



**SWINDON BOROUGH COUNCIL**  
**Municipal Year 2018/19**

**Thursday, 12 July 2018**

**COUNCIL CHAMBER  
CIVIC OFFICES  
SWINDON**

11 July 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, 12 July 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 Interim 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. Minutes for Confirmation** (Pages 13 - 46)

(1) To consider a Minute for Confirmation from Cabinet:

- 12 – Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel.

(2) To consider a Minute for Confirmation from the Health and Wellbeing Board:

- Minute 8 – One Swindon Health and Wellbeing Board – Revised Terms of Reference.

(3) To note Minutes from Cabinet:

- Minute 8 – Motion to Amend Central Residents' Season Ticket.
- Minute 9 – Traffic Management Act 2004 – Enforcement Powers.

**7. Council Petition Scheme** (Pages 47 - 52)

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

**8. Motions**

(a) **Motion - Children's Services**  
**Councillor Carol Shelley will move:**

"This Council notes:

- The findings of Ofsted's recent visit of the multi-agency safeguarding hub (MASH), which includes that some children had been at risk of harm as a result of delays in decision-making.
- The fact that the NSPCC has described itself worried that the Council is making "slow progress" over Ofsted's initial concerns.
- That there has been a 75% increase in children with Child Protection Plans over the last four years due to fears they had been neglected.
- That Swindon is the largest town in the country without a Children's Centre.

Council requests the new Cabinet Member for Children and School Attainment to undertake a review of the Council's policy towards Children's Centres and submit a report to Cabinet."

(b) **Motion - Committee System**  
**Councillor Stan Pajak will move and Councillor Jim Grant will second:**

"This Council:

- Believes its current decision-making structure isn't sufficient to utilise

the expertise and experience of all elected Councillors.

- Recognises that other local authorities in England have used the provision in the Localism Act (2011) to enable them to move from the Strong Leader and Cabinet executive arrangement to the Committees System.
- Believes the Committees System will enable the Council to debate alternatives to Council policies in a meaningful and open way and will encourage a broader and properly informed debate about the future of the Council and the Swindon Borough.
- Requests the Corporate Governance Review Working Party work up proposals on how the Council can amend its decision-making structure to the Committees System with a view to having these decision-making structure in place by the 2019 Annual Council Meeting.”

(c) **Motion - Town Centre**

**Councillor Bob Wright will move:**

“This Council recognises:

- The long-term sustainability issues of leading high street stores as a result of changing consumer habits.
- The Council needs to act to support Town Centre stores’ efforts to survive. If the Council does not act we risk local jobs, our local residents shopping experience and our Town Centre as a destination of choice.
- Many out of town stores benefit from free parking and whilst the council needs revenue to cover parking operation costs it can still act with flexibility to offset and encourage Town Centre use. This can be done by changing its parking arrangements at times of low usage so they become more attractive and in turn help shops at a time when they struggle to attract custom.

Council requests the Cabinet Member for Economic Prosperity to investigate, and seek to provide, free Town Centre parking between the hours of 3pm and 8pm daily and report his findings to the Cabinet.”

(d) **Motion - Scores on the Doors**

**Councillor Oliver Donachie will move and Councillor Emma Faramarzi will second:**

“This Council notes:

(1) The ongoing work by the Borough Council and its partners, especially Switch on to Swindon, to promote Swindon.

(2) The importance of leisure to complement retail in town centres, of which good, hygienic places to eat are an essential element.

(3) The benefits to customers being able to know which cafes and

restaurants achieve the desired standard of hygiene, in a quick and easy format that is immediately viewable at the location as shown by the “scores on the doors.”

(4) That where there are devolved legislatures, it is already a requirement to display this information.

Therefore, this Council requests:

That the Leader of the Council write to the Secretary of State for Housing, Communities, and Local Government to request that English legislation is aligned to make it a duty for premises to display the “scores on the doors”.

(e) **Motion - Plastic Recycling**  
**Councillor Dale Heenan will moved and Councillor Matthew Courtliff will second:**

“This Council welcomes the way the BBC Blue Planet programme has raised awareness of plastic and litter on wildlife in our oceans, and notes that Swindon Borough Council will be developing a new Waste Strategy during 2018, and has already achieved significant diversion of waste from landfill through recycling and turning into refuse derived fuel.

