

Swindon Borough Council

Special Committee

Thursday, 4 August 2011

Function Room, Civic Offices (Anticipated meeting room)

At 3.15 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 23rd June 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. Appointment of Directors to Forward Swindon Ltd (DLDS-B) (Pages 3 - 8)

6. Appointment to Planning Committee. (DLDS-B)

The Special Committee is asked to note that the Council's Liberal Democrat

Group has indicated that it wishes to replace Councillor Nicky Sewell with Councillor Stan Pajak as a representative serving on the Council's Planning Committee for the remainder of the 2011/12 Municipal Year. Councillor Pajak has attended Planning training in this Municipal Year. The Special Committee is asked to confirm this appointment.

Date of Despatch: 25 July 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

THURSDAY, 23 JUNE 2011

PRESENT:- Councillors Roderick Bluh (Chair), Garry Perkins (Vice-Chair), Mark Dempsey, Jim Grant, David Renard, Andy Harrison (Deputy) and Colin Lovell (Deputy).

Apologies for absence were received from Councillors Brian Mattock and Stan Pajak.

1. **Declarations of Interest**

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

2. **Minutes**

Resolved – That the minutes of the meeting held on 20th April 2011 be confirmed and signed as a correct record.

3. **Public Question Time**

No public questions were asked under Standing Order 28.

4. **Adjustment to Organisational Structure - Director of Adult Social Services**

The Chief Executive and the Leader of the Council submitted a joint report concerning an organisational restructuring change to ensure that the Council was able to meet the statutory requirement to have an appointed Director of Adult Social Services.

The Chief Executive explained that there was a statutory requirement under the Children's Act 2004 for a local authority to appoint an officer, to be known as the Director of Adult Social Services, for the purposes of its social services functions, and that following the appointment of the existing Acting Director of Adult Social Care to the post of Chief Executive designate of the new Social Enterprise providing adult social care to residents of the Borough, there was now a requirement to transfer the statutory responsibilities to another Council employed officer. He was of the view that, in the interim, and pending the adoption by the Council of a new Operating Model in July 2011, the Group Director, Children should be designated as the Director of Adult Social Services in addition to his current role. He confirmed that this proposal was in accordance with statutory requirements, reflected practice in other authorities and that the Care Quality Commission had raised no objections. He advised that discussions had taken place with the Group Director and the senior managers affected who were confident that sufficient capacity existed to perform both the existing and proposed roles without any detrimental effects on either service.

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

- 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;

and

- Authorises the Director of Law and Democratic Services to make any necessary changes to the Council's Constitution to recognise the organisational change referred to in (1) above.

5. Appointments to Committees and Other Council Bodies

The Director of Law and Democratic Services submitted a report concerning proposed changes and appointments to Committees and other Council bodies for the remainder of the Municipal Year 2011/12.

Resolved – (1) That Councillor Peter Heaton-Jones be removed from the membership of the Equalities Advisory Forum.

(2) That Councillor Fionuala Foley be appointed to serve as a deputy to Councillor Ray Fisher on the Swindon Fostering Panel.

(3) That Councillor Ray Fisher be appointed to serve as a deputy to Councillor Fionuala Foley on the Swindon Adoption Panel.

(4) That Councillor Andrew Bennett be appointed as the Council's representative to serve on the steering group being formed by Viridor Credits Environmental Company.

(5) That the Director of Law and Democratic Services be requested to make the necessary changes to the Council's Committee Composition List.

Appointment of Directors to Forward Swindon Ltd

Special Committee

Date: 4th August 2011

Author: Director of Law and Democratic Services

Parish / Wards Affected: All

Purpose

- To appoint a further Director to the Board of Forward Swindon Ltd.

Recommendation

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

1. Approve the appointment of the individual named in paragraph 2.4 below to the Board of Forward Swindon Ltd, for an initial term commencing on 5th August 2011 and expiring on 18th May 2012.
2. Note that, in accordance with the previous decision of the Special Committee (Minute 19 2010/11), the membership and structure of the Board of Forward Swindon Ltd. will be reviewed prior to 18th May 2012.

1. Reasons

- 1.1 To increase the membership of the Board of Forward Swindon Ltd. further to include Mr. James Lockhart, Partner, Whitmarsh Lockhart Chartered Surveyors and Valuers (Commercial Property and Development) whose nomination was temporarily withdrawn prior to the Special Committee meeting held on 20th April 2011.
- 1.2 It is a requirement of the Company's articles that the Council appoints its Directors.

