



SWINDON BOROUGH COUNCIL
Municipal Year 2017/18

Thursday, 25 January 2018

**COUNCIL CHAMBER
CIVIC OFFICES
SWINDON**

17 January 2018

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, 25 January 2018 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 7 - 12)
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. Council Petition Scheme (Pages 13 - 18)

To consider a petition received in accordance with the Council's Petition Scheme regarding the proposal from the Swindon Museum and Art Gallery to build a new facility and requesting that "the new-build plans be abandoned and that more concerted efforts are made to create a new Swindon Art Gallery and Museum in a more historically appropriate site".

7. Motions

(a) Motion - Great Western Railway

Councillor Dale Heenan will move and Councillor Barbara Parry will second:

"This Council notes:

- The massive investment by GWR and Network Rail in the railways serving Swindon, with new increased capacity trains coming into service.

However, this Council also notes:

- Swindon residents pay the among the highest per mile train fares in the UK for peak time travel and tickets bought on the day, an anomaly that dates back many decades.
- Young people aged 16 to 18 who are still in school, at college, in training or an apprenticeship **who may** face an undue cost simply to reach their places of education even with a Young Person's Railcard, because of the decades old distortion of the fares from Swindon.

This Council welcomes the fact that:

- The Government has launched a consultation on the future of the Great Western Franchise, that includes addressing the historical season ticket fare differences

Council requests that,

- the Leader of the Council make a submission to the consultation on behalf of the Council seeking action to tackle the high fares and its historical issues.
- Cabinet Members and Officers find ways to encourage residents and businesses to submit their own consultation responses through campaigns such as Switch On To Swindon and local media."

(b) **Motion - Universal Credit**
Councillor Emma Bushell will move:

“This Council:

- Notes that in Swindon as of November 17th there were 1,080 council tenants on Universal Credit and that 77% of these tenants are in rent arrears, with an average arrears of £655.70, so Universal Credit arrears comprise 54% of all arrears of current tenants.
- Recognises this much higher figure for people on Universal Credit is inevitably the result of the Government’s decision to delay benefit payments to claimants being processed for Universal Credit.
- Is concerned that there are 3,000 more council tenants who will have to progressively transfer onto Universal Credit.
- Believes it is the Council’s duty as a responsible landlord to defend council tenants who have or will be forced into personal debt and poverty as a consequence of the Universal Credit rollout.
- Supports the Swindon Tenants Campaign Group’s proposal that during the Universal Credit processing period claimants should continue to receive their existing benefits.
- Requests the Cabinet Member for Housing and Public Safety to write to Swindon’s two Members of Parliament and the Housing Minister setting out the Council’s view on the processing of Universal Credit.”

(c) **Motion - Road Traffic**
Councillor Kevin Small will move and Councillor Steph Exell will second:

“This Council:

- Notes the traffic gridlock that has occurred in Rodbourne and West Swindon, as well as other areas of the borough, over the Christmas period.
- Notes that business owners in Rodbourne have expressed their intention to relocate because of the daily traffic gridlock in the Rodbourne area and that Rodbourne residents are equally frustrated with this.
- Notes that Mannington and Western Councillors wrote to the Cabinet Member for Highways and the Leader of the Council urging them to take action to alleviate the traffic problems in traffic hotspot areas of the town. At the time of this motion being submitted, Council notes that Mannington and Western Councillors have not received a reply to their letters.
- Recognises that with other planning applications approved, like the

North Star and Eastern Villages Development, the borough may face an additional traffic burden in future years.

- Requests the Cabinet Member for Communities and Place to establish a Cross-Party Cabinet Member Advisory Group to look at ways that the Council can alleviate traffic gridlock in the town both now and in the future.”

(d) **Motion - Evening Town Centre Residents Parking**
Councillor Bob Wright will move and Councillor Paul Dixon will second:

“This Council:

- Notes it has a surplus of day time car parking which should satisfy foreseeable Town Centre demand and that this demand is very low in the evening leaving large areas of unused parking.
- Recognises that the current evening Town Centre Residents Parking scheme does not have a large take up and that this is likely due to the prohibitive £625 cost. As a consequence revenue opportunities have been lost and pressure is placed on the Town Centre’s limited free parking spaces.
- Believes a more attractive charge would produce a new revenue stream for the Council and provide an attraction to home buyers wishing to locate to the Town Centre.
- Requests the Cabinet to review the current evening Town Centre Residents Parking scheme and see if more advantages for Swindon can be delivered by having an evening Residents Parking scheme to sit alongside the existing 24 hours scheme.”

(e) **Motion - Hermitage Surgery**
Councillor Nadine Watts will move:

“This Council:

- Notes a request from Hermitage Surgery to see if there were any schemes that may be available to the surgery that would allow its Doctors and Nurses to park at a discounted rate at nearby public car parks, due to the lack of parking spaces allocated to the surgery.
- In light of the fact that the surgery is a publicly funded organisation that was only able to continue thanks to it merging with another Swindon medical practice, believes there is a strong case for a discounted parking rate be offered to staff at the medical practice in nearby public car parks.
- Requests the Cabinet Member for Economy and Skills bring a report to Cabinet to review ways the Council can support the Hermitage Surgery in finding affordable parking spaces for their staff.”

