Honda, the Technology Strategy Board and key Universities.
  - Business liaison and interface

### **Cultural development (CPL)**

- Developing new cultural activities and ensuring their success and popularity in Swindon.
- Supporting and enhancing the existing cultural opportunities in the town with a particular emphasis on marketing.
- Developing a vibrant Cultural Quarter in the town centre which attracts visitors and tourists to Swindon while providing popular facilities for Swindon's communities.

March 2010



## Sustainable Community Strategy – Supplementary Note

**Special Committee**

**Date: 25<sup>th</sup> March 2010**

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**Author:**        **Leader of the Council and the Director of Policy, Performance and Communications**

**Parish / Wards Affected:** All

### **Purpose**

- To update the statutory Sustainable Community Strategy – A Shared Vision for Swindon 2008-2030 by way of a Supplementary Note in order to reflect the wish to enhance the local economy by establishing Forward Swindon Limited (FSL) as a separate legal entity from Swindon Borough Council

### **Recommendation**

Special Committee is requested to:

- Approve the proposed Supplementary Note for inclusion in the Sustainable Community Strategy

## **1. Reasons**

- 1.1 The Council's Sustainable Community Strategy is set out in the "A Shared Vision for Swindon 2008-2030". The aims of the Strategy (inter alia) are: 'Swindon – a destination of choice' (Theme 1) 'All Swindon People are benefiting from our growing economy' (Theme 2), and that Swindon is 'A place where high aspirations are supported by superb education provision for all ages (Theme 5). In order to help promote those aims, the Council has agreed to establish Forward Swindon Ltd as a company limited by shares and it is recommended that the Sustainable Community Strategy be formally updated by way of a supplementary note to recognise this.
- 1.2 The Council consulted the Swindon Strategic Partnership Board on the 2<sup>nd</sup> March 2010 as to how the Sustainable Community Strategy should be amended and the Partnership Board agreed to the proposed amendments set out below are recommended having regard to the comments received from members of the Board and the guidance of the Secretary of State.

## **2. Detail**

- 2.1 The objectives mentioned in the following sections of the Community Strategy are in accordance with the proposed objectives of 'Forward Swindon Ltd' (FSL):  
*(i) page 9: A Picture of Swindon 2008 - "There is common agreement that more investment is needed to ensure that all Swindon residents can share in the benefits of an economically successful Borough and that there is equal opportunity for all local people."*

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Further information on the subject of this report can be obtained from either Matt Gott on *Direct Dial* No.463097 or Email [mgott@swindon.gov.uk](mailto:mgott@swindon.gov.uk) or Stephen Taylor on *Direct Dial* No. 463012 or email [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk)

# Sustainable Community Strategy – Supplementary Note

Special Committee

Date: 25<sup>th</sup> March 2010

(ii) page 10: Theme 1 – Swindon – a destination of choice : "A local and highly skilled workforce will add to Swindon's attractiveness as a place for business investment."

(iii) page 13: Theme 2 - All Swindon people are benefiting from our growing economy - : "Rural areas will benefit as much as the urban areas with work undertaken to address issues like public transport, local jobs and affordable homes."

(iv) page 19: Theme 5 – A place where high aspirations are supported by superb education provision for all ages - "Thriving arts venues, festivals, concerts and a new museum and art gallery will make Swindon a regional beacon for culture. There will be something to stimulate, educate and entertain everyone."

## 2.2 Proposed amendments to the Sustainable Community Strategy

The following amendments are proposed:

- page 12 "Theme 2 - All Swindon people are benefiting from our growing economy": **insert** new third paragraph as follows:

*"To achieve our ambition of maintaining a prosperous economy and looking towards the challenges of the future Swindon Borough Council has decided to set up 'Forward Swindon Ltd' It will act to create jobs, facilitate tourism and related cultural activities, and to deliver physical regeneration and other services in order to improve the social, economic and environmental well-being of Swindon."*

- page 13: "Theme 2 - All Swindon people are benefiting from our growing economy": **insert** "Forward Swindon Ltd" to replace "New Swindon Company's regeneration plans" in the list.