This Council resolves to provide leadership on this issue by:

- Asking the Cabinet Member for Finance of the Council to bring a report to Cabinet on how the Council could phase out all single use plastics, including cups, lids, plastic bottles, plastic-lined cardboard within council managed buildings within 12 months, and encouraging the elimination of single use plastic within its supply chain by 2021.
- Asking the Cabinet Member for Highways and the Environment, and the Community & Place Overview Committee, to investigate all of the possible ways to reduce plastic use, and improve the amount of plastic collected, to provide input into a new robust Waste Strategy - whether that is simplifying collections and better resident communications through to enforcement and how takeaway’s are licensed.
- Requesting that the Leader of the Council write to businesses such as Cineworld, Empire and GWR asking that they set an example with their customers by eliminating plastic straws, spoons, cups and other single use plastics.
- Requesting that the Leader of the Council writes to the Secretary of State for Environment, Food and Rural Affairs to invite him to use Swindon as a plastic deposit return pilot scheme.”

**9. Hannington Neighbourhood Plan** (Pages 53 - 116)

To consider the approval of the Decision Statement relating to the Hannington Neighbourhood Plan

**10. Appointments to Committees** (Pages 117 - 120)

**11. Minutes of Cabinet and Decisions Delegated to Cabinet Members** (Pages 121 - 132)

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.

**12. 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.

**13. 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

**FRIDAY, 18 MAY 2018**

**PRESENT:-** The Worshipful The Mayor in the Chair; Councillors Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Alan Bishop, Emma Bushell, Matthew Courtliff, Claire Crilly, Malcolm Davies, Malcolm Davies, Paul Dixon, Oliver Donachie, Toby Elliott, Claire Ellis, Steph Exell, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Janine Howarth, Mary Martin, Nick Martin, Cathy Martyn, Brian Mattock, Jane Milner-Barry, Des Moffatt, Teresa Page, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Imtiyaz Shaikh, Carol Shelley, Kevin Small, Roger Smith, Gary Sumner, Timothy Swinyard, Rahul Tarar, Vera Tomlinson, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams, Robert Wright and Julie Wright and Robert Wright.

### **1. Mayor's Announcements**

(1) The Mayor welcomed the Lord Lieutenant of Wiltshire and other distinguished guests to the meeting.

(2) The Mayor welcomed back all those Councillors re-elected in the Elections held on 3<sup>rd</sup> May 2018, and welcomed Councillors Claire Crilly, Janine Howarth, Brian Mattock, Imtiyaz Shaikh, Roger Smith, Andy Spry and Rahul Tarar who were either newly elected or had returned after a period of absence.

### **2. Mr John Gilbert**

The Mayor reported that the Council's Chief Executive, Mr John Gilbert, was attending his last meeting of the Council prior retiring after nearly 40 years in Local Government. The Mayor noted that Mr Gilbert had joined Swindon Borough Council 31<sup>st</sup> March 2008 for his work as Chief Executive since 2015 and prior to that in his capacity as Group Director of Children's and Adult Services.

The Mayor, on behalf of the Council, and supported by Councillors Jim Grant, Stan Pajak and David Renard, on behalf of their respective political groups, thanked Mr John Gilbert for his service to Swindon Borough Council.

### **3. Apologies for Absence**

Apologies for absence were received from Councillors Fay Howard, Andy Spry and Carol Sydney-Smith.

### **4. To elect a qualified person to be Mayor of the Borough for the Municipal Year 2018/19**

The Mayor (Councillor Maureen Penny) called upon the Councillors to elect a qualified person to be Mayor of the Borough for the Municipal Year, 2018/19.

Councillor Abdul Amin moved and Councillor Bob Wright seconded and the Council unanimously agreed that Councillor Junab Ali be Mayor of the Borough for

the ensuing Municipal Year. Councillors David Renard, Jim Grant and Stan Pajak offered their support and congratulations to the Mayor, on behalf of their political groups.

Councillor Junab Ali made and signed the Declaration of Acceptance of Office.

(The Worshipful the Mayor (Councillor Junab Ali) in the Chair.)

The Mayor thanked the Council for her election to the post of Mayor of the Borough.

## **5. To elect a qualified person to be Deputy Mayor of the Borough for the Municipal Year 2018/19**

The Mayor called upon the Councillors to elect a qualified person to be Deputy Mayor of the Borough for the Municipal Year, 2018/19.

Councillor Dale Heenan moved and Councillor David Renard seconded and the Council agreed that Councillor Kevin Parry be Deputy Mayor of the Borough for the ensuing Municipal Year.

The Deputy Mayor (Councillor Kevin Parry) thanked the Council for his election to the post of Deputy Mayor of the Borough.