- 8. Equalities Advisory Forum - Terms of Reference** (Pages 19 - 24)
To consider a recommendation from the Equalities Advisory Forum to update its Terms of Reference.
- 9. Minutes of Cabinet and Decisions Delegated to Cabinet Members**
(Pages 25 - 32)
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). There are no Cabinet Member delegated decisions to report.
- 10. 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.
- 11. 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://ww5.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.

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COUNCIL

THURSDAY, 9 NOVEMBER 2017

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

46. Section 100B(4)(b) of the Local Government Act 1972

The Worshipful The Mayor advised that she intended, in accordance with Section 100B(4)(b) of the Local Government Act 1972, to take an additional urgent item concerning Participation in Voter ID Pilot Scheme. The reason for the urgency was because a decision was required prior to the next scheduled meeting of the Council and in order to respond to the Government Cabinet Office and make necessary arrangements for participation in the proposed pilot Voter ID Scheme. This item would be considered as agenda item 6(a).

47. Mayor's Announcement

The Worshipful The Mayor invited all Councillors to join her at the Remembrance Sunday Ceremony to be held at 11:00 am at the Cenotaph on Sunday 12th November 2017.

48. Mr Bernie Brannan

The Mayor reported that Mr Bernie Brannan, Corporate Director Communities and Housing was attending his last Council meeting having worked for the Council, since 1984. The Council joined the Worshipful The Mayor in recording its appreciation for the work Mr Brannan had undertaken for the Council and its residents and wish him a happy retirement.

49. Apologies for Absence

Apologies for absence were received from Councillors Emma Bushell, Toby Elliott and Stephanie Exell.

50. Communications

The Chief Executive reported that communications had been received from Mr Angus Macpherson, Police and Crime Commissioner for Wiltshire and Swindon in respect of Minute 37 (Motion – Local Policing).

51.

Minutes

Resolved – That the minutes of the meeting held on 28th September 2017, be confirmed and signed.

52.

Declarations of Interest

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

Councillor Kevin Parry made non-prejudicial and personal declaration of interest in respect of Agenda Item No. 7(b) (Motion – Pay Claim) on the grounds that he was a Member of the Unite Trade Union.

53.

Public Question Time

No Public Questions were asked.

54.

Minutes for Confirmation

(1) Councillor David Renard moved and Councillor Russell Holland seconded that Minute 51 of the Cabinet (Polling Districts and Places Review) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(2) Councillor Cathy Martyn moved and Councillor David Renard seconded that Minute 47 of the Cabinet (Fire in high-rise residential blocks of flats) be noted.

Councillor Steve Allsopp moved and Councillor Bob Wright Seconded that the Motion be amended to read:

“This Council:

- Supports the proposals agreed by the Cabinet for fire safety in multi-storey Council buildings.
- Asks the Leader of the Council to write to the Secretary of State for Communities and Local Government to urge the Government, rather than Swindon Council Tenants, pay for the fire safety improvements required.”

The amendment was put to the vote and declared lost.

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

55.

Participation in Voter ID Pilot Scheme

The Leader of the Council and Returning Officer/Director of Law and Democratic Services submitted a joint report setting out a Cabinet Office request for Swindon Borough Council to participate in a proposed Voter ID Pilot in relation to the scheduled Borough and Parish elections in Swindon on Thursday 3rd May 2018.

Councillor David Renard moved and Councillor Russell Holland seconded:

“(1) That the invitation from the Government Cabinet Office for Swindon Borough Council to take part in a proposed Voter ID Pilot in relation to the scheduled Borough & Parish elections in Swindon on Thursday 3rd May 2018 be approved.

(2) That the Returning Officer/ Director of Law and Democratic Services be authorised to participate in the Voter ID election pilot in 2018.”

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 Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Gary Sumner, Tim Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Steve Weisinger, Keith Williams and David Wood.

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

56. Motion - Tree Maintenance

Councillor Chris Watts moved and Councillor Derique Montaut seconded:

This Council:

- Recognises the concerns of local residents regarding the current Council policy not to maintain trees the Council are responsible for, unless they are a safety risk. There is no longer maintenance of Council trees to control the impact on the public realm or on peoples' properties.
- Is concerned this policy particularly impacts on residents in the Borough who are vulnerable, elderly or disabled, who have to pay for the impact overgrown trees are having on their properties.
- Requests the Director of Law and Democratic Services review its current tree maintenance policy to assess if it is in contravention of the Equality Act (2010) for not putting in place support to vulnerable, elderly or disabled residents unable to mitigate the impact of this policy on their properties.”

The Motion was put to the vote and declared lost.

57.

