



**SWINDON BOROUGH COUNCIL**  
**Municipal Year 2016/17**

**Thursday, 22 September 2016**

**COUNCIL CHAMBER  
CIVIC OFFICES  
SWINDON**

14 September 2016

Dear Councillor,

**Summons to attend Council Meeting**

A MEETING of the **Council**, which you are requested to attend, is to be held at the CIVIC OFFICES, SWINDON, on **Thursday, 22 September 2016 at 7.00 p.m..**

The business to be transacted will be as follows:-

**AGENDA**

- 1. Apologies for Absence**
- 2. Communications**  
To receive any communications or letters which the Mayor or Chief Executive may have to bring before the Council.
- 3. Minutes** (Pages 5 - 10)  
To receive the minutes of the previous meeting.
- 4. 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.

**5. Public Question Time**

See explanatory note below.

**6. Minutes for Confirmation** (Pages 11 - 34)

To consider Minutes for Confirmation from the Licensing Committee.

- Minute 17 (Introduction of an Animal Welfare Charter for Swindon)
- Minute 18 (Cumulative Impact Policy for the Broad Green Area, Swindon)

**7. Council Petition Scheme** (Pages 35 - 40)

To consider a petition received in accordance with the Council's Petition Scheme.

**8. Motions**

**(a) Motion - Wiltshire Council Planning Application**  
**Councillor Tim Swinyard will move:**

"This Council notes with grave concern the planning application by Taylor Wimpey to build in view of St Mary's Church and Lydiard House within the area of Wiltshire Council.

This Council requests that the Cabinet Member responsible for Lydiard write to the relevant Wiltshire Council planning committee expressing this Council's unequivocal objection to such a development."

**(b) Motion - Sprinkler Systems in Schools**  
**Councillor Garry Perkins will move:**

"This Council notes

- 1) A proposed change in government policy that would no longer require new schools to be fitted with sprinkler systems.
- 2) The advice from professional fire officers that sprinkler systems are a vital tool in reducing the risk to life and property from fires.
- 3) The enormous damage to children's education if their school is rendered unusable by a fire.
- 4) The adverse effect relocating children might have to their educational attainments, which would be contrary to Pledge 17 of the Council's Vision.

This Council requests

That the Leader of the Council write to the relevant Cabinet Minister and the Borough's two Members of Parliament: Robert Buckland QC and Justin Tomlinson, urging the retention of the requirement to fit sprinkler systems in new schools.

(c) **Motion - Jazz Carlin**  
**Councillor Bob Wright will move:**

“This Council welcomes the success of former Swindonian Jazmine Carlin in achieving two Olympic Silver Medals at the 2016 Rio Olympic Games.

Council requests the Leader of the Council to work with the Council’s other political group leaders or their nominated deputies, on how Swindon can properly celebrate Jazz Carlin’s success.”

(d) **Motion - CO2 Emissions**  
**Councillor Des Moffatt will move:**

“This Council:

- Notes the SKIP petition which has obtained 3000 signatories, opposing the waste treatment (burning) plant at Keypoint.
- Calls on all Swindon Borough Councillors to consider the contribution to CO2 emissions in the borough of all alternative energy scheme.”

**9. Appointments to Committees and Other Bodies** (Pages 41 - 46)

To consider appointments to Committees and Other Bodies.

**10. Minutes of Cabinet and Decisions Delegated to Cabinet Members** (Pages 47 - 68)

Members have the opportunity to raise questions with the relevant Cabinet Member in respect of Cabinet minutes (which are not reserved for Council for decision) and in respect of individual Cabinet Member delegated decisions.

**11. Minutes of other Council Bodies**

Members have the opportunity to raise questions with the relevant Chair in respect of all other Committee minutes (not reserved to Council for decision), as set out in the Minute Book circulated separately.

**12. Councillors Question Time**

Questions (if any) of which notice has been given by Councillors in accordance with Standing Order 15.

Yours faithfully

Director of Law and Democratic Services

## **Questions by Members of the Public in accordance with Standing Order 11**

Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website (<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

**Access Arrangements** - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

## COUNCIL

**THURSDAY, 14 JULY 2016**

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

### **25. Apologies for Absence**

Apologies for absence were received from Councillors John Ballman, Paul Dixon, Fay Howard, Barbara Parry, Kevin Parry, Keith Williams and Julie Wright.

### **26. Urgent Item**

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Chair determined that an additional item “Fixed Penalty Notice Enforcement Policy (Cabinet Minute 27)” be considered as a matter of urgency in order to avoid an unnecessary delay in the introduction the Policy. (Minute 31(3) refers.)

### **27. Communications**

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

### **28. Minutes**

Resolved – That the minutes of the meeting held on 15<sup>th</sup> June 2016, be confirmed and signed.

### **29. Declarations of Interest**

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

In accordance with the Code of Conduct Councillor, Jim Robbins made personal declaration of interests in respect of Agenda Item 8 (b) (Motion – European Referendum) as he worked for a Member of the European Parliament.

### **30. Public Question Time**

Ms Alison Durrant submitted written questions regarding the future provision of Council run library services at Highworth Library. The meeting was advised that the

Cabinet Member for Communities had provided a written response to Ms Durrant's questions and that this had been circulated at the meeting.

Ms Durrant asked a supplementary question regarding the future provision of a Council library service in Highworth in its existing location. The Cabinet Member for Communities responded at the meeting.

Ms Helen James submitted written questions regarding the future provision of a professionally staffed library service within the Borough and in particular at Highworth. The meeting was advised that the Cabinet Member for Communities had provided a written response to Ms Durrant's questions and that this had been circulated at the meeting.

Ms Helen James asked a supplementary question regarding the future hours of professional staffing at Highworth library. The Cabinet Member for Communities responded at the meeting.

Mr Tony Hillier submitted written questions regarding governance issues relating to Council meetings. The meeting was advised that the Leader of the Council had provided a written response to Mr Hillier's questions and that this had been circulated at the meeting.

Mr Tony Hillier asked a public question regarding public participation and the use of volunteers to run libraries. The Cabinet Member for Communities responded at the meeting.

Mr Edward Glennie submitted written questions relating to the running costs of the Council's library service and the use of library services. The Cabinet Member for Communities indicated that a written response would be provided to Mr Glennie's questions.

Mr Ian James asked a question regarding consultations with Highworth Co-operative store regarding the future provision of library services at its current location. The Cabinet Member for Communities responded at the meeting.

Mr Ian James asked a supplementary question on the same topic. The Cabinet Member for Communities responded at the meeting.

### **31. Minutes for Confirmation**

(1) Councillor David Renard moved and Councillor Jim Grant seconded that Minute 6 of the Cabinet (Councillors Allowances 2017/18 – Recommendations of the Independent Remuneration Panel) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(2) Councillor Dale Heenan moved and Councillor David Renard seconded that Minute 15 of the Cabinet (Swindon Local Transport Plan – Implementation Plan 2016/17) be confirmed and adopted.

Councillor Matthew Courtliff moved and Councillor James Robbins seconded that the Motion be amended to read:

“This Council resolves:

- To amend the Cabinet’s Local Transport Plan proposals, as agreed at the 16<sup>th</sup> June Cabinet Meeting, by reallocating the £200,000 that had been allocated for Queen Elizabeth Drive and Commercial Road to the minor road maintenance programme.
- To use the additional £200,000 funding to bring forward minor road maintenance schemes previously earmarked for 2018/19 to 2017/18. Those schemes brought forward will be based on Highways Officers professional opinion of those roads in highest need.”

The amendment was put to the vote and declared lost.

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

(3) Councillor Oliver Donachie moved and Councillor David Renard second that Minute 27 of the Cabinet (Fixed Penalty Notice Enforcement Policy) be confirmed and adopted.

The Motion was put to the vote and declared carried.

## **32. Council Petition Scheme**

The Council considered a report of the Director of Law and Democratic Services concerning the receipt of a petition containing 2,735 signatures calling on Swindon Borough Council to save Highworth Library.

In accordance with the Council’s Petitions Scheme Mr Paul Newton-Smith, on behalf of the petitioners, introduced the petition.

Councillor Mary Martin moved and Councillor David Renard seconded:

“This Council welcomes the decision by Cabinet last night (13th July 2016) to recommend a strategy in which the Highworth, West, North, and Central libraries are not only retained as part of a core network but also the Council is looking to invest in technology to increase access to resources.

This Council notes the work by the ward councillors: Alan Bishop, Maureen Penny, and Steve Weisinger to secure this outcome and to honour their public commitments to the residents of Highworth.

This Council calls on parishes, schools, colleges and other community groups to work with the Council to see what additional access to libraries can be provided outside this core, especially where innovative suggestions mean that residents may have enhanced opportunities from local services.”

Councillor Jim Robbins moved and Councillor Jane Milner-Barry seconded that the Motion be amended to read:

“This Council:

Notes the petition calling for Swindon Council to save Highworth Library that has obtained 2,735 signatures.

Resolves to urge Cabinet to reconsider their Libraries strategy and use the Labour Group budget amendment moved at the February Full Council Meeting to reinstate funding for all of Swindon's libraries that was cut in the Council 2016/17 budget."

The Amendment was put to the vote and declared lost.

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

### **33. Motion - Zero Tolerance to Racial Hatred**

Councillor David Renard moved and Councillor Jim Grant seconded the following motion and Councillor Stan Pajak his group's support for the motion:

"This Council

Notes that Members and residents are proud to live in a diverse and tolerant British society. Racism, xenophobia and hate crimes have no place in our Borough or country and this Council publically condemns any such attacks.

Condemns racism, xenophobia and hate crimes unequivocally and will not allow hate to become acceptable.

Resolves to continue to work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia.

Reassures all people living and working in the Borough that they are valued members of our community.

This Council requests that the Cabinet Member for Housing and Homelessness and the Cabinet Member for Communities bring a report to Cabinet as soon as practicable to outline the steps that show our Boroughs zero tolerance approach to anyone that would incite racial hatred".

The Motion 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 Junab Ali, Steve Allsopp, Abdul Amin, Ray Ballman, Alan Bishop, Emma Bushell, Matthew Courtliff, Wayne Crabbe, Malcolm Davies, Mark Dempsey, Oliver Donachie, Toby Elliott, Claire Ellis, Stephanie Exell, Emma Faramrzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Jane Milner-Barry, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Maureen Penny, Garry Perkins, David Renard, Jim Robbins, Eric Shaw, Carol Shelley, Kevin Small, Gary Sumner, Tim Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, David Wood and Robert Wright.



There were no votes against the Motion or abstentions recorded.

**34. Motion - European Referendum**

Councillor Steve Allsopp moved and Councillor Oliver Donachie seconded:

“This Council notes the result of the recent national European Union referendum.

This Council:

Requests the Economy and Regeneration Overview and Scrutiny Committee to instigate a review of local business opinion on what would be in Swindon’s best interests in relation to trade and jobs from Britain's terms of exit from the European Union and submit a report on the findings of the review to the Cabinet.

Requests the Cabinet Member for the Economy, Regeneration and Skills to ask Swindon’s two MPs to lobby the government for the terms of Britain’s exit from the European Union that is in the best interest of trade and jobs in Swindon.”

The Motion was put to the vote and declared carried.

In accordance with the Code of Conduct Councillor James Robbins made a personal declaration of interest in respect of this item as he worked for a Member of the European Parliament.

**35. Adoption of the Wroughton Neighbourhood Plan**

Councillor Toby Elliott moved and Councillor Brian Ford seconded:

“That the Wroughton Neighbourhood Plan be adopted formally as part of the statutory Development Plan for the Borough.”

The Motion was put to the vote and declared carried.

**36. Minutes of Cabinet and Decisions Delegated to Cabinet Members**

The Council considered (a) the minutes of the meetings of the Cabinet held on 20<sup>th</sup> April and 16<sup>th</sup> June 2016, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

**37. Minutes of other Council Bodies**

The Council (a) received the minutes set out in the “Minutes of Other Council Bodies” circulated with the Agenda, and (b) considered questions to Chairs relating to the work of their Committees and other bodies and answers received.

**38. Councillors' Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 questions had been received from Councillor Steve Allsopp.

Councillor Steve Allsopp asked a supplementary question regarding the timescales for work at Burghley Close, Walcot, Swindon. The Leader of the Council responded at the meeting.

Councillor Steve Allsopp asked a supplementary question regarding access to the consultant's report on Upham Road. The Cabinet Member for Sustainability, Highways and Transport responded at the meeting.

