

Swindon Borough Council

Special Committee

Thursday, 23 June 2011

Function Room, Civic Offices (Anticipated meeting room)

At 3.00 p.m.

Conservative Councillors

Roderick Bluh (Chair)

Garry Perkins (Vice-Chair)

Brian Mattock

David Renard

Deputies: *All other
Cabinet Members*

Labour Councillors

Mark Dempsey

Jim Grant

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 20th April 2011.

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. Adjustment to Organisational Structure. (GDBT) (Pages 3 - 4)

6. Appointments to Committees and Other Council Bodies. (DLDS-B)
(Pages 5 - 8)

Date of Despatch: 15 June 2011

Key:

Officers:

CE	-	Chief Executive
DCE /	-	Deputy Chief Executive and Group Director: Environment, Regeneration
GDERC		and Community
GDC	-	Group Director: Children
DASC	-	Director: Adult Social Care
GDBT	-	Group Director: Business Transformation
DF	-	Director of Finance – Chief Executives'
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

WEDNESDAY, 20 APRIL 2011

PRESENT:- Councillors Roderick Bluh (Chair), Brian Mattock, David Renard, Stan Pajak, Derique Montaut, Jim Grant and Peter Greenhalgh (Deputy).

An apology for absence was received from Councillor Garry Perkins.

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 23rd March 2011 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 Forward Swindon Ltd.

The Director of Law and Democratic Services submitted a report concerning the appointment of further Directors to the Board of Forward Swindon Ltd.

The Deputy Chief Executive and Group Director, Environment, Regeneration and Community advised that Forward Swindon Ltd. had been incorporated on 17th March 2010, and was a company limited by shares with the Council as the only shareholder. The current directors of the Company were the Chief Executive of the Council and Councillor Garry Perkins, Deputy Leader of the Council. She reported that Forward Swindon Ltd. was now keen to see the expansion of its Board in order to assist with the delivery of its Business Plan and objectives. The Council, as shareholder, was required to appoint the directors of the company, and details were set out in the Appendix to the report of those individuals that it was proposed should serve as non-executive directors on the Board of the company for a term expiring on 18th May 2012, which was the date of the Council's Annual Council meeting in 2012. It was envisaged that during this period of office the structure and future membership of the Board would be reviewed.

The Deputy Chief Executive and Group Director, Environment, Regeneration and Community, explained that since the report had been prepared it had been decided to withdraw one nomination whilst clarification was sought around possible conflicts of interest that could limit that individual's ability to serve on the Board.

Councillor Derique Montaut, Leader of the Opposition, asked that consideration be given at the appropriate time to including representatives of the Council's minority political groups on the Board of Forward Swindon Ltd. or on the Shareholder Panel.

Resolved –That, on behalf of the Council, Mr. Robin Bailey, Divisional Director Savings and Investments, Nationwide, Ms. Tina Cumpstey, Centre Manager, McArthurGlen Swindon Designer Outlet Centre, Mr. Tony Wilkes, Brunel Shopping Centre Manager, Jones Lang LaSalle Ltd., and Mr. Mark Beard, Managing Director, EW Beard Ltd., be appointed as further Non-Executive Directors of Forward Swindon Ltd., for a term expiring on 18th May 2012, and that the membership and structure of the Board be reviewed prior to that time.

Adjustment to Organisational Structure

Special Committee

Date: 23 June 2011

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 an organisational restructuring change to ensure that we are able to meet our requirements to have an appointed statutory Chief Officer of Director of Adults Social Services

Recommendations

That the Special Committee, on behalf of the Council:-

- (1) Approves with effect from the 1st July 2011 the transfer of the statutory Chief Officer post and accountabilities of Director of Adult Social Services to the existing Group Director, Children's Services; and
- (2) Authorises the Director of Law and Democratic Services to make any necessary changes to the Council's Constitution to recognise the organisational change set out above.

1. Reasons

- 1.1. To ensure that the Council meets its statutory obligations regarding the appointment of a Director of Adult Social Services.

2. Detail

- 2.1. It is a statutory requirement introduced by the Children's Act 2004 that a local authority shall appoint an officer, to be known as the Director of Adult Social Services, for the purposes of their social services functions. Following the appointment of the existing Acting Director of Adult Social Care to the post of Chief Executive designate of a new Social Enterprise to provide adult social care to residents of the Borough, there is a requirement to transfer the statutory responsibilities to another Council employed officer.
- 2.2. Following the decision of the Cabinet on 9th March 2011, officers have been working on proposals for a new operating model for the Council, including a new organisational structure. This proposal is due to be presented to Full Council for consideration on 21st July 2011. It is therefore not intended at this stage to directly replace the existing post of

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

Adjustment to Organisational Structure

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Director of Adult Social Care, which currently holds the statutory responsibilities, until the outcome of these proposals are confirmed.