Motion - Pay Claim

Councillor Jim Grant moved and Councillor Kevin Small seconded:

“This Council:

- Notes that Swindon Council workers have been subject to eight consecutive annual real terms pay cut since 2009. Within the context of rising living costs, this has resulted in real terms pay cuts of 21% for public sector workers.
- Notes the Trade Unions’ pay claim of a 5% increase on all pay points for Swindon Council workers, including the deletion of pay points on the Swindon Pay & Grading Spine of J1, J2, J3, and K1 to ensure no local government worker falls below the real Living Wage (as set by the Living Wage Foundation).
- Requests the Leader of the Council write to the Chancellor of the Exchequer, calling on him to use the Autumn Statement to provide extra funding to give to schools and local authorities for their workers to get a real terms pay rise.”

Councillor Russell Holland moved and Councillor Keith Williams seconded that the Motion be amended to read:

“This Council notes with regret that the total amount of public spending on debt interest this financial year (£46bn) is greater than the amount spent on public order and safety (£34bn) or housing and environment (£38bn).

This Council therefore recognises the urgent need for reform to public sector spending in order to ensure that future generations can enjoy sustainable public services and pay staff appropriate salaries.

This Council recognises and appreciates the work of all its employees but also recognises the need for reform to public services.

This Council notes and welcomes reforms which have reduced or removed the income tax burden on the lowest paid workers so that 4 million of the lowest-paid have been taken out of income tax altogether and another 1.3 million are expected to join them by 2018. This will include those at the lowest pay points on the Swindon Pay and Grading Spine.

This Council therefore requests that the Leader of the Council writes to the Borough’s two MPs to request that they set out how they will work with the Council to deliver the Borough’s Economic Strategy, which will provide the sustainable source of income to pay for public services and those who deliver them.”

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

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

(Councillor Kevin Parry made a non-prejudicial and personal declaration of interest in respect of this item in as he was a member of the Unite Trade Union.)

58. Adoption of the South Marston Neighbourhood Plan

The Cabinet Member for Strategic Planning and Sustainability submitted a report setting out the result of the referendum of the South Marston Neighbourhood Plan and seeking Council's approval for its adoption.

Councillor Toby Elliott moved and Councillor Colin Lovell seconded:

"That the South Marston Neighbourhood Plan be formally adopted and made as part of the statutory Development Plan for the Borough."

The Motion was put to the vote and declared carried.

59. Appointments to Committees and Other Bodies

Councillor David Renard moved and Councillor Russell Holland seconded:

"That Mick Bowden, John Gilbert and Susie Kemp be appointed as Directors of the Wichelstowe Joint Venture Board."

With the agreement of the Council it was agreed that consideration of the appointment of Directors to the Wichelstowe Joint Venture Board be deferred to a meeting of the Council's Special Committee.

60. Indicative Calendars of Meetings 2018/19 and 2019/20

Councillor David Renard moved and Councillor Russell Holland seconded:

"(1) That that the Indicative Timetable of Meetings for 2018-19 and 2019-20 as set out in Appendix 1 and Appendix 2 be approved for formal adoption by Annual Council, with the provisions that:

(i) The dates for Audit, Council, Cabinet, Licensing, Planning, and Scrutiny shall not be changed as far as is practicable.

(ii) In accordance with current practice, Annual Council will be asked to authorise the Director of Law and Democratic Services, in consultation with the Leader of the Council, to vary the dates for meetings of the Council, the Cabinet, Committees and Other Swindon Borough Council bodies should this prove necessary for the efficient discharge of Council business.

(2) The scheduling of a joint meeting of the overview and scrutiny committees that cover health in order to provide a formal response to the Great Western Hospital Foundation Trust's Annual Quality report be noted."

The Motion was put to the vote and declared carried.

61. Minutes of Cabinet and Decisions Delegated to Cabinet Members

The Council considered (a) the minutes of the meeting of the Cabinet held on 18th October 2017, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

62. 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.

63. Councillors Question Time

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

Council Petitions Scheme

Council

Date: 25th January 2018

Author:	The Leader of the Council The Leader of the Opposition Group The Leader of the Minority Group Chief Executive/ Head of Conveyancing, Environment & Contracts (Deputy Monitoring Officer)
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To report the receipt of a petition regarding the proposal from the Swindon Museum and Art Gallery Action Group to bid build a new facility and requesting that “the new-build plans be abandoned and that more concerted efforts are made to create a new Swindon Art Gallery and Museum in a more historically-appropriate site”. The petition contains 2068 signatures submitted on line and a further 423 in paper form and satisfies the requirement of the Council’s Petition Scheme for the matter to be presented to Full Council as a petition for debate.
- 1.2 At the Annual Council meeting held on 21st 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 Hear from the Lead Petitioner (or representative) stating why Council should support the petition’s request;
- 2.2 Thank the Lead Petitioner and acknowledge the views expressed
- 2.3 Reaffirm Council’s support for the submission made by the Swindon Museum and Art Gallery Trust to the Heritage Lottery Fund in November 2017.