**COUNCIL**

**THURSDAY 22 SEPTEMBER 2016**

**MINUTES FOR CONFIRMATION**

**LICENSING COMMITTEE**

**THURSDAY, 8 SEPTEMBER 2016**

**17. Introduction of an Animal Welfare Charter for Swindon**

The Council's Licensing Manager submitted a report setting out the consultation results of the draft Animal Welfare Charter approved by this Committee on 7<sup>th</sup> June 2016 (Minute 10 refers).

**Resolved – That the draft Animal Welfare Charter for Swindon be approved and recommended to Council for adoption.**

**18. Cumulative Impact Policy for the Broad Green Area, Swindon**

The Committee considered (a) a report of the Council's Licensing Manager setting out a draft Cumulative Impact Policy for the Broad Green area, (b) the results of the public consultation following approval of the draft policy by the Committee in February 2016 (Minute 38, 2015/16 refers) and (c) the views of Wiltshire Police and Councillor Bob Wright (Ward Councillor) in support of the introduction of a Cumulative Impact Policy for the Broad Green area.

**Resolved – That the draft Cumulative Impact Policy for the Broad Green area, attached as an appendix to the report of the Council's Licensing Manager be approved and recommended to the Council for adoption for inclusion within the Council's adopted Statement of Licensing Policy.**

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# Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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Author: Licensing Manager  
Wards: All  
Locality Affected: All  
Parishes Affected: All

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## 1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to endorse an Animal Welfare Charter for Swindon, and to commend the policy to Council for adoption.
- 1.2 Animal Welfare is a major consideration in many of the Council's activities in areas such as licensing, stray dogs, housing tenancies, travelling fairs and events on land over which we have control and responsibility. To date, there is no overarching charter or policy which can provide a benchmark and level of expectation against which animal welfare issues can be considered in our day to day work, and when we allow others to use our land. At its June 2016 meeting, the Licensing Committee endorsed a draft Animal Welfare Charter for consultation. Officers have taken responses made to the consultation into account and propose a revised Animal Welfare Charter for adoption.

## 2. Recommendations

The Committee is recommended to:

- 2.1 Endorse the Animal Welfare Charter, attached at Appendix 1, and commend it to Council for adoption.

## 3. Detail

Background

- 3.1 The Council has a long history of improving and promoting animal welfare across its functions and with external organisations. It is, however, recommended by groups such as the RSPCA that local authorities produce policies covering animal health and welfare issues within its areas of responsibility in the form of a clear Animal Welfare Charter.
- 3.2 Although the Council did adopt a broad statement covering its commitment to animal welfare in 2008, recent complaints from members of the public, along with the Licensing Manager's commitment to review all our licensing policies, lead to the view that the statement was too general and carried no weight in our ability to protect animal health and wellbeing.
- 3.3 At its meeting of 7<sup>th</sup> June 2016, the Licensing Committee endorsed a more comprehensive draft Animal Welfare Charter for consultation and resolved that

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).

# Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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the results of the consultation, along with any amendment to the policy be brought back to Committee for consideration.

## Content

- 3.4 The draft Animal Welfare Charter covers all aspects of animal welfare on land we own, and for the functions that we perform as a Local Authority. As such it covers our responsibility as landlord, as Licensing Authority, through our animal welfare functions, and through our emergency planning functions. Based on animals' rights to enjoy five basic freedoms, the Charter establishes our enforcement powers and responsibilities, along with responsibilities of our tenants and other partners. The charter has been drafted with the benefit of local experience and seeks to address issues that the Animal Welfare Team regularly deals with. It is drafted in a way that will enable it to be used in support of legal action against perpetrators of animal cruelty.

## Consultation

- 3.5 Consultation on the draft policy took place between 17<sup>th</sup> June 2016 and 12<sup>th</sup> August 2016. This included a press release, encouraging local animal related businesses to share via social media, informing individuals who had previously expressed an interest in such a document and sharing with internal departments as well as external agencies. Despite this only nine responses were received. These are appended at Appendix 2.
- 3.6 The responses were unanimously in favour of the proposals with a few suggestions:
- 3.7 One asked for an out of hours dog warden service to be provided. The guidance from central Government is that an out of hours dog warden should be available where practicable. The Council currently has an acceptance point where stray dogs may be taken to out of hours which is deemed sufficient given the low number of stray dogs reported out of hours.
- 3.8 It was also noted that licensed premises should receive surprise visits to ensure conditions are being upheld. Currently all animal related licensed premises are visited once a year on inspection with additional inspections carried out on an ad hoc basis. This includes larger premises with open access to public being visited unannounced, targeted visits if a complaint should be received and general visits.
- 3.9 It was suggested that dog fouling be included but it is felt that this is covered by mention of the full dog warden service including section 2.7b – dog fouling patrols being an important part of the dog warden's duties.
- 3.10 There was also a request if commercial dog walkers could be licensed. This would have to be proposed by central government legislation in order to be so.

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# Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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The department is considering introducing a voluntary registration process for such activities.

- 3.11 Finally the Council's Housing department requested it be made clear which clauses stated are included in the Secure tenancy and which are in the Flexible tenancy agreement. They highlighted the differences.
- 3.12 As a result of the consultation, the wording of section 3 of the proposal has been amended slightly to accommodate the Housing comments. The rest of the charter is as originally proposed.

## Final Policy for consideration

- 3.13 It is, therefore, proposed that the Animal Welfare Charter for Swindon is adopted so as to enable the Council to exert greater control over animal welfare and to provide additional powers in support of legal action against animal cruelty. As such, Committee is requested to commend the Charter attached at Appendix 1 to Council for adoption.

## **4. Alternative Options**

- 4.1 The Council could continue to rely on its general statement to cover animal welfare, though this would not provide the comprehensive coverage of issues that the proposed charter addresses and would leave the Council open to complaint and challenge if animal welfare issues emerge. Recent concerns regarding the maltreatment of dogs in Council premises, fly grazing of horses by travellers and live animals being used as prizes at fairs on Council land all justify a clearer and more robust approach to control.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report. If approved, the Animal Welfare Charter will be made available on the Council's website.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy will ensure it does. All other legal and human rights implications have been considered in the preparation of this report.

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# Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Health and crime and disorder are drivers for the policy and taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

## Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has been completed and is available on request

## Risk Management

- 5.5 An adopted charter will assist in enabling the Council to influence and where appropriate intervene or refuse licence applications that would result in the mistreatment of animals.

## **6. Consultees**

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

## **7. Background Papers**

- 7.1 Animal Boarding Establishments Act, 1963
- 7.2 Animal Welfare Act, 2006
- 7.3 Breeding of Dogs Act, 1973 and 1999
- 7.4 Control of Horses Act, 2015
- 7.5 Dangerous Wild Animals Act, 1976
- 7.6 Performing Animals (Regulation) Act, 1925
- 7.7 Pet Animals Act, 1951
- 7.8 Riding Establishments Act, 1964 and 1970
- 7.9 Zoo Act, 1981

## **8. Appendices**

- 8.1 Appendix 1 – Animal Welfare Charter for Swindon for adoption
- 8.2 Appendix 2 – Responses to the consultation

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).



# **Introduction of an Animal Welfare Charter for Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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Appendix 1 – Animal Welfare Charter for adoption

## **SWINDON BOROUGH COUNCIL CHARTER FOR THE WELFARE OF ANIMALS**

### **Introduction**

1.1 The Council supports the view that all animals are sentient creatures and have a right to life free from cruel treatment and unnecessary suffering. It recognises that animals are capable of feeling, of enjoying a state of well-being and capable of suffering.

1.2 The Council considers that people have a duty of care towards animals in their charge and that such animals have the right to enjoy the five basic freedoms:

1. Freedom from hunger and thirst - by ready access to fresh water and a diet to maintain full health and vigour.
2. Freedom from discomfort - by providing an appropriate environment including shelter and a comfortable resting area.
3. Freedom from pain, injury or disease - by prevention or rapid diagnosis and treatment.
4. Freedom to express normal behaviour - by providing sufficient space, proper facilities and company of the animal's own kind, if appropriate.
5. Freedom from fear and distress - by ensuring conditions and treatment which avoid mental suffering.

1.3 The Council will take these five freedoms into account when exercising its statutory powers in relation to animal health and welfare matters.

1.4 The Council believes that it has a moral responsibility for the welfare of all captive and domestic animals and all wild animals in-so-far that its activities impinge upon them. The Council will work to achieve these objectives in the following key areas:-

- Using its enforcement powers fairly and firmly on animal welfare matters.
- Exercising control through policy decisions in relation to activities it controls.
- Providing up-to-date advice on animal welfare matters to organisations involved with animals and to the public.

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).

# Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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- By working with main strategic partners such as the Police and animal welfare charities.

1.5 The Council will amend and update this Animal Welfare Charter as necessary to reflect changes in national legislation, public opinion and local and national circumstances.

## **2 Enforcement and responsibilities**

2.1 The Council has a role in enforcement of a range of statutory powers in respect of animal related legislation.

2.2 This includes licensing and enforcement of licence conditions for: Dog Breeding, Pet Shops, Animal Boarding, Dangerous Wild Animals, Riding Establishments and Zoos.

2.3 In order to fulfil its statutory responsibilities under this legislation the Council will:

- a) Employ a core of trained and experienced personnel and where necessary and appropriate call upon the expertise of others to assist in the process;
- b) Produce, apply and regularly review conditions attached to licences issued by the Council to provide adequate protection for animals and promote their welfare;
- c) Prepare and distribute to all involved, material explaining the provisions of the law and licence conditions so as to promote a better understanding of the law and greater compliance with the various statutes;
- d) Inspect premises and carry out such enquiries as required prior to their licence application being determined to ensure that they will comply with the licence conditions;

2.4 The Council also has a statutory duty in regards to stray dogs. The procedure for stray dogs is detailed in the Stray Dogs Policy but in brief the Council agrees to fulfil its statutory duties by:

- a) Operating a full Dog Warden service during office hours to respond to stray dog complaints and remove stray dogs to the pound
- b) Operate an out of hours Acceptance Point that members of the public can take a stray dog.
- c) Liaise closely with other enforcing agencies to ensure a co-ordinated approach to animal welfare.

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).

# **Introduction of an Animal Welfare Charter for Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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2.5 The Council works closely with Wiltshire Police to share joint responsibility in the investigation and enforcement of dangerous dogs complaint. A Police Protocol document shared with Wiltshire Police and Wiltshire Council details these responsibilities.

2.6 The Council also works closely with the RSPCA in the investigation and enforcement of animal welfare complaints.

2.7 The Council will exercise its legal enforcement and other powers in relation to the following:

## 2.7.1 Licensing

- a) The Council will not allow the sale of puppies in pet shops without specific standard conditions being adhered to and only by agreement of the licensing committee.
- b) The Council will encourage pet shops to provide suitable care and welfare information to prospective owners about the animal they are purchasing.
- c) The Council will urge pet shops to employ suitably-qualified staff (to NVQ or BTEC levels), provide suitable training for all staff in animal welfare issues and only employ staff who can demonstrate acceptable levels of animal husbandry experience

## 2.7.2 Companion Animals

- a) The Council will particularly encourage and support the re-homing of rescued animals from recognised societies and establishments.
- b) The Council will continue to promote responsible dog ownership and believes it has an important role in advising and educating the public. To control and protect dogs in the community, the Council will fully utilise its Dog Warden Service and continue to develop its advisory and social welfare role.
- c) This will include promotional campaigns on good pet ownership, talks to voluntary groups and schools and the provision of display and information stands at suitable venues.
- d) A leaflet detailing all legislation relating to dog ownership is available both on the Council's website and in hard copy on request.
- e) The Council will endeavour to re-home dogs that come into its care. Dogs will only be destroyed in abnormal circumstances, and then only having taken into

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# Introduction of an Animal Welfare Charter for Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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account veterinary or professional behavioural advice, and always in a humane way.

The Council will also:

- f) Encourage the neutering of dogs as part of its animal welfare education activities.
- g) Work with charities to assist owners in finding help for costs of neutering/microchipping/veterinary fees
- h) Audit its canine records on a regular basis.
- i) The Council encourages all dog owners to humanely train their dogs and will make information available on the subject for those who are interested.

## 2.7.2 Horses and Ponies

The Council will not allow the flygrazing of horses and ponies on Council owned land. Enforcement under the Control of Horses Act 2015 will be carried out as necessary as per the Control of Horses Guidance.