## Alternative Options

- It is open to the Special Committee to either not approve the proposals or make alternative changes to the Sustainable Community Strategy.

### Risk Management

#### Financial and Procurement Implications

- There are no significant financial implications in relation to the Note.
- There are no operational risks associated with the decision to amend the Sustainable Community Strategy. Risks associated with the establishment of Swindon Commercial Services Limited have been separately assessed in the risk register, a copy of which will be available at the meeting.

#### Legal / Human Rights Implications

- In order to modify the sustainable community strategy the Local Government Act

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## Sustainable Community Strategy – Supplementary Note

**Special Committee**

**Date: 25<sup>th</sup> March 2010**

2000, as amended by section 114 of the Local Government and Public Involvement in Health Act 2007, requires the Council to consult each partner authority and such other persons as the authority considers appropriate and must have regard to any guidance issued by the Secretary of State.

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

- The Shared Vision for Swindon 2008-2030 is the overarching vision for the Council and its partners which articulates how we want the Borough to be by 2030.

### **Consultees**

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- Swindon Strategic Partnership Board.

### **Background Papers and Appendices**

- Report to the Swindon Strategic Partnership Board on 2<sup>nd</sup> March 2010.
- Appendix 1 - The relevant Community Strategy pages are attached as a reference guide.

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As with any predominantly urban area there are also challenges around inequality and disadvantage. In recent years there has been considerable investment in the more disadvantaged areas. There is common agreement that more investment is needed to ensure that all Swindon residents can share in the benefits of an economically successful Borough and that there is equal opportunity for all local people. It will be even more important as our economy grows to make sure that increasing wealth is shared on a more equitable basis.

The Borough benefits from relatively low levels of crime and yet at the same time the population has historically held the perception that crime levels are high.

The voluntary & community sector is making an increasingly important contribution to the provision of services and the well-being of communities across the Borough.

As Swindon grows so the scale of the challenge increases. More pressure will be put on to public services, more attention will be needed to ensure community cohesion is maintained, and the right infrastructure systems like transport and schools will need to be delivered at the right time.

As with the rest of the United Kingdom traffic congestion is a growing issue which brings the challenge of finding more sustainable ways of getting around. There is also a growing awareness of our need to keep fit and eat healthily.

The population is changing as people live longer and communities become increasingly diverse. The threat of climate change means that we must all consider our life choices about how we travel, what we dispose of in our waste and the energy which we use in our homes and places of work.

This mixture of a strong starting point, new opportunities and growing challenges provides the bedrock for the implementation of '**A Shared Vision for Swindon 2008 – 2030**'.

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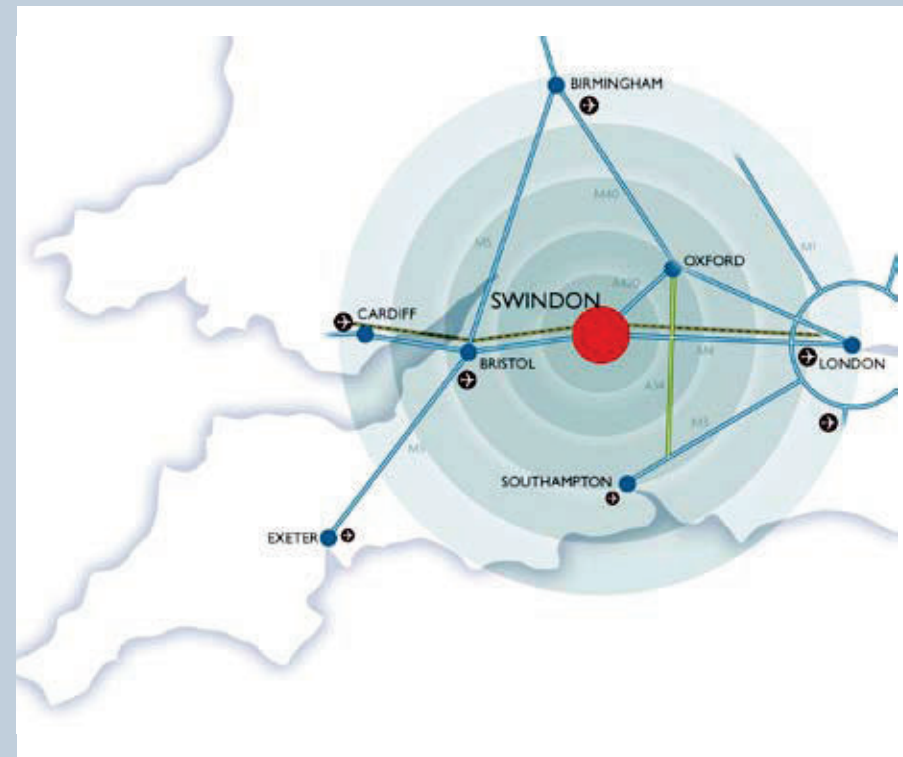
### Swindon: a destination of choice