Further information on the subject of this report can be obtained from Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email sbanks@swindon.gov.uk

Council Petitions Scheme

Council

Date: 25th January 2018

3. Detail

Petition

- 3.1 An online petition, augmented by paper copies, has secured 2491 signatures, opposing the proposal by the Swindon Museum and Art Gallery Trust's bid for funding from the Heritage Lottery Fund for a new, bespoke facility to be built in the town centre. As an alternative, the petitioners have suggested using either the Carriage Works or the Mechanics' Institute.
- 3.2 Members are invited to note:
- 3.2.1 The work undertaken by the petitioners to bring this issue to Council.
- 3.2.2 That the Swindon Museum and Art Gallery Trust, which is independent from the Council, has already made its submission to the Heritage Lottery Fund with widespread support from the public and local stakeholders.
- 3.2.3 Cabinet Minute 49, 2017/18, endorsing the bid and including a statement of support from the Opposition Group spokesperson (refers).
- 3.2.4 That, since the petition was collected over a long time, some of the signatories may have now changed their mind as the Swindon Museum and Art Gallery Trust's proposals took shape and might now backed the bid.
- 3.3 Members are invited to reconfirm their support for the Swindon Museum and Art Gallery's submission to the Heritage Lottery Fund, including the new facility.

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 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

Further information on the subject of this report can be obtained from Shaun Banks, Committee and Member Services on Direct Dial No. 463606 or Email sbanks@swindon.gov.uk

Council Petitions Scheme

Council

Date: 25th January 2018

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 assessment was undertaken as the report's recommendations would not directly affect any Council service at this time.

Risk Management

5.5 None.

6. Consultees

6.1 The Director of Finance (Section 151 Officer) and Head of Conveyancing, Environment & Contracts (Deputy 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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Appendix 1 – Petition Wording

Swindon has dilapidated historical buildings which are falling into wrack and ruin. Insufficient commitment to their restoration and continued use has been made by Swindon Borough Council, despite its apparent priorities. It is unacceptable, then, that a new-build Art Gallery and Museum costing £22 - 25 million has been designed, with a £10 million application made to the Heritage Lottery Fund. Swindon Borough Council has committed £5 million plus the £2 million cost of the land. This museum and gallery could be better placed in the old GWR Carriage Works.

The Heritage Lottery Fund needs to know that the proposal they're being asked to support is historically unsympathetic and does not enjoy wide public support. Swindon certainly needs a bigger Museum and Art Gallery to house its impressive and extensive collection of art, but this could be more appropriately done by restoring buildings already important to Swindon's heritage. For example, the 1870 listed Carriage Works on London Road could easily serve this purpose. The nearby Mechanics' Institute could thus be a complementary cultural and theatre facility, as detailed in recent plans released by the Mechanics' Institute Trust.

The location of both the Carriage Works and Mechanics' institute is ideal. There is ample parking available near to both, and the proximity to The Steam Museum, the Outlet Village, Milton Road Baths and the Town Centre make it an ideal location. The Carriage Works is also clearly visible from the train line and from the Mechanics' Institute. It is also nearer artery roads, the train and bus stations than the new-build site. The Carriage Works has a courtyard space facing the train line for sculptures and signage to really show off Swindon's cultural offerings to passers-by. It is notable that this area is exactly the area that Swindon Borough Council was recommended to make a cultural area in a study SBC paid over £70k for in 2006.

Insufficient expert and wider consultation was taken before the new-build in a cramped former car-park near to the Civic Offices was decided upon. The claims that this new-build enjoys public support, as made in the application to the Heritage Lottery Fund, are unsubstantiated, as are the projected footfall figures of 90,000 people per annum. Only four location options - including the Mechanics' Institute - were presented for consideration, and the Carriage Works was not even considered! This omission is bewildering as the Carriage Works are now owned by SBC. Also, Forward Swindon - a Swindon Council funded body - has just released outline plans for the Carriage Works and clear examples of how the building could be self-sustaining. The Forward Swindon plans include the Carriage Works use as an arts area which seem to contradict the idea of Swindon's planned 'Art Quarter' in the new-build area. We ask that the new-build plans be abandoned and that more concerted efforts are made to create a new Swindon Art Gallery and Museum in a more historically-appropriate location.

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Equalities Advisory Forum

Terms of Reference

Council

Date: 25th January 2018

AAuthor:	Cabinet Member for Corporate Services and Digitalisation and Director of Law and Democratic Services
Wards:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To consider a recommendation from the meeting of the Equalities Advisory Forum (EAF) held on 6th September 2017 to update the EAF Terms of Reference and to change its status to a Cabinet Member Advisory Group.

2. Recommendations

The Council is recommended:

- 2.1 To agree the change in status of the Equalities Advisory Forum to a Cabinet Member Advisory Group with the title of Equality Advisory Group, with the Terms of reference as set out at the Appendix to this report.

3. Detail

Terms of Reference

- 3.1 At its meeting on 6th September 2017, the EAF considered a report of the Change Lead: Equality and Diversity seeking support for a change in the EAF status to a Cabinet Member Advisory Group (CMAG). The report also suggested revisions to the EAF Terms of Reference so that they reflected how the EAF would operate as a CMAG.
- 3.2 The EAF supported the changes to its status and revisions to the Terms of Reference, subject to a few minor typographical amendments, which have now been incorporated within the Terms of Reference (Appendix attached to this report).