## **3 Pets in council housing.**

3.1 The Council's tenancy agreements include clauses about pet ownership. This varies between the Secure tenancy and the Flexible tenancy that was introduced in January 2015.

- a) Cats or dogs not being permitted in high rise flats unless on grounds of disability or welfare in secure tenancy
- b) Dogs not being allowed in flats with communal gardens in flexible tenancies except designated properties.
- c) Permission is required for more than one cat or dog in a property under flexible tenancies.
- d) Keeping of Livestock is not permitted in Council properties
- e) Tenants are responsible for the behaviour of their animals. This includes not allowing them to stray, foul or cause excessive noise. Tenants are also not permitted to breed from their dog or cat without permission from the Council under flexible tenancies.

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).

# **Introduction of an Animal Welfare Charter for Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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3.2 If it is suspected that animals are being neglected, the owner should be asked to rehome the pet under Flexible tenancies and advice shall be sought from the Animals department and/or the RSPCA.

3.3 All empty properties, especially those recently vacated, shall be checked for abandoned pets. All due efforts will be made to locate the owner but if following a suitable period, they cannot be traced the animal shall be disposed of via a suitable rescue organisation. The owner shall be liable for any costs involved in caring for that animal before final disposal and this shall be pursued where possible.

3.4 Housing providers should ensure staff are suitably trained so they are aware of basic welfare standards and able to spot signs of neglect or cruelty. Assistance in training shall be provided by the Animals Team at the Council.

3.5 Housing officers will work closely with the Animals team at the Council to assist tenants and advise or take action where necessary.

## **4 Giving Animals as prizes**

4.1 It is Council policy that the conditions for hiring or letting any of the Councils' facilities – premises or land – shall include a clause specifically banning the provision of live creatures, animals or fish, as prizes.

4.2 The Council opposes the giving of animals as prizes because:

- a) No preparation of animal housing, feeding or how the animal should be kept is available
- b) The prize winner may have little knowledge about the pet's husbandry requirements in question or how to be a responsible owner
- c) The prize may be accepted without proper consideration or thought to the animal in question

4.3 The Council encourages other private premises or landowners to follow this lead.

4.4 Licensing officers will ensure that licensees are aware of their duty of care under the Animal Welfare Act 2006.

## **5 Animal Diseases**

The Council has contingency plans with regard to notifiable diseases such as foot and mouth, anthrax, swine vesicular disease, rabies etc., which will limit the spread of the

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).

# **Introduction of an Animal Welfare Charter for Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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diseases, and subsequent suffering, to other healthy animals. The Council will ensure, with the assistance of Defra, that staff are trained in emergency procedures and work closely with relevant local agencies and that the welfare of animals effected by such actions is paramount.

## **6 Wildlife**

6.1 Taking into account national and local strategies which directly affect the welfare of wild animals, the Council will ensure, wherever possible, the welfare of wild animals is protected.

6.2 The Council recognises that changes to the natural environment through land use changes or changes in management practices may directly or indirectly adversely affect the ability of habitats and ecosystems to sustain viable populations of wild animals and plants.

6.3 The County has rare, threatened and legally protected species of animal within its administrative jurisdiction. The Council will therefore endeavour to ensure their continued survival through habitat management, public education and monitoring.

6.4 The Council will ensure that where practicable, and desirable, hedgerows and roadside banks under Council control will be managed to conserve, enhance and create safe habitats for birds and animals during the breeding season, and encourage the growth of wild flowers.

6.5 Through its planning functions, the Council will, wherever possible, work with developers to ensure the appropriate safeguarding of protected species of animal on any proposed development site, or where they reside nearby and may be affected by loss of habitats, and will alert them to relevant legislation protecting wild animals and their habitats. The safeguarding of species may involve compensatory habitat provision which would normally be provided by the developer.

6.6 The Council will encourage the use of management and legal agreements as part of the Planning process to ensure adequate on-going management of land, which may be affected by development and, further, will encourage the designation of Local Nature Reserves as a positive commitment to safeguarding wild animals and their habitats, where this is justified.

6.7 The Council is opposed to the use of snares and other traps which cause suffering to animals. It approves of live traps only when certain conditions are adhered to, particularly the need for them to be under the control of a skilled person adhering strictly to legislative controls.

## **7 Other activities**

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Further information on the subject of this report can be obtained from Alison Waine, (01793) 466080, or [awaine@swindon.gov.uk](mailto:awaine@swindon.gov.uk).

# **Introduction of an Animal Welfare Charter for Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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7.1 All applications to hold circuses, performances, exhibitions and displays of animals on any Council land or premises will be considered individually and the decision to grant or refuse such applications will be based on a wide range of considerations, including animal welfare.

## **8 Safe Houses**

8.1 Working with other relevant agencies and animal welfare organizations, the Council will provide information on secure facilities for pets owned by people or families requiring temporary accommodation in safe housing.

## **9 Fireworks and events**

9.1 The Council has regards to animal welfare when considering an event, including fireworks displays, proposed to the Event Safety and Advisory Group (ESAG). Although ESAG does not have powers to prohibit an event, if support is not given by the group, the event rarely proceeds.

## **10 Council emergency planning**

10.1 Council emergency plans, including those drawn up for mass evacuations, includes provisions for companion and other animals.

# **Introduction of an Animal Welfare Charter for Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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## Appendix 2 - Responses to questions on Survey

1. Do you agree in principle with the proposed Animal Welfare Charter?

9 of 9 respondents – Yes

- General comment – Very clear guidelines

2. Do you feel any content should be removed?

9 of 9 respondents – No

3. Do you feel any content should be added?

1 of 9 respondents - Yes

- Suggest about dog fouling within parks and open spaces

4. Do you have any other comments?

- Very pleased to see the council is taking animals seriously and giving them the welfare they should be entitled to. Thank You!
- Out of hours Dog Warden should be on call, should it be required
- Licensed premises should receive surprise visits to ensure conditions are being upheld
- Could commercial dog walking be licensed?
- As you know we strengthened the pet's clause in the flexible tenancy agreement, thus making the do's and don'ts clearer and the charter takes this into account. However, it doesn't seem to account for those tenants that are signed up for a secure tenancy. As part of this exercise, I have highlighted the differences and given you both pet clauses for your information.



# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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Author:	Licensing Manager
Wards:	Central
Locality Affected:	Town Centre
Parishes Affected:	None

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## 1. Purpose and Reasons

- 1.1 To seek the agreement of the Licensing Committee to commend to Council that a Cumulative Impact Policy for Broad Green (CIP), is adopted as part of the Council's existing Statement of Licensing Policy .
- 1.2 Evidence strongly links the concentration of licensed premises in the Broad Green area of central Swindon to instances of anti-social behaviour and public health issues. By adopting a CIP, the presumption in favour of granting and varying licences and club premises certificates for alcohol sales would be changed to a presumption against, where relevant representations are received.
- 1.3 In pursuance of this, the Licensing Committee endorsed a document for consultation earlier in the year comprising a draft CIP and the zone within which it would apply, known as a Cumulative Impact Zone, or CIZ. Officers have taken responses received during this consultation exercise into account and the CIP for adoption. The expectation is that if it is adopted, the CIP would form part of the Council's adopted Statement of Licensing Policy.
- 1.4 The CIP has strong links to the Council's objectives of helping people help themselves, and to the new health centre currently under construction nearby at Kimmerfields. It also seeks to uphold the four statutory licensing principles, contained in the Licensing Act, 2003 which are:
  - a) the prevention of crime and disorder;
  - b) ensuring public safety;
  - c) the prevention of public nuisance; and
  - d) the protection of children from harm.

## 2. Recommendations

The Committee is recommended to:

- 2.1 Endorse the Cumulative Impact Policy (CIP), attached at Appendix 1, and commend it to Council for adoption and inclusion in the Council's adopted Statement of Licensing Policy.

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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## 3. Detail

### Background

- 3.1 The Licensing Act, 2003 gives Local Authorities the power to designate areas as CIZ's, where it is considered that the cumulative impact of new licences is leading to the area becoming saturated with premises and undermining one or more of the Licensing Objectives.
- 3.2 CIZ's are spatial, covering defined areas in which the provisions of a CIP would apply. Within these zones stipulations can be made as to the types of licences that would be restricted, the situations in which restriction would occur and exemptions from restriction such as important regenerative opportunities. Similarly, exemptions covering developments that could lift an area and in themselves reduce crime and improve amenity can be made.
- 3.3 A CIP for the Broad Green area of Swindon was endorsed for consultation by the Licensing Committee on 13 January 2016. The CIP and its spatial extent were supported by the Borough Council as both Licensing and Environmental Health Authority and also by the Wiltshire Police. A local Ward Councillor attended Committee and spoke in favour of the Policy. The evidence provided from each of these sources enabled a CIZ to be identified, and a CIP to be drafted which established the spatial extent of the zone, stipulated the types of licence to be limited and clarified any exceptions.

### Content

- 3.4 The draft Policy places a presumption against the grant of an alcohol licence for new premises within the area defined as the CIZ. Under the CIP, applications submitted in the zone for new premises licence or club premises certificate, or a material variation of an existing licence or certificate, would be refused unless the applicant can demonstrate why the grant or variation involved would not add to the cumulative impact experienced. The impact can be expected to be different for premises with different styles and characteristics. The exceptions are;
  - Restaurants where alcohol is only sold with a meal
  - Hotels
  - Applications for a Minor Variation of the premises licence (except where this may increase the occupant capacity of the premises), and
  - Applications for a straight premises transfer or DPS variation.

### Consultation

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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- 3.5 Consultation on the draft CIP took place between 13 May 2016 and 8 July 2016. Despite letters going out to all affected premises and relevant consultees, just 3 completed responses were received, all of which were supportive. These responses are summarised at Appendix 2

## Final Policy for consideration

- 3.6 In view of the nature of the representations received, it is proposed that the CIP is adopted without amendment, so as to enable the Council to exert greater control over licensed premises which may have a negative cumulative impact on one or more of the licensing objectives. As such, Committee is requested to commend the policy attached at Appendix 1 to Council for adoption.
- 3.7 If adopted, the CIP will form part of the Council's Statement of Licensing Policy and will become a material consideration in determining licence applications in the area. It would not equate to a blanket ban on the grant of new licences or variation of existing licences as each application must be considered on its own merits. However, it could be used to refuse applications or variations, where their impact is considered to be harmful, unless the applicant can demonstrate that the licensing objectives will not be undermined.

## **4. Alternative Options**

- 4.1 The Licensing Committee could choose not to proceed with the adoption of the CIP, if it considers that there is no benefit in doing so. The Licensing Act, 2003 and the Secretary of State's Guidance is clear that other action can be taken to mitigate certain impacts arising from the concentration of licensed premises, which would continue to be available for use alongside the restrictions of the CIP. They would not, however, replace the protection afforded by the CIP.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report. If approved, the CIP will be made available on the Council's website.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. The recommendations of this report are compatible with Convention Rights as they are fully in accord with the requirements of relevant legislation. The Council is required to comply with the statutory provisions referred to in the report, which the adoption of this policy will ensure it does. All

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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other legal and human rights implications have been considered in the preparation of this report.

## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 Health and crime and disorder are drivers for the CIP and taken into account in its drafting and designation. There are no staffing, sustainability or rural implications arising from this report.

## Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment was prepared for the Council's Statement of Licensing Policy, which the CIP sits beneath. This is available on request

## Risk Management

- 5.5 An adopted CIP will assist in enabling the Council to refuse applications that would result in a further proliferation of licensed premises in the area, reducing the risk of challenge. The implementation of the policy will reduce health and amenity risks to members of the local community.

## **6. Consultees**

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

## **7. Background Papers**

- 7.1 Licensing Act, 2003  
7.2 Revised S182 Guidance issued under the Licensing Act, 2003.

