

CABINET

WEDNESDAY, 16 MARCH 2016

PRESENT:- Councillors David Renard (Chair), Brian Mattock (Vice-Chair), Toby Elliott, Fionuala Foley, Brian Ford, Dale Heenan, Russell Holland and Mary Martin

Apologies for absence were received from Councillors Emma Faramarzi and Garry Perkins

71. Declarations of Interest.

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

Councillor Fionuala Foley made a personal declaration in respect of Cabinet's consideration of agenda item no. 12 ("Regionalising Adoption Agencies") with regard to her membership of the Swindon Adoption Panel.

72. Minutes.

Resolved – That the minutes of the meeting held on 10th February 2016 be confirmed and signed as a correct record.

73. Public Question Time.

Mr Tim French, a local resident, asked a question regarding the possibility of funding being identified for the continuation of the Swindon Users Network, which organisation was scheduled to cease operating after the end of March 2016.

The Chair thanked Mr French for his question which was answered by Councillor Brian Mattock at the meeting.

74. Update on Fire Combination and Fire-Police Collaboration

Following discussions with the Leader of the Council and other Members, Mr. Darran Gunter, the Chief Fire Officer (Designate) for the new Dorset & Wiltshire Fire and Rescue Service, and Mr. Ben Ansell, the Assistant Chief Fire Officer (Designate) for the service, attended the meeting to provide an update on the new management and command arrangements and political arrangements in the Dorset and Wiltshire Fire and Rescue Service to support Swindon communities, and also to provide an overview of the current position with regard to the consultation on collaboration between emergency services and the potential enhanced role of the Police and Crime Commissioner in respect of the current legislation relating to Police/Fire collaboration and governance.

Mr. Gunter introduced the report, providing some background to the development of the new Combined Fire and Rescue Authority, and providing assurance that the level of savings anticipated through the establishment of the Combined Service, between £6m and £7m on an overall current combined budget of £50m, would not

necessitate any planned reduction in front line services.

Mr Ansell briefly outlined the new service structure, which, he explained, had been developed in response to the need to achieve economies of scale whilst recognising the importance of retaining and strengthening a local geographic focus on community risk and the services and resources to be committed to the mitigation of that risk. It was noted that the Swindon Command Area structure had been organised into two district areas that aligned with the existing locality boundaries, Swindon North (covering the West, North Central, North and North East localities) and Swindon South (taking in the Town Centre, East and South localities).

Mr. Guntar referred to concerns that had been previously expressed that the larger service might limit focus on service provision issues within the constituent areas. He assured the meeting that this would not be the case, and that, in fact, there would be a greater level of local authority representation on the Fire Authority than previously. Mr. Guntar also expanded on the arrangements in place to facilitate the public scrutiny of the Combined Authority's performance by each constituent Council.

Mr. Guntar referred to the Government's intent to enable closer collaboration between emergency services and, in particular, the proposal in its related consultation document that the powers of Police and Crime Commissioners might be enhanced with regard to future governance of fire and rescue authorities. He concluded the presentation of the report by providing the meeting with a factual summary of the (Shadow) Dorset and Wiltshire Fire and Rescue Authority's response to the Government's consultation document and the Government's own published response to the emergency services collaboration consultation.

Resolved – (1) That Mr. Darran Gunter, the Chief Fire Officer (Designate) for the new Dorset & Wiltshire Fire and Rescue Service, and Mr. Ben Ansell, the Assistant Chief Fire Officer (Designate) for the service, be thanked for attending the meeting and for their very comprehensive presentation of the issues around the new management and command arrangements and political arrangements for the Fire and Rescue Service and the position with regard to the consultation on collaboration between emergency services and the potential enhanced role of the Police and Crime Commissioner.

(2) That the report, and the assurances of the Chief Fire Officer (Designate) with regard to the Fire and Rescue Services' commitment to maintaining and improving front line service provision, be welcomed.

75.