4. Alternative Options

- 4.1 It is a matter for the Council as to whether the recommendations of the Equalities Advisory Forum are supported and/or agreed or not.

Further information on the subject of this report can be obtained from Stuart Figini, Direct Dial Telephone Number – 01793 463612, email - sfigini@swindon.gov.uk.

Equalities Advisory Forum

Terms of Reference

Council

Date: 25th January 2018

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from development and implementation of the Charter.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with convention rights.

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

- 5.3 There are no other implications arising from the development or implementation of the Charter.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has not been completed for this report.

Risk Management

- 5.5 There are no identified unmitigated risks.

6. Consultees

- 6.1 The Director of Finance (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 – Terms of Reference

Swindon Borough Council

Equality Advisory Group - Terms of Reference

1. Status

In order to provide a clear foundation within Swindon Borough Council's Constitution, the Equality Advisory Group (EAG) shall be a Cabinet Member Advisory Group in accordance with Article 7.07 of the Constitution.

As a Cabinet Member Advisory Group, EAG is not a meeting in public and has no decision-making powers.

2. Aims

The EAG shall have the following aims:

- a) To act as a consultative body for changes which might impact on equality;
- b) To act in an advisory capacity to the Cabinet Member with portfolio responsibility for equality, particularly in response to questions and concerns regarding the Council's delivery of the Public Sector Equality Duty (PSED) and discharging other responsibilities set out in the Equality Act 2010;
- c) To support the openness and transparency of the Council in delivering high quality and accessible services;
- d) To improve and maintain public trust and confidence in the Council.

3. Objectives

The EAG shall have the following objectives:

- (a) To provide scrutiny of the Council's work and functions to support the Cabinet Member's responsibility to ensure that the PSED is being delivered;
- (b) To bring any issues of concern regarding equality and the Council's delivery of the PSED to the attention of the Cabinet Member;
- (c) To offer independent views of the Council's work around equality;
- (d) To assess the Council's progress towards meeting its equality objectives and provide informed observation to the Cabinet Member thereon;
- (e) To provide constructive challenge to Council Officers to work to improve equality outcomes;
- (f) To receive and consider feedback from the Cabinet Member on issues raised and action undertaken to resolve them;
- (g) To ensure all stakeholders are kept informed of responses to issues raised and, where appropriate, discussions in regard to equality issues.

4. Membership

The Cabinet Member shall determine the EAG membership format, which will usually comprise the following representation:

- (a) Elected Councillors: at least one from each political party group;
- (b) Council Unions: one representative, to be nominated by the body of Trades Unions;
- (c) Infrastructure Organisation: one representative to be invited so long as an organisation is contracted by SBC to provide community representation through the infrastructure contract;
- (d) Community representatives able to understand and fairly present experience or a considered view of equality issues and requirements from across and beyond the protected characteristic groups, such representatives to be proposed by the Infrastructure Organisation in conjunction with the Chair of the Swindon Equality Coalition (SEC) so long as this organisation shall remain in existence with appropriate objectives.

5. Organisation and Meetings

5.1 Appointment of Chair

The Chair shall be appointed annually by the Cabinet Member and may be an elected Councillor or a community representative, provided that the members shall have the opportunity to review the appointment.

5.2 Meeting Frequency

The Cabinet Member shall determine the frequency of the meetings, which will usually be four times a year on a quarterly basis, provided that the members shall have the opportunity to review the frequency and to request meetings for specific purposes.

The Cabinet Member shall determine the time for scheduling meetings in consultation with the members in order to maximise appropriate attendance.

5.3 Operation

Administrative support will be provided by the Council's Committee Services.

Support and advice on equality specific issues, including interpretation of the Equality Act 2010, will be provided by the Change Lead: Equality & Diversity.

The Agenda will be set by the Chair, confirmed with the Cabinet Member. Issues for discussion may be submitted to the Chair by any representative.

Temporary sub-groups may be established from time to time to investigate and review specific issues, such sub-groups to recruit expertise from outside the EAG as appropriate.

Attendance may vary depending on the nature of the items under discussion and there shall be no requirement for a quorum at meetings.

6 Training

SBC training opportunities will be made available to EAG members as necessary.

The Infrastructure Organisation will be responsible for ensuring that their proposed representatives have appropriate knowledge of these Terms of Reference, as well as of Council structure, process and meetings procedures.

7 Rights and Responsibilities of Members

EAG members and others who are invited to attend shall have the right to be heard and treated with fairness, any conflicts to be resolved with dignity and respect. They will also be expected to uphold the principles of equality and to promote good practice in regard to those principles.

8 Review of Terms of Reference

These Terms of Reference will be reviewed within a year of implementation and thereafter at a time to be determined by the Cabinet Member.

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CABINET

WEDNESDAY, 6 DECEMBER 2017

PRESENT:- Councillors David Renard (Chair), Russell Holland, Oliver Donachie, Fionuala Foley, Brian Ford, Cathy Martyn and Garry Perkins

Apologies for absence were received from Councillors Toby Elliott, Mary Martin and Keith Williams

Councillor Steve Allsopp attended the meeting in respect of Minute Nos. 65 and 66.