## **8. Appendices**

- 8.1 Appendix 1 – CIP for the Broad Green area, Swindon for adoption  
8.2 Appendix 2 – Responses to the Consultation Draft Cumulative Impact Policy

# **Cumulative Impact Policy for the Broad Green area, Swindon**

**Licensing Committee**

**Date: 8<sup>th</sup> September 2016**

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**Appendix 1 -**

## **Cumulative Impact Policy for the Broad Green area, Swindon**

**September 2016**

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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## Introduction

1. Swindon Borough Council may receive representations from either a responsible authority or other person, both defined within the Licensing Act 2003 that the cumulative impact of new licences is leading to an area becoming saturated with premises making it a focal point for large groups of people to gather, and thereby creating exceptional problems of disorder and nuisance, or otherwise compromising the licensing objectives. In such cases the issue of saturation can be taken into account when considering the individual merits of any application.
2. Swindon Borough Council has received evidence from the Licensing Authority, Wiltshire Police, and Public Health that the saturation of licensed premises is undermining the licensing objectives in the Broad Green area.
3. The area will be referred to throughout the remainder of this Statement as a 'Cumulative Impact Zone', later referred to as CIZ.
4. After considering this evidence Swindon Borough Council has resolved to adopt a Cumulative Impact Policy for this area, which will be defined as a CIZ.
5. Detailed maps showing the boundary of the area is attached as Annex A of this policy.

## Restrictions in the CIZ

6. The effect of the Cumulative Impact Policy is that Swindon Borough Council will refuse applications for a new premises licence or club premises certificate, or a material variation of an existing licence or certificate in the zone whenever it receives relevant representations unless the applicant can demonstrate why the grant or variation involved will not add to the cumulative impact experienced. The impact can be expected to be different for premises with different styles and characteristics.
7. Swindon Borough Council recognises that within the CIZ different premises mutually benefit from each other's existence attracting large groups of people. This can in turn however increase the possibility of crime and disorder and public nuisance thus impacting on the licensing objectives. For this reason special consideration will be given to all classes of premises within the CIZ.
8. There are, however, exceptions proposed to the policy, where cumulative impact will not apply. These cover in particular restaurants where alcohol is served with a meal, hotels and licence transfers, which are not the subject of evidence provided by the Police or Environmental \ Public Health. The list of exceptions is as follows;

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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- Restaurants where alcohol is sold with a meal
- Hotels
- Applications for a minor variation of the premises licence (except where this may increase the occupant capacity of the premises)
- Applications for a straight premises transfer or DPS variation

## Implementation of the CIP

9. The adoption of the CIZ does not relieve responsible authorities or other persons of the need to make relevant representation. Before Swindon Borough Council may lawfully consider giving effect to the Cumulative Impact Policy a relevant representation must have been made. If no representations are received, it remains the case that any application must be granted in terms consistent with the operating schedule and any mandatory condition.
10. Responsible authorities and other persons may make written representations, maintaining that it is necessary to refuse an application within the CIZ for the promotion of licensing objectives and in doing so may refer to the evidence considered by Swindon Borough Council in the adoption of the Cumulative Impact Policy.
11. Swindon Borough Council will not use the Cumulative Impact Policy:
  - As grounds for revoking an existing licence or certificate, or
  - To refuse applications to vary an existing licence or certificate except where modifications are directly relevant to the Cumulative Impact Policy.
12. The Cumulative Impact Policy does not include provision for terminal hours nor does it impose quotas on the number of licensed premises or the capacity of those premises.
13. Swindon Borough Council will regularly review the Cumulative Impact Policy to see whether it is still required or should be expanded.

## Other legislation

14. Swindon Borough Council recognises there are other mechanisms both within and outside the licensing regime for addressing cumulative impact of licensed premises which may include:
  - planning control;
  - positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;

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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

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- the provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols; powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- the confiscation of alcohol from adults and children in designated areas; police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices; prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale);
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- The power of the police, other responsible authorities or other persons to seek a review of a licence or certificate;
- Raising a contribution to policing the late night economy through the Late Night Levy; and
- Early Morning Alcohol Restriction Orders.

## Contact

15. If you have any questions or require clarification regarding the Cumulative Impact Policy you should contact Kathryn Ashton, Licensing Manager on (01793) 466113, or by e-mail at the following address [licensing@swindon.gov.uk](mailto:licensing@swindon.gov.uk).

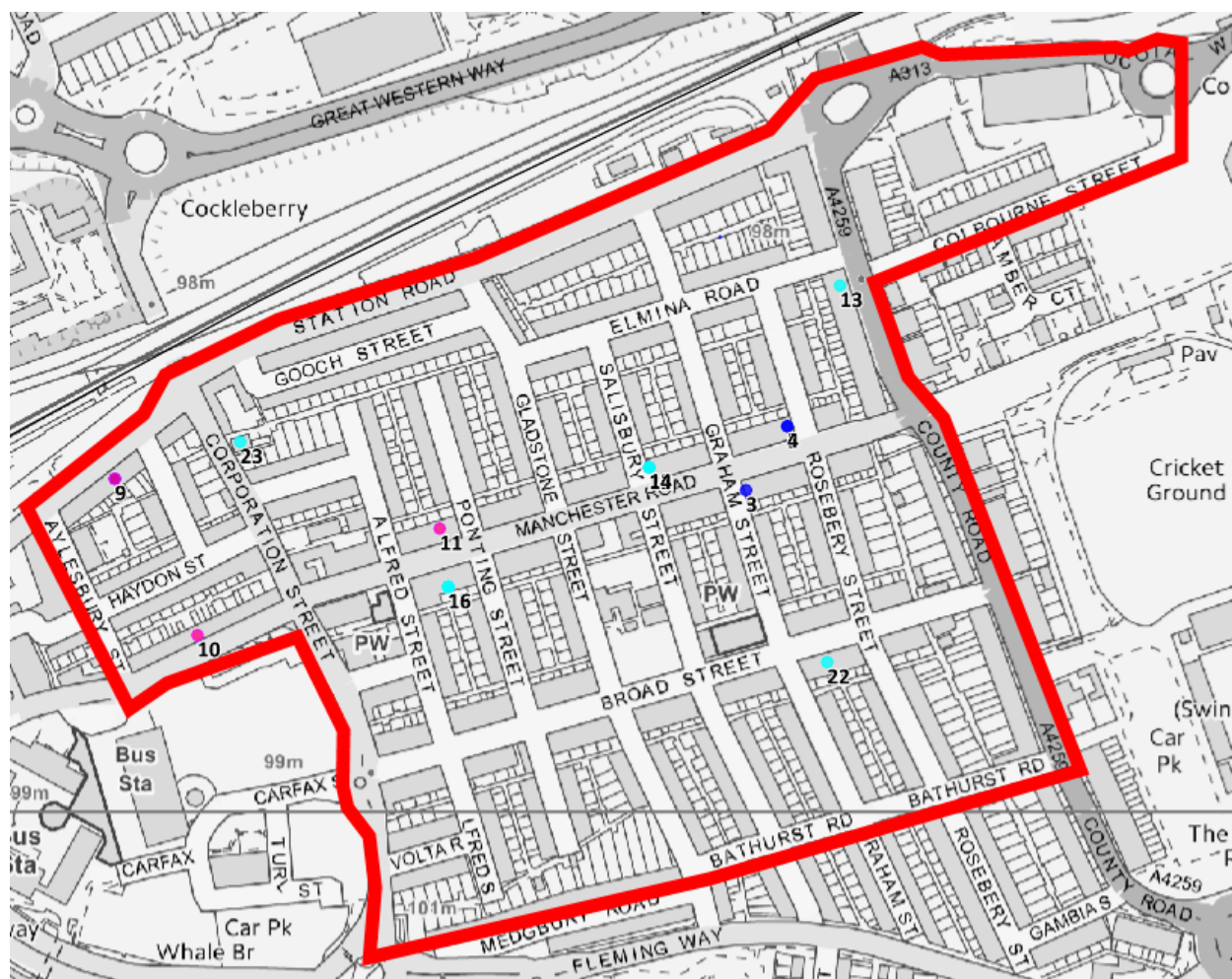


# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

## Annex A – Spatial Extent of the Broad Green Cumulative Impact Policy (the CIZ)



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Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

# Cumulative Impact Policy for the Broad Green area, Swindon

Licensing Committee

Date: 8<sup>th</sup> September 2016

## Appendix 2 – Responses to the consultation draft Cumulative Impact Policy

Respondent	Comment	Action
PC Michael Diffin Wiltshire Police	Support for all aspects of the CIP	Noted. No change proposed.
Roslyn Timlin <i>Local resident</i>	<ul style="list-style-type: none"><li>• Support for principle of CIP, but considers that it should include all streets between Fleming Way and the CIZ's southern boundary.</li><li>• There should be no exemptions.</li><li>• Concern that it will push activities to the areas just outside the CIZ.</li></ul>	<p>The CIZ has to be based on evidence. The evidence presented indicates a cluster of licensed premises, and anti-social activity in the area, which has defined the zone. SBNC could not include areas where there is no evidence of a problem.</p> <p>Any displacement will be monitored, but is most likely to occur elsewhere in existing premises.</p> <p>Exemptions are required to cover reasonable instances of licence transfer, where additional restrictions would not be supported in law, and for restaurants which contribute to the local economy and where alcohol sales are not the principal purpose of the business.</p> <p>Understand the points made and the reasons behind them, but no change proposed.</p>
Frances Mayes SBC Public Health	Support	Noted. No change proposed.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on (01793) 466113, or [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk).

## Council Petition Scheme

**Council**

**Date: 22 September 2016**

Author: Director of Law and Democratic Services  
 Wards: All  
 Locality Affected: All  
 Parishes Affected: All

### 1. Purpose and Reasons

- 1.1 To report the receipt of the following Petition “We the undersigned call on Swindon Borough Council to not cut the funding it provides to the Dial A Ride service (both now and in the future)”. The petition contains 3,645 signatures. Members are also advised that there is an online version of the same petition that, at the time of writing, contains 376 signatures. The wording of the Petition is attached at Appendix 1.
- 1.2 At the Annual Council meeting held on 21<sup>st</sup> May 2010, the Council formally adopted a Petition Scheme in accordance with the requirements of Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act) and subsequent statutory guidance.
- 1.3 Operating the Petition Scheme helps deliver the strategic corporate priority of working with people and families to help them fulfil their potential by developing public participation in decision-making.

### 2. Recommendations

Council is recommended to:

- 2.1 To hear from the Lead Petitioner (or representative) presenting the Petition calling on Swindon Borough Council to Save Swindon’s Dial A Ride.
- 2.2 To consider the petition, the response to the petition from the Cabinet Member for Sustainability, Highways and Transport and following any debate to determine any action to be taken in respect of that petition.

### 3. Detail

- 3.1 The Council has received the following petition containing 3,645 signatures which satisfies the requirement of the Petitions Scheme for the matter to be presented to Full Council for debate:

“Save Swindon’s Dial A Ride

We the undersigned call on Swindon Borough Council to not cut the funding it provides to the Dial A Ride service (both now and in the future)”.

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](mailto:staylor@swindon.gov.uk) or Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email [sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

# Council Petition Scheme

Council

Date: 22 September 2016

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## Procedure

- 3.3 At the Annual Council meeting, the Council resolved to adopt a petition scheme to apply to all petitions received by the Council.
- 3.4 The Minute of Council is set out below:
- ”(1) That, subject to (2) below, the Swindon Borough Council Petitions Scheme, as set out in Appendix 1 of the joint report of the Leader of the Council and Director of Law and Democratic Services be adopted.
- (2) That if a Petition is to be reported to and debated at a meeting of the Council it must contain at least 1,500 signatories or petitioners (this is to be reduced to 750 signatories or petitioners where the petition relates to a local issues affecting two or three wards or 350 signatories or petitioners for a single ward issue within the Council’s area.)
- (3) That the Director of Law and Democratic Services be appointed as the Council’s Petitions Officer.
- 3.5 The Council’s Petitions Officer has determined that the Petition set out in paragraph 3.1 of the report meets the requirements to be considered by the Council.
- 3.6 In accordance with the Scheme:
- 3.1.1 The petition organiser, or their appointed deputy, will be invited to address the meeting for up to 5 minutes on the subject of the petition.
- 3.1.2 The petition organiser will be notified of the outcome of the debate in writing and of any follow-up actions that are agreed by the meeting.
- 3.7 A copy of the petition is available for inspection by contacting Committee and Member Services.
- 3.8 A Lead Petitioner has been nominated by the petition organisers and advised that the petition will be presented to the meeting of Council to be held on 22<sup>nd</sup> September 2016 and has been invited to attend.
- 4. Alternative Options**
- 4.1 No alternative options are proposed.

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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](mailto:staylor@swindon.gov.uk) or Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email [sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

# Council Petition Scheme

**Council**

**Date: 22 September 2016**

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## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are none specific to this report. However, should the Council determine that action be taken in respect of this petition this will require a report to the Cabinet, Cabinet Member or relevant Committee and any Financial and Procurement Implications will need to be addressed in that report.