By 2030, the Borough of Swindon will have become a place where people choose to live, visit and invest. As an important regional centre, Swindon's appeal will stem from having an attractive and well-equipped town that has successfully blended traditional architecture with high quality contemporary buildings that incorporate sustainable design and construction principles. The possibility of a fully restored canal in the heart of the town could provide a real focal point for visitors and Swindonians alike.

Economically Swindon will be booming. Its superb geographic location and excellent transport links will continue to make it a destination of choice for business from across many market sectors. A local and highly skilled workforce will add to Swindon's attractiveness as a place for business investment. Children and young people will make good progress at school and be healthy and safe and contribute to their local community. They will have lots of opportunities to volunteer and participate in leisure, sport and cultural activities.

Educational achievement in the Borough will be above the national average and there will be strong Further and Higher Education facilities. Swindon will have its own university that is nationally renowned for its strong focus on vocational and business syllabuses. All young people will make a successful transition to adulthood with opportunities for training and employment.

Whilst maintaining this economic diversity Swindon will increasingly be seen as a place for innovation and a natural home for the science and technology sectors.



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## Vision 2030 Theme 2

### All Swindon people are benefiting from our growing economy

By 2030, Swindon will have become one of the best business locations in the UK, offering a high quality of life, not just to its 250,000 residents, but also to those from a much wider catchment area. In that period, over 32,000 new jobs will have been created and there will be the fullest range of employment opportunities for the whole community.

Page 47 Swindon will enjoy an international reputation as both a centre of innovation, science and technology and an excellent example of sustainable living and commerce. Employees will increasingly choose to live within the Borough rather than commute in from elsewhere. This will be made easy thanks to the development of new, environmentally-friendly homes located in well designed neighbourhoods with an excellent local infrastructure and services coupled with a vibrant, attractive town. There will be a good balance in the types of homes built in the Borough to make sure that we can offer the full range from affordable and starter homes to those expected by senior executives.

Forward-looking investment in transport technology means that businesses will benefit from easy communications around the area without the gridlock and pollution that similar towns might be facing.

By 2030 Swindon will have long since shed the negative image that people from outside the area once held about it. Employees and potential investors will see a vibrant, regenerated town offering radically improved shopping, cultural, sporting and leisure facilities.



Innovation, science and technology in Swindon

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In 2030, people from across the region, including those with families, will want to visit the restaurants, cafes, art galleries and theatres that Swindon will have to offer. Shopping will be a delightful mix of big name stores and independent shops. The public areas in the centre of Swindon and other rural towns and villages will be attractive, clean, appealing and safe.

**Swindon will be recognised internationally as a centre for emerging technologies and as a location for leading global companies as well as hugely successful home-grown businesses.**

Swindon people will want to carry on learning new things so that they can benefit from the good salaries that local businesses are happy to pay for well-qualified, highly skilled people who keep their skills and knowledge up to date. Local businesses will work closely with the university, colleges and schools to ensure that courses teach people of all ages the skills which the companies require to flourish.