Councillor Dale Heenan attended the meeting in respect of Minute No. 62.

Councillor Jim Grant attended the meeting in respect of Minute Nos. 61 and 68.

Councillor Jane Milner-Barry attended the meeting in respect of Minute Nos. 62, 65, 67 and 68.

Councillor Chris Watts attended the meeting in respect of Minute Nos. 62, 67 and 68.

Councillor Bob Wright attended the meeting in respect of Minute No. 65.

57. Declarations of Interest.

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

58. Minutes.

Resolved – That the minutes of the meeting held on 18th October, 2017, be confirmed and signed as a correct record.

59. Public Question Time.

Mrs Martha Parry, Swindon Civic Voice, asked questions regarding:

- i) The possibility of the Council affording Swindon Civic Voice a key community stakeholder role, particularly in relation to Forward Swindon Ltd.
- ii) The possible involvement of Swindon Civic Voice in updating the Council's public consultation policy and the Swindon Compact for the voluntary sector.
- iii) The possibility of the Council providing a level of financial support for Swindon Community Voice.

The Leader of the Council responded to Mrs Parry's questions at the meeting.

Mr Terry Reynolds, Gorse Hill, had submitted a written statement and questions on several issues. The Leader advised that written answers would be provided in accordance with the Public Question Time protocol. Mr Reynolds was in attendance and asked supplementary questions regarding the ownership of the Carriage Works and the Council's plans for the regeneration of the northern gateway into Swindon. Mr Reynolds' supplementary questions were answered by the Cabinet Member for Regeneration at the meeting.

60. 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 items 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 Nos.
13	3	68

61. 2017-18 Budget Update and Budget Strategy 2018-2020

Councillor Russell Holland, the Cabinet Member for Finance and Commercialisation, and the Corporate Director of Resources and Growth, submitted a joint report providing an update on the position in relation to the 2017/18 forecast outturn and the work underway to address the financial challenge in the period to March 2020 through a two-year budget strategy. It was noted that the submission of the report met the requirement to publish initial proposals for the Budgetary and Policy Framework at least two months before the Framework must be adopted (Paragraph 2 (a), Budget and Policy Framework Procedure Rules, part 4 of the Council's Constitution refers).

Councillor Holland introduced the report, providing a summary of (i) the recognised pressures on the 2017/18 budget, including the worsened projected outturn forecast, primarily due to continued demand pressures on looked after children placements, (ii) progress to date with the various key elements of the Swindon Programme, and (iii) the Council's changed approach to managing its financial challenges. It was noted that, for purposes of financial planning, an annual increase in basic council tax of 1.99% had been assumed for the financial period to 2019/20, and that the adult social care precept would be an assumed 3% in 2018/19.

Following his presentation of the report, Councillor Holland, with the Leader of the Council, responded to questions put by Councillor Jim Grant, the Leader of the Labour Group, seeking clarification regarding opportunities for consultation on the detail of the budget, in advance of its consideration at the Council meeting in February 2018, and enquiring why the savings of £13.8m attributed to savings within the Organisational excellence workstream of the Swindon Programme, had not been realised earlier.

Resolved – (1) That the in-year forecast outturn position for 2017/18 be noted and that it be also noted that responding management actions are being developed to eliminate the projected year-end overspend.

(2) That it be noted that:

- a) The budget strategy will be focussed on the delivery of a two year plan covering both 2018/19 and 2019/20.
- b) The Local Government Finance Settlement for 2018/19 has yet to be published and therefore the funding assumptions in this report contain levels of uncertainty.
- c) The tax base for 2018/19 will be 72,898.6.

- d) The potential funding pressures of meeting the demand for increased school places in future years.
- (3) That the virements set out in Appendix 2 to the report be agreed.
- (4) That it be agreed that:
 - a) Budgets for fees and charges that are set by the Council should be uplifted by 5%, or a rounded price close to 5%, except where alternative proposals are recommended as part of the commercialisation workstream of the Swindon Programme.
 - b) The Local Council Tax Support (reduction) scheme in 2018/19 be unchanged from that for 2017/18, apart from the annual increases in allowances, applicable amounts and non-dependant deductions, which will be increased in line with the national scheme.
 - c) The basis for allocating Council Tax Support Grant to Parish Councils remains unchanged from that for 2017/18.
 - d) The Council's share of the estimated surplus on the council tax element of the Collection Fund as at 31 March 2018 is £626k.

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

62. Capital Monitoring Quarter 2 2017-18

Councillor Russell Holland, the Cabinet Member for Finance and Commercialisation, and the Corporate Director of Resources and Growth, submitted a joint report advising on the second quarter's monitoring position for the Council's Capital Programme and advising of several proposed changes to the programme.

Councillor Dale Heenan asked a series of questions relating to the recommendation in the report that Cabinet note the particular change to the capital programme, that the A419 sound barrier be removed from the programme.