### Legal and Human Rights Implications

- 5.2 Legal and human rights implications have been taken into account in the body of the report. Sections 10 to 22 of the Local Democracy, Economic Development and Construction Act 2009 and the Department for Communities and Local Government Statutory Guidance on Handling Petitions have been taken into account in the development of the Council's Petition Scheme.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 None

### Diversity Impact Assessment

- 5.4 No diversity impact assessments were undertaken.

### Risk Management

- 5.5 None

## **6. Consultees**

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

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Wording of Petition

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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](mailto:staylor@swindon.gov.uk) or Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email [sbanks@swindon.gov.uk](mailto:sbanks@swindon.gov.uk)

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# Save Swindon's Dial A Ride

“We the undersigned call on Swindon Borough Council to not cut the funding it provides to the Dial A Ride service (both now and in the future)”

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## Appointments to Committees and Other Bodies

**Council**

**Date: 22 September 2016**

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Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 To approve changes to the appointment of members to serve on Committees and Other Bodies.
- 1.2 To seek changes to the appointment of Councillors and other representatives to serve on the Council's Committees and on Other Bodies.
- 1.3 The delivery of effective, accountable and transparent decision making by the Council directly links to the delivery of the current Corporate Strategy and to its related Change Programme.

### **2. Recommendations**

Council is recommended to:

- 2.1 To approve the changes to membership of Committees and Other Bodies as set out in paragraphs 3.1 to 3.4 below.
- 2.2 To approve the representation of the Standing Advisory Council on Religious Education as set out in Appendix 1 to the report.

### **3. Detail**

Councillor Appointments

- 3.1 The Council's Conservative Group has requested that Councillor Cathy Martyn replace Councillor Fionuala Foley as a representative serving on the Council's Adoption Panel for the remainder of the Municipal Year 2016/17.
- 3.2 The Council's Labour Group has requested that Councillor Steph Exell replace Councillor Junab Ali as a member serving on the Council's Licensing Committee for the remainder of the Municipal Year 2016/17.
- 3.3 The Council's Conservative Group has requested that Councillor Brian Ford, in his capacity as Cabinet Member for Adults' Health and Social Care, replace Mr Brian Mattock as a Governor representing Swindon Borough Council on the Great Western Hospital Foundation Trust. Both Mr Mattock and the Great Western Hospital Trust have been consulted about this change of membership and are supportive of the proposal. The appointment will commence from the date of Council and will end in August 2019.

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Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number 01793 463606, sbanks@swindon.gov.uk.

# Appointments to Committees and Other Bodies

Council

Date: 22 September 2016

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## SACRE Appointments

- 3.4 In accordance with the Education Act 1996 (as updated by the Schools Standards Framework Act 1998), the Council must confirm the membership and representative groups serving on the Standing Advisory Council on Religious Education. The proposed membership is set out in Appendix 1 to the report. These appointments for Groups A (Christian Denominations and Other Religions or Religious Denominations, B (Church of England) and C (Teacher Associations) will be for a four year term of office which will end in 2020. Councillor appointments are made annually at Annual Council and no action is required in respect of co-opted Members. It is also proposed that interim vacancies be filled by the SACRE following nominations from representative organisations and that the term of office for any such appointment be until 2020 in line with the proposed appointments in this report.

## **4. Alternative Options**

- 4.1 No alternative options are proposed

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no financial or procurement implications.

### Legal and Human Rights Implications

- 5.2 Legal and Human Right considerations have been taken fully into account in compiling this report. The Council is required to comply with the requirements of the Local Government Acts 1972 and 2000 and associated Regulations and Statutory Instruments.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no specific implications that relate to staff, sustainability, health, rural or crime and disorder within this report.

### Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report. This is because it relates to appointments to Committees and Other Bodies with no changes to staffing, budget or service eligibility criteria.

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Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number 01793 463606, sbanks@swindon.gov.uk.

# Appointments to Committees and Other Bodies

**Council**

**Date: 22 September 2016**

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## Risk Management

- 5.5 A risk assessment has not be completed as this report refers specifically to the appointment of representatives to Committees and Other Bodies.

## **6. Consultees**

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

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Proposed Membership of the Standing Advisory Council on Religious Education.

# Appointments to Committees and Other Bodies

Council

Date: 22 September 2016

## Appendix 1

### SACRE Membership Renewal

Groups A –C membership recommended for appointment by Council for 4 year terms from September 2016 with any interim vacancies to be filled by the SACRE following nominations from representative organisations:

#### Group A – Christian Denominations and Other Religions or Religious Denominations (10 Members)

1	Reverend David Howell	Swindon Evangelical Alliance Group of Churches
2	Mr David Burbidge	Baptist Church
3	Mr M S Khan MBE	Muslim Community
4	Mr Dinesh Patel	Hindu Community
5	Vacancy	Methodist Church
6	Mrs Sarah Lane-Cawte (Chair)	United Reformed Church
7	Mr Tony McAteer	Catholic Church and Diocese
8	Mr G S Lyal	Sikh Community
9	Mrs Jo Backus	Buddhist Community
10	Mrs Teresa Clerck	Jewish Community

#### Group B – Church of England Group (5 Members)

1	Reverend Norma McKemey	Nominated by the Church of England
2	Mr Clive Deverell	Diocese.
3	Ms Steph Mordin	
4	Miss Janet French	
5	Vacancy	

#### Group C – Teacher Associations (8 Members)

1	Mrs Tracy Mason	Special	NUT representative
2	Mrs Emma McCarthy	Primary	NASUWT representative
3	Mrs Lottie O'Brien	Secondary	NASUWT representative
4	1 Vacancy	TBC	To be appointed by the SACRE for the remainder of the 4 year period on nomination from relevant Teachers' Unions / Associations.
5	1 Vacancy		
6	1 Vacancy		
7	1 Vacancy		
8	1 Vacancy		

For Information Only - Representatives appointed at Annual Council May 2016 to represent the Local Authority:

Further information on the subject of this report can be obtained from Shaun Banks, Direct Dial Telephone Number 01793 463606, sbanks@swindon.gov.uk.

## Appointments to Committees and Other Bodies

**Council**

**Date: 22 September 2016**

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### **Group D – The Local Authority (5 Members)**

1	Councillor Fionuala Foley	Conservative Group
2	Councillor Gemma McCracken	Conservative Group
3	Councillor Barbara Parry	Conservative Group
4	Councillor Fay Howard	Labour Group
5	Councillor Teresa Page	Labour Group

### **Co-opted**

1	Freddy Pound	Swindon Humanists
2	Fidelma Meehan	Baha'i Community

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**CABINET**

**WEDNESDAY, 13 JULY 2016**

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

Apologies for absence were received from Councillors Garry Perkins and Keith Williams.

Councillors Teresa Page and Jim Robbins attended the meeting in respect of Minute 25. Councillor Chris Watts attended the meeting in respect of Minute 26. Councillor Jim Grant attended the meeting in respect of Minute 27.

**20. Declarations of Interest.**

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

**21. Minutes.**

Resolved – That the minutes of the meeting held on 16<sup>th</sup> June, be confirmed and signed as a correct record.

**22. Public Question Time.**

Mrs Shirley Burnham, a local resident, had submitted a written question regarding the provision of libraries but was unable to attend the meeting.

The Chair stated that the Cabinet Member for Communities had provided a written answer and that this had been made available to Mrs Burnham.

Mrs Sarah Church of “Save Swindon Libraries” had submitted a written question regarding the libraries consultation.

The Chair thanked Mrs Church for her question and advised that a written answer had been provided and also circulated at the meeting.

Mrs Church asked a supplementary question regarding the consultation process to be used by the Council in support of the library strategy. Councillor Mary Martin, the Cabinet Member for Communities, responded to the question.

Ms Talis Kimberley-Fairbourn, a Wroughton resident, had submitted a written question about the impact on services of continuing reductions in funding from Central Government as a result of austerity measures.

The Chair thanked Ms Kimberley-Fairbourn for her question and advised that a written answer had been provided and also circulated at the meeting.

Ms Kimberley-Fairbourn asked a supplementary question about the future of Community Assets in the event of closures due to reduced service provision.

Councillor Mary Martin, the Cabinet Member for Communities, and Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, responded to the question.

### **23. Adoption of the Wroughton Neighbourhood Plan (Minute for confirmation)**

Councillor Toby Elliott, the Cabinet Member for Strategic Planning, submitted a report informing Cabinet of the process followed with regard to the successful examination of the Wroughton Neighbourhood Plan, resulting in a vast majority of participants in a referendum voting in favour of the Plan. The report also requested that, in compliance with the requirement of the Localism Act 2011 that local planning authorities 'make' (or adopt) a neighbourhood development plan as soon as was reasonably practicable following a successful referendum, Cabinet recommend to Council that the plan be adopted.

Councillor Elliott referred to the high turnout for the referendum (40% compared with the national average of 32%) and thanked officers, the Parish Council, and residents for their work in support of the Plan, which would become a material consideration in determining planning applications and aid the Borough and the Parish in managing new housing growth.

In response to a question put by Councillor Jim Grant, the Leader of the Opposition, regarding the application of Community Infrastructure Levy (CIL) in areas without a parish council, or where a plan was adopted that covered just part of a parish, Councillor Elliott advised that, in the first instance, the CIL would be allocated to the parish, otherwise it would be retained by the Borough to allocate on projects within the Plan area following consultation with the ward councillors.

Resolved – (1) That Council be recommended that the Wroughton Neighbourhood Plan is adopted formally as part of the statutory Development Plan for the Borough. (2) That the Head of Planning, Regulatory Services and Heritage be authorised to undertake a Neighbourhood Planning review exercise in order that the Council might assist other communities in progressing their Neighbourhood Plans.

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

### **24. Debt Management**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, the Director of Law & Democratic Services and the Head of Revenues & Benefits, submitted a joint report on the Council's Tax and debt collection performance in 2015/16 and incorporating the annual statement of debts written off, as required by Council's Debt Management Policy.

Councillor Holland referred to the reduction in the number of court summonses issued on behalf of the Council by nearly one third but also drew members' attention to the speed with which small debts could increase if collection methods were initiated and that a large number of households had still received a summons.



In response to a question put by Councillor Toby Elliott, Councillor Holland confirmed that the figure in the report for business rates collection of 98.6% referred to the value of the tax collected.

Resolved – That it be noted that:

- a) The Collection rates of all debt types, including Council Tax, Business Rates, Business Improvement District charges, Housing Rent, Parking collections, Overpaid Housing Benefits and Miscellaneous Incomes, had improved in the financial year 2015/6.
- b) Collection rates remain above average compared to other Unitary Authorities.
- c) The work being undertaken to reduce Council Tax recovery proceedings and the use of Enforcement Agents has led to a 33% reduction in the number of summonses issued (a fall of 4,608) in the last 2 years and a 24% reduction in referrals to bailiffs (a fall of 1,899) in the last year.

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

## **25. Securing a sustainable future for Swindon's Library Services**

Councillor Mary Martin, the Cabinet Member for Communities, and the Head of Localities, Community Involvement and Volunteering, submitted a joint report proposing a strategy for securing a sustainable future for Swindon's Library Services that would continue to deliver a comprehensive library service. The report also expanded on previous Cabinet decisions approving an emerging model for the service as the basis of public engagement. It was noted that the approval of the recommendations would initiate public consultation on the proposed Libraries Strategy and delivery model and authorise further work to support its development, including working with ward councillors, parishes, partners, community groups and other stakeholders who might provide continued access to library facilities.

In response to a question put by Councillor Teresa Page (Penhill and Upper Stratton), on behalf of the Stratton Advice Point, about whether the Council would find the advice service alternative premises from which to operate in the event that the Stratton Library was closed, Councillor Martin advised that it was the intention of the strategy to keep as many of Swindon's libraries open and available to the public as possible but that the re-location of existing users would be discussed if such a need arose.

Councillor Martin responded to questions put by Councillor Jim Robbins on the following issues:

- The strategy's effect on the delivery of the Council Vision's Priorities.
- The availability of volunteers to support library services.
- Options for the future of a mobile library service.
- The need to ensure that ward councillors are aware of proposals for their areas and how they might best participate in discussions.
- The Trust Model for the provision of library services and the view that a Trust model, in itself, would have limited impact on Council budgets overall.
- The use of the £500k transition money to meet on-going library building costs.