- 2.3. In the interim, the Chief Executive proposes that the Group Director, Children Services be designated as the Director of Adult Social Services in addition to his current role. This mirrors arrangements currently in place in other local authorities.

3. Alternative Options

- 3.1. Maintaining the status quo is not an option for the Council, as it will not enable us to meet our statutory obligations. The Council could determine to appoint another appropriately qualified Chief Officer to the position. However, it is believed the proposal in the report is the most appropriate to enable the delivery of our statutory obligations.

Risk Management

Financial Implications

There are no immediate financial implications as a result of this report as the new Social Enterprise is not currently operating as a stand-alone body. An updated financial assessment of the impact of creating the new Social Enterprise will be presented to Cabinet at its meeting in July, as part of a general update on progress towards its establishment as a new organisation.

Legal / Human Rights Implications

- The Council has a statutory requirement to appoint a Director of Adult Social Services.
- 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.
- Appropriate consultation has occurred with affected staff.

Links to Corporate Plans and Policies

- These proposals directly contribute to the Corporate Plan theme – Transforming the Organisation.

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

- None.

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

Appointments to Committees and Other Council Bodies

Special Committee

Date 23rd June 2011

Author: Director of Law and Democratic Services

Wards Affected

All

Purpose

- To reduce the number of members on the Equalities Advisory Forum, to appoint deputies for the Fostering and Adoption Panel, and to appoint a representative to the Viridor Credits Environmental Company Steering Group to advise on distribution of Landfill Communities Fund monies.

Recommendation

The Committee is recommended to:

- Remove Councillor Peter Heaton-Jones from membership of the Equalities Advisory Forum;
- Appoint Councillor Fionuala Foley as a deputy to Councillor Ray Fisher on the Swindon Fostering Panel and Councillor Ray Fisher as a Deputy to Councillor Foley on the Swindon Adoption Panel;
- To appoint Councillor Andrew Bennett as the Council's representative on the steering group being formed by Viridor Credits Environmental Company.

1 Reasons

- 1.1 Five Members were appointed to the Equalities Advisory Forum at the Annual Council Meeting on 20th May 2011. However, it has been agreed between the political groups represented on that body that a Council representation of four members would be adequate as was the case for the Municipal Year 2010/11.
- 1.2 The Leader of the Council has requested that the Borough's representatives on the Fostering and Adoption Panels have deputies as these panels will be changing their structure in the future to require a larger membership to ensure more timely decision-making.
- 1.3 An invitation was sent to the Council's representative on the Wiltshire and Swindon Rural Regeneration Partnership seeking Council representation on a steering group to distribute Landfill Communities Fund monies.

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
Shaun Banks, Committee and Member Services, on Direct Dial No. 4636061 or Email sbanks@swindon.gov.uk

Appointments to Committees and Other Council Bodies

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2 Detail

- 2.1 The Council's Conservative Group has indicated that it wishes to withdraw Councillor Peter Heaton-Jones from the Equalities Advisory Forum to allow the Council's representation on the Forum to remain at four Members.
- 2.2 The Conservative Group has also indicated that Councillor Fionuala Foley will be the representative on the Swindon Adoption Panel with Councillor Fisher as her deputy and Councillor Ray Fisher will be the representative on the Swindon Fostering Panel with Councillor Foley as his deputy.
- 2.3 In April 2011 an invitation was received via Councillor Andrew Bennett and the Wiltshire and Swindon Rural Regeneration Partnership to seek a Council representative to serve on a decision-making steering group that will have access to Landfill Tax Credits. These funds are distributed by Viridor Credits.
- 2.4 The Council's Conservative Group proposes that Councillor Andrew Bennett be nominated to serve on this steering group.

Alternative Options

- No alternative options are proposed.

Risk Management

Financial and Procurement Implications

- There are no financial or procurement implications. 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. It is considered that the recommendations of this report are compatible with convention rights.

Links to Corporate Plans and Policies

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

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
Shaun Banks, Committee and Member Services, on Direct Dial No. 4636061 or Email
sbanks@swindon.gov.uk

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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

- Annual Council Minutes 2011 - Constitution 2011/12.
- Letter from Viridor Credits dated April 2011 to Cllr Andrew Bennett

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