In response to Councillor Heenan's questions, the Leader proposed, and it was agreed, that paragraph 3.3.11 of the report, be amended to confirm that the scheme will be removed from the 2017/18 Capital Programme. It was also agreed that the related issues raised by Councillor Heenan in his questions, and not answered at the meeting, would be the subject of a written response.

Councillor Holland, with the Leader of the Council, responded to questions put by Councillors Jane-Milner Barry, about the impact of the removal of the A419 sound barrier on the Council's ability to deliver against its Pledge 2 of the Council's Vision, and by Councillor Chris Watts, about the lack of officer consultation with Councillors about capital programme and other issues affecting their ward areas.

Resolved – (1) That the forecast capital expenditure, set out in Table 1 & 2 and Appendix 1 to the report, be noted.

(2) That the changes to the programme, set out in section 3.3 of the report, be approved, subject to the following amendment:

That it be noted that the A419 Sound Barrier will be removed from the 2017/18 Capital Programme.

(3) That the contents of Tables 3 – 6 in the report, regarding the 2016-17

Community Infrastructure Levy (CIL), be noted and that these be approved to be published on the Council's website.

(4) That the annual retention of 5% of the total annual CIL receipts to cover administration costs, as set out in paragraph 3.7 of the report, be approved.

(5) That the distribution of the non-parished CIL Neighbourhood Proportion to the new parishes as if they had existed at the date of the receipt be approved.

(6) That the intention for CIL receipts to support capital programme proposals for 2017/18, that will be taken to Cabinet in February 2018 as part of the annual capital budget setting process, be noted.

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

63. Mid-Year Treasury Performance 2017/18

Councillor Russell Holland, the Cabinet Member for Finance and Commercialisation, and the Corporate Director of Resources and Growth, submitted a joint report setting out the mid-year Treasury Management performance for 2017/18.

Resolved - That the mid-year Treasury Management performance be noted.

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

64. Special Educational Needs and Disability (SEND) Capital Investment Strategy

Councillor Fionuala Foley, the Cabinet Member for Children's Services and School Attainment, the Corporate Director, Children's Services, and the Head of Education, submitted a joint report setting out the strategy for the allocation of capital funding specifically for provision that serves children with Special Educational Needs and Disability in Swindon. It was noted that the report was necessary to set out the draft investment strategy and propose consultation in order to comply with the Department for Education requirements to access the first tranche of funding on the 1st April 2018.

Resolved – (1) That the draft Special Educational Needs and Disability Capital Investment Strategy, attached at Appendix One to the report, be approved as the basis for further consultation with stakeholders.

(2) That the Head of Education, in consultation with the Cabinet Member for Children's Services and School Attainment, be authorised to conduct a consultation with local providers, parents and stakeholders on the draft strategy attached at Appendix 1 to the report and to report to Cabinet in February 2018 on the outcome.

(3) That the Head of Education, in consultation with the Director of Finance (Section 151 Officer), be authorised to retain £40,000 of the investment strategy as an access fund for the Local Authority to commission low level adjustments to schools, as set out in paragraph 3.10 of the report.

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

Councillor Oliver Donachie, the Cabinet Member for the Economy and Skills, and Councillor Garry Perkins, the Cabinet Member for Regeneration, and the Corporate Director Resources and Growth, submitted a joint report setting out the recommended draft Town Centre Car Parking Strategy for consideration and seeking Cabinet's agreement to the commencement of consultation on the Strategy, to include consultation on the level of parking charges. The report also recommended some immediate measures aimed at addressing anti-social behaviour affecting the usage of town centre car parks.

It was noted that the Town Centre Car Parking Strategy was last reviewed in 2011 and, with regeneration projects within the town centre progressing, it was considered timely that it be updated.

Following his introduction of the report, Councillor Donachie, with Councillor Garry Perkins, the Cabinet Member for Regeneration, responded to questions put by Councillors Steve Allsopp, Jane Milner-Barry and Bob Wright regarding:

- The proposed closure of the Granville Street car park and the need to ensure the retention of a range of car parking facilities in that area to support local commerce.
- The status of proposals for the future development of the Granville Street car park.
- The anticipated effect of increased car parking charges on footfall in the town centre.
- The outcome of consultation with InSwindon and the Brunel Centre Management on proposed car parking increases.
- Car parking capacity and proposals to ensure there will be sufficient car parking provision for increased residential development in the Town Centre.
- The definitions of "sufficient" and "adequate", as used in the car parking strategy.
- The strategy objective of minimising the impact of town centre car parking on surrounding residential areas and the opportunity to revisit the strategy in the event of unintended consequences on wards adjacent to the town centre being identified.

Resolved – (1) That the draft Town Centre Car Parking Strategy, as summarised in section 3.5 of the report, and set out in full at Appendix One to the report, be approved for consultation purposes.