In response to a question put by Councillor Dale Heenan, Cabinet Member for

Sustainability, Highways, and Transport, Councillor Martin confirmed that the transitional funding would not end after one year.

Resolved – (1) That the findings of the public engagement, summarised in paragraphs 3.3 to 3.11 of the report, and set out in full in appendix 1, be noted.

(2) That it be noted that it is the proposed strategy's intent to:

- a) Sustain access to library services through the use of technology, outreach and learning.
- b) Support ward councillors, parishes, partners, and local communities to preserve or enhance local Library services.

(3) That the proposed strategy and delivery model be approved as the basis of public consultation and the Head of Localities, Community Involvement and Volunteering be authorised to carry out public consultation on the proposed strategy in accordance with the approach and timetable set out in paragraph 3.27 of the report.

(4) That, in order to encourage and support the development of viable, community-led arrangements to supplement the Council's core provision, transitional funding of £500k be made available from the Council's one-off resources to help meet the one-off costs of establishing community-led arrangements.

(5) That the Head of Localities, Community Involvement and Volunteering be authorised to:

- a) Continue, in consultation with the Cabinet Member for Communities, to engage ward councillors, parishes, partners, and stakeholders to develop options to sustain Library services, and agree the basis on which transitional funding is allocated to support the development of community-led arrangements.
- b) Use c£6k of the transitional funding to undertake a commercial options appraisal to develop strategies for generating additional income.
- c) Commence, in consultation with the Cabinet Member for Communities and the Board Director, Resources, the procurement of technology that enables Libraries to be accessible to the public beyond their staffed hours, in accordance with paragraph 5.3 of the report.

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

## **26. Budget Management 2016-17**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, and the Board Director, Resources, submitted a joint report setting out the 2016-17 revenue forecast out-turn at the end of May 2016 and the expected financial position for the coming years.

Councillor Holland introduced the report, reminding members of the level of acknowledged risk in the initial budget projections and summarising the key pressures, including the additional costs of extending the libraries consultation, the projected rise in the cost of adult and children's services, and the changed position at Public Power Solutions Ltd (PPS) necessitating waste disposal gate fees to be raised.

Councillor David Renard, Leader of the Council and Chair of Cabinet, updated Members on the outcome of the Swindon and Wiltshire Local Enterprise Partnership

Board meeting and the Swindon projects that it had recommended to the Government for Local Growth Fund 3 bid.

The Director of Law and Democratic Services referred to the Community Governance Review and suggested that, in order to allow members to take full account of representations received in response to the current engagement exercise, the Cabinet meeting scheduled for 4<sup>th</sup> August would be more effective if held on 17<sup>th</sup> August, with the associated Scrutiny Committee meeting moving from 8<sup>th</sup> August to 22<sup>nd</sup> August. It was noted that this suggestion had been endorsed by Councillor Bob Wright, the Chair of the Scrutiny Committee.

Councillor Holland responded to questions put by Councillor Chris Watts regarding (i) the proportion of the PPS Ltd financial pressure attributed to (a) the reduction in income from solar, and (b) the setting of waste disposal gate fees below market rates, and (ii) PPS' and/or Cabinet's prior awareness of the impact of the redirection of solar tariffs on the business model.

Resolved – (1) That the projected Revenue Budget out-turn position for 2016-17, 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.

(3) That the allocation of one-off resources of £2.6m to fund the estimated in-year cost of the waste processing and disposal service managed by PPS Ltd., that was previously funded from profit on solar schemes, be approved.

(4) That officers be authorised to progress with PPS Ltd the matters set out in paragraph 4.12 of the report.

(5) That the Cabinet Member for Finance and Corporate Services and the Board Director Resources report back to Cabinet in September 2016, setting out a plan to manage the pressures within the 2016-17 Budget.

(6) That the Swindon schemes being put forward for consideration through the Local Growth Fund 3 be endorsed and that it be noted that any requirement for match funding or additional revenue support will be reported to Cabinet in January 2017 for consideration as part of the 2017-18 Budget.

(7) That the additions to the capital programme, detailed in section 8 of the report, be approved.

(8) That, in order to allow members to take full account of representations received in response to the current engagement exercise, the Cabinet meeting scheduled for 4<sup>th</sup> August be deferred until 17<sup>th</sup> August, and the subsequent Scrutiny Committee meeting, scheduled for 8<sup>th</sup> August, be deferred to 22<sup>nd</sup> August.

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

## **27. Fixed Penalty Notice Enforcement Policy(Minute for confirmation)**

Councillor Oliver Donachie, the Cabinet Member for Housing and Homelessness, submitted a report seeking to formalise and confirm the Council's approach to issuing Fixed Penalty Notices (FPNs) for 'low level' offences covered by a range of legislation. It was noted that an adopted policy to enforce these offences through FPNs was an essential building block in implementing Public Space Protection Orders, (PSPO's) and that the policy would provide clarity over how FPNs will be used to deal with relevant public order offences.

Councillor Donachie emphasised to Cabinet that, if approved by Council, this policy would give relevant Council officers, police officers and police and community support officers better powers to carry out enforcement action.

Councillor Jim Grant, Leader of the Opposition, endorsed the approach put forward in the report and asked whether parishes would have powers to carry out similar enforcement. It was Councillor Donachie's view that parishes had no direct authority to take such action. However, the Director of Law and Democratic Services, stated that he would investigate this further, to establish whether the Borough might have the ability to commission parishes to act on its behalf.

Resolved – That the range and extent of offences that are appropriately dealt with through FPNs be noted and that the FPN policy, attached to the report at Appendix 1, be commended to Full Council for approval.

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

## **28. Education Transport Policy 2017/18**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services, submitted a joint report on the results of the consultation on the Education Transport Policy for the academic year 2017/18 and seeking Cabinet's approval of the arrangements within the Education Transport Policy for the academic year 2017/18.

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, asked that Cabinet's recognition and thanks for the work of Councillor Foley and her officers in producing this significant policy be recorded.

Resolved – (1) That the responses to the consultation, as summarised in the body of the report and set out in full at Appendix 2, be noted.

(2) That the Education Transport Policy 2017/18, attached at Appendix 1 to the report, be approved, having regard to the responses to the consultation, set out in Appendix 2 to the report.

(3) That the Head of Education Services be authorised to implement the Transport Policy for 2017/18.

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

## **29. Council Tax Discretionary Discounts & Premiums**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, the Director of Law & Democratic Services and the Head of Revenues & Benefits submitted a joint report recommending the delegation of authority to the Head of Revenues and Benefits, in consultation with the Cabinet Member Finance and Corporate Services, the Director of Law and Democratic Services and the Board Director Resources, to grant Council Tax Discretionary Discounts and exemptions from the Council Tax empty homes premium.

Resolved – (1) That the Head of Revenues and Benefits in consultation with the Cabinet Member Finance and Corporate Services, the Director of Law and Democratic Services and the Board Director Resources, be authorised to:

- determine applications for Council Tax Discretionary Discounts.
- determine applications for exemption from the Council Tax Empty Homes Premium.

(2) That, further to (1) above, the Director of Law and Democratic Services be authorised to amend the Council's Constitution to include this delegation.

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

### **30. Adoption and Implementation of Financial Inclusion Policy**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, the Director of Law & Democratic Services and the Head of Revenues & Benefits submitted a joint report seeking Cabinet's support for the adoption of the Financial Inclusion Policy. It was noted that this Policy, along with the projects being developed, would help residents maximise their income and make the most of their money, helping them to live free from the harmful effects of poverty. The report also sought support to increase the numbers of residents who are members of Credit Unions.

Councillor Russell Holland introduced Mr Andrew Hill, the Council's newly-appointed Social Inclusion & Welfare Benefits Manager. Mr Hill summarised his work with Council departments and external partners to increase financial competence and resilience amongst those most at risk of falling into Council Tax or rent arrears.

Resolved – (1) That the proposed Financial Inclusion Policy, attached to the report at Appendix 1, be adopted.

(2) That the Head of Revenues & Benefits be authorised to:

- a) Encourage residents to join Credit Unions, to ensure that if residents require financial support it is available and can be repaid, without causing hardship.
- b) Take the necessary steps to develop the projects summarised and set out in Appendix 1 to the report and to bring these back to Cabinet for adoption as may be required.

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

### **31. References from Other Council Bodies - Health and Wellbeing Board**

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, and the Director of Law and Democratic Services, submitted a joint report concerning a recommendation arising from a meeting of the Health and Wellbeing Board held on 25th May 2016, asking Cabinet to note and endorse the findings of the Swindon Suicide Audit and to agree that the revised Suicide Prevention Strategy be adopted (Minute 63(2) of the Health and Wellbeing Board refers).

It was noted that a "Suicide Audit", overseen by the multi-agency Swindon Suicide and Self Harm Prevention Group, had been carried out regularly in Swindon since 2009 and the findings used to review and update a Swindon suicide prevention

strategy.

Resolved – (1) That Minute 63(2) of the Health and Wellbeing Board, concerning the latest profile of suicide in Swindon, and outlining the actions being undertaken to prevent the occurrence of suicide, be noted.

(2) That the findings of the Swindon Suicide Audit be noted and endorsed and that the revised Suicide Prevention Strategy, attached to the report at Appendix 2, be adopted.

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

## **CABINET**

**WEDNESDAY, 17 AUGUST 2016**

**PRESENT:-** Councillors David Renard (Chair), Oliver Donachie, Toby Elliott, Fionuala Foley, Brian Ford, Dale Heenan, Mary Martin and Garry Perkins.

Apologies for absence were received from Councillors Russell Holland and Keith Williams.

Councillors Jim Grant, Ray Ballman, Des Moffatt, Bob Wright, Chris Watts, Wayne Crabbe and Jane Milner-Barry attended the meeting in respect of Minute 37.

### **32. Declarations of Interest**

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

Councillor Dale Heenan declared a personal, but not prejudicial interest, in respect of agenda item 5 (Community Governance Review) as he is chair of Nythe Parish Council.

### **33. Minutes**

Resolved – That the minutes of the meeting held on 13<sup>th</sup> July 2016 be confirmed and signed as a correct record.

### **34. Section 100B(4)(b), Local Government Act 1972**

The Chair advised the meeting that, in accordance with Section 100B(4)(b) of the Local Government Act 1972, he intended that a report relating to Agenda Item No. 6 “Seqol – Update”, be received at the meeting as a matter of urgency to allow Cabinet to be briefed on the current position.

### **35. Exempt Items - Exclusion of Press and Public**

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item No.	Paragraph No.	Minute No.
6	3	37

### **36. Public Question Time**

Mr Brian Cockbill, a local resident, had submitted a written question regarding the

anticipated new income as a result of proposed changed governance arrangements. The Chair thanked Mr Cockbill for his question and advised that a written answer had been provided and that this had been circulated at the meeting.

Mr Cockbill asked a supplementary question regarding the calculations that supported the estimate of anticipated new income resulting from the proposed changed governance arrangements. Councillor Martin, the Cabinet Member for Communities, agreed to provide a written response in 10 working days.

Ms Helen Jackson, a local resident, had submitted a written question about the effects of changes to the Dial A Ride Service. As Ms Jackson was not present, the Chair requested that a copy of the written answer circulated at the meeting be sent to her.

Ms Bridget Coady, a local resident, had submitted a written question about the effects of changes to the Dial A Ride Service. As Ms Coady was not present, the Chair requested that a copy of the written answer circulated at the meeting be sent to her.

Mr Martin Newman, a local resident, asked a question about the costs and budget provision for the Community Governance Review. The Chair thanked Mr Newman for his question and advised that a written answer had been provided, which was circulated at the meeting.

Mr Newman asked a supplementary question about the Council's project management and allocation of costs. Councillor Martin, Cabinet Member for Communities responded at the meeting.

Mrs Anne Richards, Wroughton Parish Council, asked two questions relating to the proposed changes to the Wroughton parish boundary affecting Middle and West Wichel and a supplementary question concerning the distribution of the proposed leaflet. The Chair thanked Mrs Richards for her questions and Councillor Martin, Cabinet Member for Communities., responded at the meeting.

Mr Colin Doubleday, a local resident, asked a question about the statistical analysis used to define the proposed parish boundaries and a supplementary question about how any boundaries in this review might be further adjusted in future. The Chair thanked Mr Doubleday for his questions. Councillor Martin, Cabinet Member for Communities, and the Director of Law and Democratic Services, responded at the meeting.

