

COUNCIL

WEDNESDAY, 15 JUNE 2016

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Alan Bishop, Emma Bushell, Matthew Courtliff, Wayne Crabbe, Malcolm Davies, Mark Dempsey, Paul Dixon, Oliver Donachie, Toby Elliott, Steph Exell, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Fay Howard, Colin Lovell, Mary Martin, Nick Martin, Gemma McCracken, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Carol Shelley, Kevin Small, Timothy Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams, Robert Wright and Julie Wright.

15. Apologies for Absence

Apologies for absence were received from Councillors Claire Ellis, Cathy Martyn, Teresa Page, Gary Sumner and David Wood.

16. Communications

The Board Director, Service Delivery reported that no communications had been received.

17. Minutes

Resolved – That the minutes of the meeting held 20th May 2016, be confirmed and signed.

18. Declarations of Interest

In accordance with the Code of Conduct Councillors Jim Robbins and Tim Swinyard made personal declarations of interests in respect of Agenda Item 7 (b) (Motion – Lydiard) as they had been had been appointed to a Charitable Trust seeking to manage Lydiard Park and House on behalf of the Council.

In accordance with the Code of Conduct Councillor Joe Tray made a non-prejudicial declaration of interest in respect of Agenda Item 7 (a) (Motion – Parishes) as he was a Parish Councillor.

19. Public Question Time

Ms Sarah Church submitted a written question regarding the future role Parish Councils may have in running Swindon's public libraries. The meeting was advised that the Cabinet Member for Communities had tabled a written response to Ms Church's question.

Ms Church asked a supplementary question seeking assurance that all options for the future of Swindon's public libraries were being activity considered. The Cabinet Member for Communities responded at the meeting.

Ms Sarah Church submitted a written question regarding the future staffing of Highworth public Library. The meeting was advised that the Leader of the Council had tabled a written response.

Ms Church asked a supplementary question regarding the future staffing of Highworth public library by professional librarians. The Leader of the Council responded at the meeting.

Mr David Pyper submitted written questions relating to the possible creation of Parish Council within the Borough. The meeting was advised that the Cabinet Member for Communities had tabled written responses to the questions.

Mr Tony Hillier submitted a written question regarding the process used by the Council and political groups in determining votes on resolutions. The meeting was advised that the Leader of the Council had tabled a written response.

Mr Tony Hillier asked a supplementary question seeking to clarify the written response provided by the Leader of the Council. The Leader of the Council responded at the meeting.

Mr David Cox submitted written questions relating to grant aid in respect of the community allotment plot No.7 at Rushey Platt Allotment site. The meeting was advised that the Cabinet Member for Communities had tabled a written response.

Mr Phillip Woodward tabled written question regarding the holding of a public referendum on the Parishing of non-parished areas within the Borough. The meeting was advised that the Cabinet Member for Communities had tabled a written response.

Ms Jan Neil submitted written questions regarding local operational matters should the Council create additional parished areas within the Borough. The meeting was advised that the Cabinet Member for Communities had tabled a written response.

Ms Kareen Boyd asked a public question relating to the amount of interest paid by the Council relating to a cooperation agreement with Taylor Wimpey. The Cabinet Member for Finance and Corporate Services indicated that a written response would be provided following the meeting.

Mr Martin Wicks asked a public questions the appointment of Parish Councillors should new Parishes be created by the Borough Council, together with the mandate of any non-elected Parish Councillors appointed to such Parish Councils. The Cabinet Member for Communities responded at the meeting.

Mr Martin Wicks asked a supplementary question regarding the democratic principles of a single party creating outside bodies with unelected representatives. The Cabinet Member for Communities responded at the meeting.

Mr Colin Doubleday asked a public question seeking clarification as to whether it was democratic for non-elected Parish Councillors to make decisions

using funds provided to Parish Councils by Swindon Borough Council. The Leader of the Council responded at the meeting.

Mr Colin Doubleday asked a supplementary question regarding unelected parish councillors. The Leader of the Council responded at the meeting.

Mr Colin Doubleday asked a public question redundancy and staff costs relating to Cabinet reports for the meeting to be held on 16th June 2016. The Cabinet Member for Communities responded at the meeting.

Mr Colin Doubleday asked a supplementary question relating to Council staff applying for future positions should new parish councils be created. The Cabinet Member for Communities responded at the meeting.

Mr Steve Thompson asked a public question of whether newly formed parish council would be binding on their successors. The Cabinet Member for Communities responded at the meeting.

Ms Georgina Akers asked public questions relating to the use of the Localism Act when appointing an organisation to run the Lydiard facilities. The Cabinet Member for the Economy, Regeneration and Skills responded at the meeting.

Ms Georgina Akers asked a supplementary question regarding a community bid to run the Lydiard facilities. The Cabinet Member for the Economy, Regeneration and Skills responded at the meeting.

Ms Mary Parthew asked a public question regarding options being considered in relation to the future provision of services at Lydiard. The Cabinet Member for the Economy, Regeneration and Skills responded at the meeting.

20. Minute for Confirmation

Councillor David Renard moved and Councillor Brian Ford seconded:

“That Minute 70(2) of the Cabinet (Health and Wellbeing Board Terms of Reference) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

21. Motion - Parishes

Councillor Jane Miner-Barry moved and Councillor Paul Dixon seconded:

“This Council:

- Notes that before the July Full Council Meeting, Council is due to publish draft recommendations of parish boundaries as part of the Community Governance Review process.
- Recognises that the majority of Councillors elected in the Borough's recent local elections from wards with non-parished areas, stood on a

platform to hold a poll on whether Council should agree to parish the current non-parished areas of the Borough.