Free Schools Update

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services, submitted a joint report providing an update on the applications for new free schools that were submitted by 2nd March 2016 deadline and bringing together information from a range of education providers for new primary school, special school and alternative provision. It was noted that the applications had been made in accordance with the Department for Education (DfE) new presumption requiring every new school to be a Free School and its process facilitating two application "waves" per year for sponsors wishing to set up a new free school. It was also noted that the process was outside of Local Authority control and that the current Wave (Wave 11), which closed on 2nd March 2016, was for

schools opening in September 2017 at the earliest.

Resolved – (1) That the four applications submitted in Wave 11, for education provision opening from September 2017 and later, and two applications for Wave 12, for education provision opening in September 2018 and later, be noted.

(2) That the Head of Education Services be authorised to support the applications from Great Western Academy, Diocese of Bristol Academies Trust, The White Horse Federation, Uplands School and Schools Company.

(Councillor Mary Martin made a non-prejudicial declaration of interest in relation to her nomination as Chair of one of the Academies to have submitted an application.)

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

76. Budget Management 2015/16

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, and the Board Director, Resources, submitted a joint report presenting the 2015-16 Revenue Budget forecast out-turn at the end of January 2016.

Resolved – (1) That the projected Revenue Budget out-turn position for 2015-16, set out in Table 1 and Appendices 1 and 2 to the report, be noted.

(2) That the virements set out in Appendix 3 to the report be approved.

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

77. Capital Programme Monitoring 3rd Quarter 2015/16

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, and the Board Director, Resources, submitted a joint report setting out the 2015/16 Capital Programme position as at the end of December 2015.

Resolved – (1) That the latest 2015/16 Capital Programme position be noted.

(2) That the positions on the schemes detailed in paragraph 3.2 of the report be noted.

(3) That the additions to the Capital Programme, detailed in paragraph 3.3 of the report, be approved.

(4) That the changes to the Disabled Facilities Grant, detailed in paragraph 3.4 of the report, be noted.

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

78. Treasury Strategy Statement 2016/17 (Minute For Confirmation)

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, and the Board Director, Resources, submitted a joint report on the Treasury Management Strategy for 2016/17, including Prudential Indicators up to 2017/18, the Annual Investment Strategy, and the Minimum Revenue Provision Policy Statement.

Resolved – That the Treasury Management Strategy, Minimum Revenue Provision Policy and Prudential Indicators, as set out in Appendix 1 to the report, be recommended for approval by Full Council at its meeting on 14th April 2016.

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

79. Future of Swindon Borough Council Operated Nurseries

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Interim Director Children's Services, submitted a joint report on the consultation process and responses received on the future provision of the Children's Nursery and Bright Start currently operated by the Council.

Resolved – (1) That the feedback obtained from service users documented in the consultation analysis (set out in Appendix 1 to the report) be noted.

(2) That the Interim Director of Children's Services be authorised:

- a) To market Bright Start Nursery to seek a new provider to operate the provision under a lease for the building from September 2016.
- b) To close the Children's Nursery by September 2016 and provide assistance to parents seeking alternative nursery places and to nursery staff to seek new positions of employment for the reasons provided in paragraph 3.4 of the report.

(3) That the Director of Law and Democratic Services, in consultation with the Interim Director of Children's Services and the Board Director Resources, be authorised to enter into a lease with the new provider on such terms as he considers necessary to protect the Council's interests.

(4) That the high quality service and professionalism shown throughout the consultation period by the staff at the Children's Nursery and at Bright Start be acknowledged and that it be recorded that the quality of the provision is not the reason for these proposals.

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

80. Swindon Cycling Framework

Councillor Dale Heenan, the Cabinet Member for Sustainability and Transport, and the Board Director, Service Delivery, submitted a joint report outlining the conclusions and major issues arising from the recent public consultation on the Borough's draft Cycling Framework and seeking Cabinet's support for the adoption of the priority cycling "movement corridor" approach, summarised on pages 20 and 21 of the Framework (pages 146 and 147 Of the Cabinet report).