Mr Roy Worman, Haydon View Residents' Association, asked a question about the arrangements to distribute an information leaflet about the next stage of the Community Governance Review and a supplementary question about the costs of any consultants used to advise the Council about the Review. The Chair thanked Mr Doubleday for his questions. Councillor Martin, Cabinet Member for Communities, and the Director of Law and Democratic Services, responded at the meeting.

### **37. Community Governance Review**

Councillor David Renard, the Leader of the Council and Chair of Cabinet, Councillor Russell Holland, the Deputy Leader of the Council and Cabinet Member for Finance



and Corporate Services, Councillor Keith Williams, Cabinet Member for Streetsmart, Councillor Mary Martin, Cabinet Member for Communities, and the Corporate Director Resources and Director of Law and Democratic Services, submitted a joint report on the outcomes of Stage 2 of the Community Governance Review (CGR) and seeking Cabinet's approval to take the draft proposal to formal public consultation in Stage 3 of the Review.

Councillor Martin introduced the report and explained how the recommendations had been developed from the responses to the illustrative maps. She drew members' attention to paragraph 3.12 of the report, which set out the arguments against a single town council as well as referring to the two opposing views over the future of Blunsdon St Andrew Parish. Councillor Martin encouraged members and residents to respond to the consultation and stated that she would offer to convene a meeting at which those who made submissions would have an opportunity to talk with her about them.

Following her presentation of the report, Councillor Martin responded to questions put by Councillors Jim Grant (JG), Ray Ballman (RB), Des Moffatt (DM), Bob Wright (BW), Chris Watts (CW), Wayne Crabbe (WC) and Jane Milner-Barry (JM-B) on the following issues:

- The view that the introduction of new parishes was a means of raising additional revenue (JG).
- The potentially adverse effects of any parish precept on the borough's lowest income households (JG).
- Community engagement with the CGR process and concerns about the consultation process utilised by the Council.
  - the opportunity for cross-party input to the content of the information leaflet to be submitted to all households (JG).
- The method of distribution of the information leaflet to households and concerns that previous leaflet drops had omitted some areas of the borough (RB).
- The potentially misleading information in the report regarding the potential precept yield (DM).
- The judgement remaining to be made by the Council with regard to the transfer of parish specific and/or general reserves (DM).
- The commitment of local businesses to meet costs associated with streetsmart services on industrial estates (DM).
- The suggestion that Councillors should be excluded from involvement in the determination of new Parish boundaries (DM).
- Concerns that the proposals would result in the establishment of poorer inner city areas surrounded by richer suburbs (DM and BW).
- The potential conflict of interest arising where Borough Councillors were voting on matters that might be perceived as benefitting them in their additional capacity, or future capacity, as Parish Councillors (BW).
- The process by which the CGR was "triggered" (BW).
- The suggestion that the CGR might be delayed to allow members to be better informed about the process and in order that they might better articulate the detail of that process to the public (BW).
- Possible mechanisms by which the Council might ensure there is sufficient revenue to maintain effective Streetsmart services in the town centre (CW).
- The effectiveness of parish councils and the relative perceived advantages of

a single large parish or a larger number of smaller, community-based parishes (WC, CW, JM-B).

Resolved – (1) That the feedback received from stage two of the Community Governance Review, summarised in the report, be noted.

(2) That it be agreed that there should be parishes across the entire Borough in order that the identities and interests of communities are reflected and to enable effective and convenient means to provide options for local service provision.

(3) That the draft proposal map, at Appendix Four to the report, showing proposed boundaries of existing and new parishes, be agreed for consultation as Stage 3 of the CGR.

(4) That the Director of Law and Democratic Services be authorised to:

1. Prepare all materials, in consultation with the Cabinet Member for Communities, for the proposed consultation.
2. Undertake consultation on the draft proposal and report the results back to Cabinet and Council.

(5) That it be noted that Council will be asked to consider the consultation feedback and agree the final recommendations of the CGR process at its meeting on 10th November 2016.

(6) That it be noted that discussions are on-going with the business community around making a contribution to the cost of street cleaning services in commercial areas of the Borough.

(7) That it be noted that, as areas become developed, there may be requests for a community governance review in a few years to reflect more accurately the new community identity interests and to enable effective and convenient means to provide options for local service provision.

(8) That, with reference to concerns that previous leaflet drops had omitted some areas of the borough, the Chief Executive be asked to review the method proposed to be utilised in relation to the distribution of the next CGR information leaflet to all households.

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

**38.**

### **SEQOL - Update**

This Item was withdrawn.

## **CABINET**

**WEDNESDAY, 7 SEPTEMBER 2016**

**PRESENT:-** Councillors David Renard (Chair), Russell Holland, Oliver Donachie, Toby Elliott, Fionuala Foley, Brian Ford, Dale Heenan, Mary Martin and Keith Williams

Councillor Jim Grant attended the meeting in respect of Minute Nos. 42, 43 and 45. Councillor Stan Pajak attended the meeting in respect of Minute 42. Councillors Derique Montaut and Des Moffatt attended the meeting in respect of Minute 45. Councillor Chris Watts attended the meeting in respect of Minute 47.

### **39. Declarations of Interest.**

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

Councillor Toby Elliott made a personal, non-prejudicial declaration of interest in respect of agenda item 5 (Budget Management 2016-17 and 2016 - 2020 Efficiency Statement) as he is employed by Network Rail.

### **40. Minutes.**

Resolved – That the minutes of the meeting held on 17<sup>th</sup> August 2016 be confirmed and signed as a correct record.

### **41. Public Question Time.**

Mr Brian Cockbill, a local resident, had submitted a written question regarding the data used to calculate bus passenger usage. The Chair thanked Mr Cockbill for his question and advised that a written answer had been provided and that this had been circulated at the meeting.

Mr Cockbill asked a supplementary question regarding the calculations. Councillor Dale Heenan, the Cabinet Member for Sustainability, Highways, and Transport, responded at the meeting. Mr Cockbill, asked a further question relating to correspondence he had sent to Council officers about the bus strategy consultation. Councillor Heenan responded at the meeting and also confirmed that, in accordance with the Council's practice, a written response to Mr Cockbill's correspondence with officers would be provided within ten working days of the date of the receipt of that correspondence.

Mr Paul Sunners, representing the Swindon Equality Group, asked a question about measuring the effects of current council policies on the people of Swindon. The Chair thanked Mr Sunners for his question and advised that a written answer had been provided and that this had been circulated at the meeting.

### **42. Budget Management 2016-17 and 2016 - 2020 Efficiency Statement**

Councillor Russell Holland, Deputy Leader of the Council and the Cabinet Member

for Finance and Corporate Services, and the Corporate Director, Resources, submitted a joint report setting out the 2016-17 revenue forecast out-turn at the end of July 2016, the first quarter's monitoring position for the capital programme and the updated four-year financial plan to 2020 that councils are required to submit to the Government by 14th October 2016. The report also included details of proposed changes to the Council's Capital Programme.

Councillor Holland introduced the report, drawing members' attention to the ongoing work to ensure the budget would be balanced by the end of the year. He outlined proposals to generate new income through small-scale housing developments on council-owned land and summarised the current understanding of what the Council hoped to gain in future funding from submitting an Efficiency Statement to the government. Councillor Holland also referred to the current Swindon Business Improvement District (BID) renewal process.

Following his introduction of the report, Councillor Holland, with Councillor David Renard, the Chair of Cabinet, and Councillors Oliver Donachie, the Cabinet Member for Housing and Homelessness, and Toby Elliott, the Cabinet Member for Strategic Planning, responded to questions put by Councillors Jim Grant (JG), Stan Pajak (SP) and Dale Heenan (DH), on the following matters:

- a) The proposed delivery of housing by the Council and the process for the identification of the initial seven sites for new housing development (JG).
- b) The Cabinet Member's confirmation that the new housing development proposal did not include the establishment of a Swindon Housing Company (JG).
- c) The reasons for progressing the housing development initiative at this time (JG).
- d) The Inswindon Business Improvement District (BID) and the current position with regard to the proposal that local businesses be asked to contribute towards town centre cleaning costs (JG).
- e) The availability of previously drafted proposals for the provision of housing in an area between Euclid Street and Beckhampton Street (SP).
- f) The anticipated revenue income for the Council from the proposed new housing development (DH).

Resolved – (1) That the projected Revenue Budget out-turn position for 2016-17, as set out in Table 1 and Appendices 1 and 2 to the report, be noted.

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

(3) That an action plan set to help manage the projected in-year revenue overspend including the proposed service changes to deliver in-year savings be presented to the Cabinet meeting in October.

(4) That the latest forecast position on the capital programme, set out in Table 2 and Appendix 5 to the report, be noted.

(5) That, as part of the Council's commercialisation workstream to help generate new income to support its medium term resourcing plan, a rolling capital fund of up to £15m, funded from the Council's cash balances and / or Prudential Borrowing, be made available to fund small scale housing development by the Council on Council-owned land, to generate a new income stream estimated at around £5m per year to help fund services, as detailed in the report.

(6) That the additions and virements to the capital programme, detailed in section 8 of the report, be approved.

(7) That the Leader of the Council continue to work with fellow leaders across the

country and the Local Government Association to attempt to broker a consistent sector response to the offer of a 4 year settlement and agree Swindon's response within this context, recognising that it provides helpful certainty but provides an insufficient level of resources to respond to the demands on local authority services.

(8) That, subject to (7) above, it be agreed that a 2016 – 2020 Efficiency Statement, reflecting the Council's four year financial plan, be submitted to the Government before the deadline of 14th October 2016 and that the Corporate Director Resources, in consultation with the Cabinet Member for Finance and Corporate Services and the Leader of the Council, be authorised to finalise the draft version set out in Appendix 4 to the report, prior to submission.

(9) That the Corporate Director Resources be authorised to agree with the BID company the financial contribution from business towards services provided in the BID area and any change to the Council's contribution to the company within an overall smaller financial envelope and for the impact of those discussions to be reflected in the Council's medium-term resourcing plan.

(10) That the Director of Law and Democratic Services be authorised to undertake the work necessary to allow the renewal and continuation of the BID Company in accordance with the Business Improvement Districts (England) Regulations 2004.

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

#### **43. Apprenticeships and the Apprenticeship Levy**

Councillor Russell Holland, Deputy Leader of the Council and the Cabinet Member for Finance and Corporate Services, and the Head of Performance, People and Engagement, submitted a joint report outlining the Council's proposed response to the Government's introduction of the Apprenticeship Levy in April 2017.

In response to a question put by Councillor Jim Grant, the Council's Head of Performance, People and Engagement, advised the meeting on the funding arrangements for the scheme.

Resolved – (1) That the target number of apprentices that the Council will seek to employ in 2017-2018 be set at 58.

(2) That the Head of Performance, People and Engagement be authorised to implement the approach outlined in the report.

(3) That the Cabinet Member for Resources and Corporate Services provide regular reports to Cabinet and Scrutiny on progress towards achieving the target of introducing 58 apprentices.

(4) That the opportunities that the Apprenticeship Levy offers for the Council be noted.

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

#### **44. A Smokefree Bus Station**

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, and the Director of Public Health, submitted a joint report seeking Cabinet's approval to making Swindon's town centre Bus Station a voluntary smokefree zone, but with the provision of a dedicated smoking area, from October 2016. It was noted that a

previously conducted survey indicated that 75% of bus station service users support the implementation of a smokefree bus station with a dedicated smoking area. It was further noted that smoking is the biggest preventable cause of death, killing half of all smokers prematurely, and is also the leading cause of health inequalities, being responsible for half the difference in life expectancy between rich and poor.

Resolved – (1) That the proposal to make Swindon Bus Station a smokefree zone, with a dedicated smoking area, be approved.

(2) That the Director of Public Health be authorised to facilitate implementation and to communicate the message to local residents and other interested parties and stakeholders that the bus station will be smokefree from October 2016.

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

#### **45. Local Bus Services and Strategy Review**

Councillor Dale Heenan, the Cabinet Member for Sustainability, Highways and Transport, and the Head of Highways and Transport, submitted a joint report informing Cabinet of the results of the public consultation on bus service revisions and reductions proposed in line with the proposed revised draft Local Bus Strategy. It was noted that these changes were required to meet the Council's ongoing revenue budget pressures. The report also sought Cabinet's support for the revised bus strategy and advised of the two year extension of the Dial A Ride Contract provided by Swindon Dial A Ride.