## **6. Return of Councillors Elected**

The Director of Law and Democratic Services reported the return of Councillors elected on 3<sup>rd</sup> May 2018, to fill vacancies occasioned by the retirement of Councillors under the provisions of the Local Government Act 1972 namely:-

WARD	NAME OF COUNCILLOR ELECTED
Blunsdon and Highworth	Steve Weisinger
Central	Junab Ali
Covingham and Dorcan	Kevin James Parry
Eastcott	Imtiyaz Shaikh
Gorse Hill and Pinehurst	Carol Shelley
Haydon Wick	Garry John Perkins
Liden, Eldene and Park	Janine Howarth
South	
Lydiard and Freshbrook	Tim Swinyard
Mannington and Western	Jim Robbins
Old Town	Nadine Carol Watts
Penhill and Upper Stratton	Claire Crilly
Priory Vale	Emma Louise Faramarzi
Rodbourne Cheney	Peter Watts



Shaw	Mary Martin
St. Andrews	Rahul Tarar
St. Margaret and South Marston	Roger Arthur Smith
Walcot and Park North	Abdul Amin
Wroughton and Wichelstowe	Andy Spry

Councillor David Renard moved and Councillor Brian Mattock seconded:

“That the return of Councillors be noted and that those Councillors who have retired from the Council be thanked for their service.”

The Motion was put to the vote and declared carried.

## **7. Communications**

The Chief Executive reported that (a) correspondence had been received from the Ministry of Housing, Communities and Local Government responding to a Council Motion on the recording of budget votes, and (b) the Very Reverend Vivienne Faull had been appointed as the new Bishop of Bristol.

## **8. Minutes**

Resolved – That the minutes of the meeting held on 19<sup>th</sup> April 2018, be confirmed and signed.

## **9. 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. No declarations were made.

## **10. Public Question Time**

There were no Public Questions.

## **11. Adoption of Revisions to Swindon Borough Council's Constitution**

Councillor David Renard moved and Councillor Russell Holland seconded:

“(1) That the Swindon Borough Council’s Constitution for the Municipal Year 2018/19 be adopted.

(2) That the Director of Law and Democratic Services be authorised, in consultation with the members of the Corporate Governance Review Working Group where appropriate, to vary the wording and layout of the Constitution and its associated documentation to reflect legislative and procedural changes should this prove necessary for the efficient discharge of Council business during the course of the Municipal Year.”

The Motion was put to the vote and declared carried.

## **12. Numbers to Serve on Committees**

Councillor David Renard moved and Councillor Russell Holland seconded:

“That the number of Members to serve on Swindon Borough Council’s Committees for the Municipal Year 2017/18, be as follows:

Appeals Committee – 25 Members  
Appointments Committee – 25 Members  
Audit Committee – 7 Members  
Licensing Committee – 15 Members  
Planning Committee – 13 Members  
Special Committee – 11 Members  
Scrutiny Committee – 13 Members  
Adults’ Health, Adults’ Social Care and Housing Overview and Scrutiny Committee – 9 Members  
Children’s Health, Social Care and Education Overview and Scrutiny Committee – 9 Members  
Communities and Place Overview and Scrutiny Committee – 9 Members  
Growing the Economy Overview and Scrutiny Committee – 9 Members  
Resources Overview and Scrutiny Committee – 9 Members  
Health and Wellbeing Board – 4 Members  
Standards Committee – 9 Members.”

The Motion was put to the vote and declared carried.

## **13. Allocations of Seats to Political Groups and Appointments to Committees, Other Bodies and Outside Bodies**

Councillor David Renard moved and Councillor Russell Holland seconded:

“(1) That, having carried out a review under Section 15 of the Local Government and Housing Act 1989, the Council continues to apply the political balance provisions under the Act.

(2) That Committees and other relevant Council Bodies be reminded of their duty to carry out a review under Section 15 of the Local Government Housing Act 1989, as appropriate, and recommends that having carried out that review they continue to apply the political balance provisions.

(3) That the Council’s waiving of the political balance arrangements on the Appeals Committee, Appointments Committee, Licensing Committee, Resources and Corporate Services Overview and Scrutiny Committee, Standards Committee, and Special Committee be confirmed.

(4) That Councillors be appointed to serve on the Council’s Committees for the Municipal Year 2018/19, as set out in Appendix 1 to the Minutes.

(5) That the appointments to the Cabinet, the nominations of Councillors serving on Cabinet Project Boards and Cabinet Advisory Bodies for the Municipal Year 2018/19, as set out in Appendix 1 to the Minutes, be noted.

(6) That the arrangements relating to the Council’s Standards Committee, as set out in Paragraph 3.10 of the report of the Director of Law and Democratic Services, be approved.