The report also summarised the recently launched Department for Transport "Sustainable Travel Transition Year revenue competition for 2016/17" and sought Cabinet's approval for submission of a bid.

Resolved – (1) That the responses to the consultation be noted and that the draft Cycling Framework be approved as a basis for development of a Delivery Plan to bring forward specific proposals emerging from the Framework, including identification of appropriate funding opportunities.

(2) That the priority corridor approach, as depicted in the plan on page 21 of the Framework (page 147 of the Cabinet report), be agreed as the basis for the next stage of the Delivery Plan process.

(3) That the Head of Highways and Transport, in consultation with the Cabinet Member for Sustainability and Transport, be authorised to submit a revenue funding bid to the Department for Transport "Sustainable Travel Transition Year revenue competition for 2016/17 by the closing date of 29 March 2016.

(4) That the Board Director Resources, as Section 151 Officer, be authorised to sign any agreed bid in accordance with the bidding requirements.

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

81. Regionalising Adoption Agencies

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Interim Director Children's Services, submitted a joint report on the expectation of the government to make arrangements to create Regional Adoption Agencies and the potential options for Swindon in doing so. It was noted that Swindon Council currently operated its own adoption agency, with a very small average volume of activity and the report highlighted how Swindon might best meet the new requirement to have new regional agencies operating in a model big enough to provide for excellence and innovative in practice.

In making a recommendation to Cabinet on the options available to the Council, Councillor Foley explained that, whilst options 1 and 2 in the report were clearly the least viable, there was little to separate the options for working with South West or South East group. She advised that it was her recommendation to support Option 4 (Berkshire/South East England) on the grounds as set out in the following subsections in the main report:

- 3.18(e) The SW at the moment has some aspects of adoption provision presented as 'out of scope' (i.e. inter-country adoption, step parent adoption, adoption file access) which if maintained would mean SBC would need some sort of residual service which in turn could have practice and cost implications for Swindon. SE has these in scope at the moment.
- 3.18(f) Adoption services are already part way along the journey of 'shared' services in four of the local authorities in the SE with 2 others part engaged. Also the SE has some services already in place seen as 'good' by DfE and Ofsted that can be in theory transferred straight over to any new model. The SW would be starting from new.
- 3.18(g) There is no substantive history of joint operation of services in children's services in the SW. There is however a history of shared services in the SE area. Such as a joint family legal service, emergency duty service and adoption service
- 3.18(h) The SE would be made up of more small Unitary authorities than the SW which may give a more even balance of 'ownership'
- 3.18(i) There are no obvious expressions of interests stated as yet within the

SW to lead on a SW model. SE has a natural focal point with the pre-existing services and infrastructure for some aspects already physically based in Wokingham managed through Windsor & Maidenhead.

Resolved – (1) That the establishing of a Regional Adoption Agency aligned to the Berkshire/ South East to ensure the smooth transition of Swindon's adoption agency into a new operating model be supported.

(2) That the Interim Director of Children's Services, in consultation with the Cabinet Member for Children's Services, be authorised to agree the decision about the detailed nature of the operating model in partnership with the Governance Board for the Regional Adoption Agency in due course.

Councillor Fionuala Foley made a personal declaration in respect of Cabinet's consideration of this matter, with regard to her membership of the Swindon Adoption Panel.

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

82. Regulation of Investigatory Powers Act 2000

The Leader of the Council, Director of Law and Democratic Services, and Public Protection Manager submitted a joint report briefing members as to the current situation with regard to the Council's use of the Regulation of Investigatory Powers Act 2000 and to note the current policy. It was noted that Councillors should have oversight of how the Council uses its powers to undertake surveillance activities and to be assured that it uses its powers responsibly and in accordance with the Regulation of Investigatory Powers Act and associated codes of practice.

Resolved – That the report be noted and that the Council's current 'Policy and Protocol on Regulation of Investigatory Powers Act 2000' be endorsed.

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