Councillor Heenan introduced the report and drew members' attention to the changes that had been made in response to the consultation as well as how the proposals made use of the Bus Operators' Support Grant to minimise the effects of proposed changes.

Following his introduction of the report, Councillor Heenan, responded to questions put by Councillors Derique Montaut (DM), Jim Grant (JG), Des Moffatt (DMo) and Keith Williams (KW) on the following matters:

- a) The likely impact of the proposed service changes on rural areas (DM)
- b) New residential development providing contributions towards community transport operation through section 106 funding and options for providing (DM).
- c) The receipt of a petition for the Council's continuing support for the Dial A Ride service and the debate of this petition at the next Full Council meeting (DM).
- d) The view that changes to the Dial A Ride Service and other bus services would have the most significant impact on the most vulnerable and least mobile in the community (JG).
- e) Cross Party working and the Cabinet Member's commitment to engaging with the opposition parties to facilitate joint responses to concerns regarding proposed bus service revisions and reductions and ensuring that priority is afforded in the strategy to those areas of greatest deprivation (JG and DMo).
- f) The Cabinet Member's views of the effect of the concessionary bus pass scheme on the sustainability of some bus services (KW).

**Resolved** – (1) That the results of the public consultation concerning proposed bus service revisions and reductions being proposed, in line with the proposed revised draft Local Bus Strategy, as set out in Appendix 1, and its implications for local bus services, as set out in Appendix 2, and the proposed service revision and its implications for Dial A Ride and Community Transport, be noted.

(2) That the revised Bus Strategy, as summarised in the body of the report and set out in full at Appendix 1 to the report, be adopted.

(3) That the Head of Highways and Transport, in consultation with the Cabinet Member for Sustainability, Highways and Transport, be authorised to implement bus service revisions, as set out in Appendix 2 to the report, including consultation concerns that funding be retained for some evening bus services as well as to implement the mitigation measures set out in the body of the report.

(4) That it be noted that the Council will continue to subsidise bus services through the use of the £176,000 Bus Service Operators Grant.

(5) That the receipt of a petition about the withdrawal of evening bus services to Chiseldon signed by 648 residents be noted.

(6) That it be noted that the Dial A Ride Contract provided by Swindon Dial A Ride has been extended for two years from 1st September 2016 to 31st August 2018 at a cost of £146k per annum.

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

#### **46. School Place Planning Update 2016**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services, submitted a joint report seeking Cabinet's approval of the study that identifies the number of school places required to meet Swindon's long-term educational place planning needs until 2026. The report included demographic projections and details of proposed housing development areas, and commented on the need to support attainment and opportunities for young people across the Town and Borough. It was noted that the report also brought together information from a range of sources, setting out the issues the Borough will face in meeting its statutory duties for providing school places until 2026, and that the strategy included present and predicted future pupil numbers on roll, together with information about birth rates, school capacity and new housing.

Councillor Foley introduced the joint report and drew members' attention to those sections setting out the anticipated demand to which the Council would have to respond.

Councillor Toby Elliott, the Cabinet Member for Strategic Planning, asked that Councillor Foley and her officers continue to monitor the New Eastern Villages as its construction rate would affect demand for school places.

**Resolved** – That the School Place Planning Study Update 2016 be approved.

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

#### **47. Swindon Education Improvement Strategy**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services submitted a joint report on the proposed Education Improvement Strategy to continue to improve education outcomes in Swindon. It was noted that the strategy document outlined the legal framework and duties of the Council relating to school improvement, and how it proposes to carry out these duties, and that Cabinet approval was required for the adoption of the strategy.

Councillor Foley introduced the report and invited the Head of Education Services to elaborate on its content and the leadership role the Council was now undertaking to assist schools to raise attainment levels.

In response to a question put by Councillor Chris Watts, about whether the gap between the best and worst performing schools was increasing, the Head of Education Services responded at the meeting that this was not the case although the Council was still awaiting national comparable data.

Resolved – (1) That the "Education Improvement Strategy", attached at Appendix One to the report, be agreed.

(2) That the Head of Education Services be authorised to use the approach set out in the Education Improvement Strategy and that he be requested to continue to engage and work in partnership with the Regional Schools Commissioner to address the need to improve school performance.

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

#### **48. Regulation of Investigatory Powers Act 2000 - Inspection report from the Office of Surveillance Commissioners**

Councillor David Renard, the Leader of the Council and Chair of Cabinet, and the Director of Law and Democratic Services, submitted a joint report on the Office of Surveillance Commissioners' Inspection Report of Swindon Borough Council 2016.

The Chair introduced the joint report and advised that most of the changes requested by the Inspector had already been implemented.

Resolved – (1) That the report be welcomed and that the Surveillance Inspector's recommendations be accepted.

(2) That the actions taken by officers in response to the Surveillance Inspector's recommendations, as set out in the Inspection report, and as summarised in Paragraph 3.8 of the report, be noted.

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

#### **49. References from other Council Bodies - Health and Wellbeing Board and Community Safety Partnership**

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, Councillor Oliver Donachie, the Cabinet Member for Housing and Homelessness,



and the Director of Law and Democratic Services, submitted a joint report concerning the following recommendations from meetings of the Health and Wellbeing Board held on 13th July 2016 and the Swindon Community Safety Partnership Board held on 19th July 2016:

- (a) That Cabinet be recommended to adopt the refreshed Swindon Breastfeeding Strategy for 2016/2020 (Health and Wellbeing Board).
- (b) That the draft (Public Spaces Protection Orders) Guidance be referred to Cabinet to note and to comment on.

Resolved – (1) That, further to Minute 9(1) of the Health and Wellbeing Board meeting held on 13th July 2016, regarding the refresh of the Swindon Breastfeeding Strategy, the refreshed strategy, attached to the report at Appendix 2, be adopted. (2) That, further to Minute 5 of the Swindon Community Safety Partnership Board meeting on 19th July 2016, regarding its review of the statement of procedures that standardise the process of introduction, consultation, variation and discharge of public spaces protection orders (PSPO) across the Council, the Draft Guidance (Appendix 4), be noted.

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

## **50. Annual Review of Local Ombudsman Complaints**

Councillor David Renard, the Leader of the Council and Chair of Cabinet, and the Director of Law and Democratic Services, submitted a joint report on the Local Government Ombudsman's (LGO) Annual Review for 2015/2016, which gave the total number of complaints and enquiries received by the LGO with regard to Swindon Borough Council. The report highlighted the annual summary of statistics on the complaints made to the LGO regarding the Authority for the year ended 31st March 2016.

The Chair introduced the report. He welcomed the low level of complaints and also asked members to note how few complaints Swindon received relative to neighbouring or similar councils, as set out in the report.

Resolved – (1) That the Local Government Ombudsman's Annual Review 2015/16 be noted.

(2) That the Chief Executive, Corporate Directors, Directors and Heads of Service continue to ensure that, where possible, complaints are resolved internally before such matters are referred to the LGO and that requests for information from the LGO are dealt with promptly.

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

## **51. Wichelstowe District Centre**

Councillor Toby Elliott, the Cabinet Member for Strategic Planning, and the Corporate Director Resources, submitted a joint report seeking Cabinet's approval to progress design work in relation to the Wichelstowe District Centre in order to support early delivery in advance of the establishment of the Joint Venture with

BDW Trading Ltd (BDW). It was noted that the Council had received significant interest in the District Centre site from pub/restaurant operators, providers of housing for older people and other retailers and that the Diocese of Bristol had also been successful in securing funding from the Education Funding Agency (EFA) for the delivery of a free school, in respect of which design work had commenced to support an opening in September 2018. Cabinet was advised that, in order to realise these development opportunities, additional infrastructure needed to be delivered by the Council to provide access to the development parcels.

Councillor Elliott introduced the joint report and summarised the work being undertaken with BDW since he had taken on this portfolio. He invited members to note that the recommendations were intended to assist the Council in obtaining the desired building standards of a good range of homes and to seek engagement with local and regional small and medium-sized building firms. Councillor Elliott confirmed that he would restart the Cabinet Member Advisory Group, which would have a role in developing and reviewing the design standards.

Resolved – (1) That, in advance of the establishment of the Joint Venture with BDW Trading Ltd for in excess of 3500 homes, the Corporate Director Resources, in consultation with the Cabinet Member for Strategic Planning, be authorised to progress the delivery of the Wichelstowe District Centre area (as shown on the District Centre Area Plan included as an Appendix) including schools, pub/restaurant, housing for older people and residential development.

(2) That the budget of up to £750,000, as set out in paragraphs 3.7 - 3.9 of the report, be approved, in order to support design and team costs and note that this will be recovered by the capital receipts from the District Centre development.

(3) That the Corporate Director Resources, in consultation with the Cabinet Member for Strategic Planning, be authorised to undertake a competition and select an operator to develop the parcels identified for older people's housing.

(4) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Strategic Planning and the Corporate Director Resources, be authorised to complete the land sale and any associated documentation with the selected older people's operator on such terms as he considers necessary to protect the Council's interests.

(5) That the Corporate Director Resources, in consultation with the Cabinet Member for Strategic Planning, be authorised to develop detailed plans for the parcels identified for residential development within the Wichelstowe District Centre area.

(6) That the Director of Law and Democratic Services in consultation with the Cabinet Member for Strategic Planning and the Corporate Director Resources, be authorised to complete the land sale and any associated documentation with the pub/ restaurant operator on such terms as he considers necessary to protect the Council's interests.

(7) That the Director of Law and Democratic Services in consultation with the Cabinet Member for Strategic Planning, the Cabinet Member for Children's Services and the Wichelstowe Programme Manager, be authorised to dispose by way of the necessary leases and any associated documentation the land required for the delivery of the Primary and Secondary schools within the Wichelstowe District Centre area on such terms as he considers necessary to protect the Council's interests.

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

## Notice of Decisions Made

**Decision Maker:** Councillors Russell Holland, Cabinet Member for Finance and Corporate Services and Councillor Gary Perkins, Cabinet Member for the Economy, Regeneration and Skills

**Subject** 1 and 3 Faringdon Road – Purchase, Refurbishment and Disposal

- 
- Decision(s): -**
- (1) The Head of Property Assets, in consultation with the Director of Law and democratic services and the Corporate Director, Resources, shall be authorised to take all necessary actions to:
    - a. Purchase (subject to Charity Commission consent) the building known as 1 and 3 Faringdon Road as identified on the plan attached at Appendix for an anticipated price, including Stamp Duty, set out in the report.
    - b. Redevelop the property as indicated on the layouts attached as Appendix 2 at an estimated cost as set out in the report, to be funded from Council borrowing.
    - c. Dispose of residential units which will generate an estimated amount set out in the report, and result in an anticipated surplus of which is forecast to produce a net receipt of an amount set out in the report after recovering of cost, and to lease out commercial elements of the property.
    - d. Award a contract pursuant to the Teckal exemption in Regulation 12 Public Contract Regulations 2015 to the company referred to in the report to manage the detailed design, development, construction and marketing of the units in accordance with the outline proposals in this Decision Note.
  - (2) The Director of Law and Democratic Services, in consultation with the Head of Property Assets shall be authorised to complete all necessary documentation and enter into all required agreements associated with the purchase of the property and the disposal of residential units on such terms and conditions as he considers necessary to protect the Council's interests.

**Consultation:** The following Opposition Spokespersons / Ward Members – Councillor Bob Wright (Labour), Councillor Des Moffatt (Labour), Councillor Kevin Small (Labour), Councillor Julie Wright (Labour), Councillor Junab Ali (Labour) Councillor Stan Pajak Wood (Liberal Democrat). No comments were received that the responsible officer considered adversely affected the decision. No requests for Cabinet consideration were received.

**Date of Publication:** Thursday 19<sup>th</sup> August 2016

**Date for Receipt of Requests for Call-in** Thursday 25<sup>th</sup> August 2016

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Rob Richards, 01793 463521, richards@swindon.gov.uk.

Or from Steve Jones, Committee and Member Services Manager, Direct Dial: 01793 463602 or Email stevejones@swindon.gov.uk

The Decision Note (report) sets out the background to, and reasons for, the decisions referred to in the Notice above. Details of the alternative options put forward for consideration (if any) are also recorded in the Decision Note (report). Any alternative options considered that did not appear in the initial report will be recorded as part of the above Notice of Decisions. The Decision Note is available via the following link on the Council's website =

<http://ww5.swindon.gov.uk/moderngov/mgListPlanItems.aspx?PlanId=440&RP=285&J=3>