(2) That the Corporate Director Resources and Growth, in consultation with the Cabinet Member for the Economy and Skills, the Cabinet Member for Regeneration, and the Head of StreetSmart, be authorised to implement the following measures:

- a) To commence consultation on increasing the parking charges.
- b) Dependent on the outcome of the consultation, to adopt a new schedule of charges for 2018/19.
- c) To make provision within the Council's budget for 2017/18 for up to £160,000, to immediately implement the measures outlined in paragraph 3.7.3 of the report and Action Plan measure S1, with the aim of enhancing the quality of the Council's town centre parking stock including the provision of extra cleaning staff.
- d) To allocate a budget of £160,000 per annum from 2018/19, funded from

increased parking charges, to support the enhanced quality of the Council's town centre parking stock as outlined in paragraph 3.7.3 of the report and Action Plan measure S1.

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

66. Reference from the Health and Wellbeing Board - Adoption of the Swindon Affordable Warmth Strategy

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, and the Director of Law and Democratic Services, submitted a joint report regarding a recommendation of the Health and Wellbeing Board that the Council adopt the Swindon Affordable Warmth Strategy for 2017-19.

Councillor Ford, with Councillor Cathy Martyn, the Cabinet Member for Housing and Public Safety, responded to questions put by Councillor Steve Allsopp regarding (a) the need for the Council to be imaginative in its mechanisms to contact hard to reach groups on issues of increased energy efficiency and energy cost reductions, (b) the need to also consider how best to overcome barriers of language and obstructive landlords in furtherance of strategy objectives, and (c) the ability of the Council to set its own criteria for the determination of incidences of fuel poverty.

Resolved - That the Swindon Affordable Warmth Strategy for 2017-19, approved by the Health and Wellbeing Board at its meeting on 25th October 2017, be adopted.

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

67. Delivery of Town Centre Regeneration

Further to Minute 111(3), 2016/17, Councillor Garry Perkins, the Cabinet Member for Regeneration, and the Corporate Director, Resources and Growth, submitted a joint report advising on the outcomes of the independent review of the Swindon Town Centre Regeneration Delivery model, attached at Appendix 1 to the report.

Councillor Perkins responded to questions put by Councillors Jane Milner-Barry and Chris Watts regarding the Cabinet Member's view that the proposed operational and funding mechanisms and governance arrangements are the best option for the successful delivery of future town centre regeneration and whether the report had taken into account recently effected staff changes at FSL.

Resolved – (1) That the contents of the Independent Review of Swindon Town Centre Regeneration Delivery Model, as set out in Appendix One to the report, be noted.

(2) That Forward Swindon Ltd (FSL) remain as the delivery vehicle, with a reviewed Board membership and with a strong client function fulfilled by the Corporate Director, Resources and Growth, in line with Council's priorities.

(3) That the Corporate Director, Resources and Growth, in consultation with the Cabinet Member for Regeneration and the Director of Law and Democratic Services, be authorised to take such steps as are required to review the current Board membership.

(4) That the Corporate Director, Resources and Growth, in consultation with the Director of Finance and the Cabinet Members for Finance and Commercialisation and for Regeneration, be authorised to develop a budget proposal for 2018/19 to fund FSL and work towards FSL being self-funding.

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

68. Kimmerfields: Delivery Options

Further to Minute 37, Councillor Garry Perkins, the Cabinet Member for Regeneration, and the Corporate Director, Resources and Growth, submitted a joint report setting out options for the future delivery of the Kimmerfields development. In particular, the report sought Cabinet's approval to progress with the proposed new Bus Exchange and a strategy for delivering a viable Masterplan for Kimmerfields.

Councillor Perkins responded to questions put by Councillors Jim Grant, Jane Milner-Barry and Chris Watts regarding the timescales for the commencement of development and the receipt of a financial return, other scheme specifics and the involvement of opposition groups in any future refresh of the Masterplan.

Resolved – (1) That, subject to the termination of the Kimmerfields Development Agreement (DA):

- a) The concept design for the Bus Exchange and Fleming Way, included as Appendix Two to the report, be noted.
 - b) The Corporate Director, Resources and Growth, in consultation with the Cabinet Member for Regeneration, be authorised to develop the Bus Exchange design, based on the funding available once the outcome of the bids described in paragraphs 3.21 and 3.22 in the report are known, in conjunction with the outcome of the town centre movement strategy review.
- (3) That the position in respect of the commercial advice on how the Council and the Homes and Communities Agency (HCA) might take forward development on the Kimmerfields site be noted.
- (4) That the Corporate Director, Resources and Growth, in consultation with the Cabinet Member for Regeneration, be authorised to develop proposals for the preferred scheme for Kimmerfields, as detailed in the main body of the report (to include phasing, cost and cashflow implications) and report back to the Cabinet in July 2018.
- (5) That funding be approved, up to the amount identified in the report (to be allocated from the balance of the Phase 1 Kimmerfields DA development account), to progress with the next steps of the project, as identified in paragraphs 3.25 to 3.28 of the report, in order to support the Cabinet paper in July 2018 (see 4 above) and produce a viable Masterplan.
- (6) That the Corporate Director for Resources and Growth, in consultation with the Cabinet Member for Regeneration, be authorised to spend a budget up to the amount identified in the report, funded from Local Growth Fund grant, to progress design and consultation work on the Bus Exchange and Fleming Way scheme and to enable associated preparatory works such as utility diversions to be commenced.

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

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