This economic upsurge will benefit all of Swindon. The less affluent or disadvantaged areas of 2007 will be much improved as a result of both physical transformation and the raised expectations, aspirations and achievements of the people who live there. Rural areas will benefit as much as the urban areas with work undertaken to address issues like public transport, local jobs and affordable homes.

#### **Here's just some of the plans that will help deliver theme 4:**

- Swindon's Economic Development Vision and Framework
- Swindon Borough Council's Transport Plan
- Swindon's Local Development Framework
- New Swindon Company's regeneration plans
- Developer Contributions Guidance Notes
- Local Community Partnership strategies
- Swindon's Housing Strategy



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Swindon will have a flourishing university with an innovative approach to learning and strong ties to local businesses. Its courses will be varied and flexible with a strong emphasis on building the skills that Swindon needs for its economy to flourish and for its contribution to the global market place. Learning will be achieved through a mixture of traditional residential courses and improving the skills of those already in the work place.

**There will be better levels of children's social, emotional and health development when they start school.**

**Areas with historically lower levels of educational achievement will be targeted to ensure that pupils reach their full potential.**

Many more young people will want to do further education, apprenticeships and training, when they leave school. There will be a widespread understanding that education is not just about academic qualifications; practical business and trade skills will be equally valued and schools and colleges will also encourage their students to become responsible citizens.

Thriving arts venues, festivals, concerts and a new museum and art gallery will make Swindon a regional beacon for culture. There will be something to stimulate, educate and entertain everyone.

All pupils will be supported to learn and understand others, value diversity and appreciate difference. There will be opportunities for children, young people, their friends and families to interact and share experiences with people from different backgrounds.

### **Here's just some of the plans that will help deliver theme 5:**

- Children and Young People's Plan
- Swindon Community Cohesion Framework
- Leisure Strategy
- Cultural Strategy
- Locality Plans
- Swindon's 14 - 19 Strategy
- Youth Matters



The Swindon Mela

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## Appointment to Outside Body: Digital City (UK) Ltd.

Special Committee

Date 25<sup>th</sup> March 2010

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**Author: Director of Law and Democratic Services**

**Wards Affected: All**

### **Purpose**

To appoint a Councillor representative to serve on the Board of Digital City (UK) Ltd.

### **Recommendation**

The Committee, on behalf of the Council, is recommended to:

Appoint a Councillor representative to serve on the Board of Digital City (UK) Ltd.

### **1 Reasons**

- 1.1 The Council is requested to appoint a representative to serve as a Director on the Board of Digital City (UK) Ltd.

### **2 Detail**

- 2.1 The Council entered into a loan agreement with Digital City (UK) Ltd (the company) in October 2009. The Agreement provides that the Council is entitled to appoint a Director of the company
- 2.2 The Special Committee, on behalf of the Council, is asked appoint a Councillor representative to serve on the Board of Digital City (UK) Ltd. The Leader of the Council has indicated that it is proposed to nominate Councillor Garry Perkins, Cabinet Member for Children's Services, to serve on the Board of the company.

### **Alternative Options**

No alternative options are proposed.

### **Risk Management**

#### *Financial and Procurement Implications*

There are no financial or procurement implications arising from this report. All costs will be met from existing budgets.

#### *Legal/Human Rights Implications*

Legal and Human Rights considerations have been taken fully into account in compiling this report.

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Further information on the subject of this report can be obtained from  
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## Appointment to Outside Body: Digital City (UK) Ltd.

**Special Committee**

Date 25<sup>th</sup> March 2010

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*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 / Appendices**

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

### **Background Papers**

Cabinet Briefing Note – Provision of a Loan to Digital City (UK) Ltd. For the Purposes of Establishing a WiFi Network Across the Borough of Swindon – October 2009.

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Further information on the subject of this report can be obtained from  
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