- Asks Cabinet to conduct a poll of electors in the non-parished areas of the borough before draft recommendations are published as part of Stage 3 of the Community Governance Review. Such a poll would ask residents if non-parished areas should be parished or not.
- Believes such a poll would be very helpful in the Council determining whether draft recommendations from the Community Governance Review should include the parishing of non-parished areas
- Requests the Director of Law and Democratic Services consult with political group leaders as to the precise wording of the poll's question."

Councillor Russell Holland moved and Councillor Wayne Crabbe seconded that the Motion be amended to read:

"This Council notes that:

- Cabinet is due to consider a report tomorrow (Thursday 16th June 2016) recommending an enhanced communications and engagement programme to engage with local communities to address issues raised in the first stage of the Community Governance Review.
- Parishes may provide innovation, variety, and more responsive services while giving local residents more say over how their taxes are spent and recognises that parish councils are better able to make their communities distinctive.
- Many parts of the Borough were in fact parts of parishes, including the whole of West Swindon, Liden and Eldene, Penhill, and Old Town and that the councils of the day made the decision to remove them from parish areas without polls.
- An all-party Overview and Scrutiny Committee examined the success of the parish pilot areas in detail (Streetsmart, Highways and Communities Overview and Scrutiny Committee Minute 25, 2015/16).
- Holding a consultative poll would not provide an answer to all the challenges the Borough faces in the next three years and would absorb time and money.

Council acknowledges:

- The additional work undertaken by Borough Councillors from the main political party groups who serve as town and parish councillors.
- That councillors are elected to represent local people and collectively make difficult decisions in the Borough's long term best interests.

Therefore, Council recommends:

- That Cabinet support a recommendation to revise the Review timetable to provide that the Community Governance Review recommendations will be published by the 9th August after a further engagement period with a view to these being approved by a Special Cabinet meeting on 4th August followed by Scrutiny Committee on 8th August.
- Requests that the Cabinet Member for Communities ensures that there is more information about opportunities for areas to protect and promote their identity as part of the next phase of a community governance review.

The amendment was put to the vote and declared carried.

A formal division was requested in accordance with Standing Order 14(2).

Members voting for the motion were Councillors Alan Bishop, Wayne Crabbe, Mark Davies, Oliver Donachie, Toby Elliot, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Gemma McCracken, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Caryl Ann Sydney-Smith, Vera Tomlinson, Steve Weisinger and Keith Williams

Members voting against the motion were Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, Jim Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Julie Wright and Robert Wright.

The Substantive Motion was put to the vote and declared carried.

(In accordance with the Code of Conduct, Councillor Joe Tray made a personal declaration of interest in respect of the above item as he was a Parish Councillor.)

22.

Motion - Lydiard

Councillor Matthew Courtliff moved and Councillor Jim Robbins seconded:

“This Council:

- Notes the concerns raised by residents regarding the Council’s proposal to transfer Lydiard Park and House to an external operator, as expressed during the recent local election results in the Lydiard & Freshbrook Ward.
- Recognises the need for the Council to listen to the concerns of residents regarding council policy proposals.
- Asks Cabinet to take in to account the concerns of local residents by excluding any private companies from being able to take over the running of Lydiard Park and House, to ensure Lydiard is not run for profit.”

Councillor Tim Swinyard moved and Councillors Nick Martin seconded that the Motion be amended to read:

“This Council:

“Notes the concerns raised by some residents regarding the Council’s proposal to transfer Lydiard Park and House to an external operator.

Notes the financial position in which the Council must make £18m of savings this year, £19m the year after that and a further £19m in two years’ time. This is because of an increasing number of elderly, vulnerable residents, which comes from an expanding population, the need to safeguard children and the duty to pass a balanced Council budget.

Welcomes and restates Cabinet and Council’s commitment to retain Lydiard House and Park in the Council’s ownership and with the maximum degree of open access to the park.

Endorses the Cabinet and Council’s determination to secure both a sustainable future for the House and Park along with finding operators who will raise the additional revenue to improve and expand the facilities there.

Requests that the Cabinet Member for the Economy, Regeneration, and Skills reflect the views of Council tonight in his September report to Cabinet.

The amendment was put to the vote and declared carried.

A formal division was requested in accordance with Standing Order 14(2).

Members voting for the motion were Councillors Alan Bishop, Wayne Crabbe, Mark Davies, Oliver Donachie, Toby Elliot, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Gemma McCracken, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Caryl Ann Sydney-Smith, Vera Tomlinson, Steve Weisinger and Keith Williams

Members voting against the motion were Councillors Steve Allsopp, John Ballman, Ray Ballman, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, Jim Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Julie Wright and Robert Wright.

The Substantive Motion was put to the vote and declared carried.

(In accordance with the Code of Conduct, Councillors Tim Swinyard and Jim Robbins made a personal declarations of interest in respect of the above item on the grounds they had been appointed to a Charitable Trust seeking to run Lydiard Park and House on behalf of the Council.)

23.

Motion of Support

The Council unanimously agreed to formally record its support for the Lesbian, Gay, Bisexual and Transgender Community (LGBT) following mass shooting at a nightclub in Orlando, Florida on 12th June 2016.

24.

Councillors Question Time

The Director of Law and Democratic Services reported that no Standing Order 15 Questions had been received.