2. Detail

- 2.1 Forward Swindon Ltd. was established on 1st April 2010 following approval by the Cabinet in December 2009. It is a company limited by shares with the Council as the only holder of the issued ordinary shares.
- 2.2 The Company is charged with developing the economy and culture of Swindon and for delivering regeneration. It has a small executive team of 12 and is overseen by a Board of Directors.
- 2.3 The Council has so far approved the appointment of the following directors:
Mr. Gavin Jones, Chief Executive of the Council

Further information on the subject of this report can be obtained from Angela Ashdown, Director of Corporate Services, Forward Swindon Ltd. on Direct Dial (01793) 429253 or Email AngelaAshdown@forwardswindon.co.uk

Appointment of Directors to Forward Swindon Ltd

Special Committee

Date: 4th August 2011

Councillor Garry Perkins, Deputy Leader of the Council
Mr. Robin Bailey, Divisional Director Savings and Investments, Nationwide
Ms. Tina Cumpstey, Centre Manager, McArthurGlen Swindon Designer Outlet Centre.
Mr. Mark Beard, Managing Director, EW Beard Ltd.

- 2.4 Prior to the Special Committee Meeting held on 20th April 2011, the nomination of Mr. James Lockhart was withdrawn whilst clarification was sought around concerns about possible conflicts of interest that could limit that individual's ability to serve the Board. These concerns centred around his or his clients ability to gain a commercial advantage, particularly with regard to inward investment enquiries, as a result of his Board membership.
- 2.5 A key element of resolving those concerns was the proposal to establish a Swindon Investment Group (SWIG), a meeting between agents, the Council and chaired by Forward Swindon to discuss, share and encourage inward investment enquiries. Terms of Reference for this group have been drafted by the Company and now agreed with the agent community. Therefore the concerns have been addressed to the point where it is considered that James can serve as a director. All usual protocols for dealing with conflicts of interest will be observed.
- 2.6 The Special Committee is now requested to consider the appointment of Mr. James Lockhart to the Board of Forward Swindon Ltd. for an initial term expiring on 18th May 2012. Further detail of his career history is attached in Appendix 1.
- 2.7 The Committee and the Company has already determined to undertake a review of the membership and structure of the Board of Forward Swindon Ltd. prior to 18th May 2012 in order that the appointment (or re-appointment) of Board Members can take place at the Annual Council meeting scheduled to take place on that date.

Alternative Options

- The Council could determine to not appoint the individual listed in the report. No other alternative options are suggested.

Risk Management

Financial and Procurement Implications

- There are no specific financial or procurement implications arising from these appointments.

Further information on the subject of this report can be obtained from Angela Ashdown, Director of Corporate Services, Forward Swindon Ltd. on Direct Dial (01793) 429253 or Email AngelaAshdown@forwardswindon.co.uk

Appointment of Directors to Forward Swindon Ltd

Special Committee

Date: 4th August 2011

Legal / Human Rights Implications

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

Other Implications

- A Diversity Impact Assessment (DIA) has not been undertaken as this report does not make any recommendations or have implications that affect services.

Links to Corporate Plans and Policies

- None.

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 – Proposed Board Member - Detail of Career history.

Further information on the subject of this report can be obtained from Angela Ashdown, Director of Corporate Services, Forward Swindon Ltd. on Direct Dial (01793) 429253 or Email AngelaAshdown@forwardswindon.co.uk

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APPENDIX 1

James Lockhart FRICS

Fellow of the Royal Institution of Chartered Surveyors
Board member of the RICS Commercial Market Professional Group based at Parliament Square, London
Chair of the Inward Investment Committee of the Swindon Strategic Economic Partnership
RICS Regulated Valuer
External examiner to the Royal Agricultural College Estate Management Course

Experience and achievements include:

Active involvement in the Swindon commercial property market for the last 30 years, letting or selling or valuing over 15 million ft² of accommodation

Acting for a wide cross section of clients from one person companies through to major institutions such as Legal & General, Prudential and major international companies such as Tyco Electronics and Diageo Plc

Run own practice for the last 14 years, incorporating practical experience of the commercial property world and own firm's premises and all related issues

Diploma in Marketing (focused on the commercial property market) from Henley College

Employment history:

Joint equity partner	Whitmarsh Lockhart, Swindon
Associate Partner	Farrant and Wightman
Salaried Partner	Dreweatt Neat

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