(7) That Chairs and Vice-Chairs be appointed to the Council's Committees for the Municipal Year 2018/19, as set out in the Appendix 1 to the Minutes, and where no appointment to Vice-Chair positions have been made, that these be determined at the first meeting of the relevant Committees.

(8) That representatives be appointed to serve on Other and Outside Bodies for the Municipal Year 2018/19, be as set out in Appendix 1 to the Minutes."

The Motion was put to the vote and declared carried.

#### **14. Calendar of Meetings 2018/19**

Councillor David Renard moved and Councillor Russell Holland seconded:

"(1) That, subject to the July meeting of the Audit Committee being rescheduled to meet on 23<sup>rd</sup> July, 2018, the Timetable of Meetings for the Municipal Year 2018/19, as tabled at the meeting, be approved.

(2) That the Director of Law and Democratic Services, in consultation with the Leader of the Council, be authorised 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."

The Motion was put to the vote and declared carried.

#### **15. Councillors Question Time**

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

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**COUNCIL**

**THURSDAY 12<sup>TH</sup> JULY 2018**

**MINUTES FOR CONFIRMATION**

**CABINET**

**WEDNESDAY, 13 JUNE 2018**

**12. Councillors' Allowances 2019/20 - Recommendations of the Independent Remuneration Panel - Minute For Confirmation**

Councillor David Renard, the Leader of the Council, and the Director of Law and Democratic Services, submitted a joint report inviting Cabinet to consider recommendations arising from meetings of the Independent Remuneration Panel on the level of Councillors' Allowances in Swindon for 2019/2020.

It was noted that the Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to consider the recommendations of its Independent Remuneration Panel when making decisions relating to its Scheme of Councillors' Allowances. Decisions on the Scheme of Councillors' Allowances require the approval of full Council, which body is not required to adopt all or any of the Panel's recommendations.

**Resolved – (1) That the recommendations of the Independent Remuneration Panel on Councillors' Allowances for 2019/2020, as set out in paragraph 3.20 of the report, be accepted and referred to the Council for approval.**

(2) That the Director of Law and Democratic Services be authorised to introduce a revised Councillors' Allowances Scheme for 2019/2020 based on the recommendations of the Independent Remuneration Panel, as approved and adopted by the Council.

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

## HEALTH AND WELLBEING BOARD

WEDNESDAY, 23 MAY 2018

### 8. One Swindon Health and Wellbeing Board - Revised Terms of Reference

The Board considered a report of the Director of Public Health at Swindon Borough Council setting out a proposed set of revised Terms of Reference for the One Swindon Health and Wellbeing Board following the merger of the One Swindon Board and Swindon Health and Wellbeing Board.

Ms Jones referred to the amended Terms of Reference attached as an appendix to the report circulated with the agenda papers and drew members' attention to changes made in the document and in particular the renaming of the Board as "One Swindon Health and Wellbeing Board" to incorporate the branding of the One Swindon Board and its work.

Following the presentation of the report the Board discussed:

- The relevance of the inclusion of "One" within the name of the Board following the removal of references to One Swindon within the Terms of Reference.
- How best the positive influences of the One Swindon Board in (a) driving cross agency policy and (b) community and voluntary sector engagement could be promoted by the new Board.
- The availability of a minor one-off funding stream from the One Swindon Board that could be used to promote community engagement.
- The proposed voting membership and the need to ensure this was both balanced and allowed for independent challenge of the Board.
- The need to ensure that the increased membership of both voting and non-voting members did not become too unwieldy or unmanageable.
- The need to ensure that there was not a commissioning/provider conflict in the voting membership.

**Resolved – That Swindon Borough Council and the Clinical Commissioning Group be recommended to approve the Terms of reference for the newly constituted One Swindon Health and Wellbeing Board subject to the following amendments:**

**(1) That the Board be named Swindon Health and Wellbeing Board; and**

**(2) That the voting membership be amended to include an additional clinical member of the Clinical Commissioning Group representative and a lay member.**

## **MINUTES FOR REPORT**

### **CABINET**

**WEDNESDAY, 13 JUNE 2018**

#### **8. Motion to Amend Central Residents' Season Ticket**

Councillor Oliver Donachie, the Cabinet Member for Economic Prosperity, and the Corporate Director for Communities and Housing and the Head of Highways and Transport, submitted a joint report setting out the response to a motion at Council regarding issues around the Residents' Parking Season Ticket charge and seeking Cabinet's agreement to make no further amendments to the season ticket scheme at this time. It was noted that, if the report's recommendations were agreed, there would be no discounted season ticket option for residents to use the short stay town centre and Old Town Council Car Parks.

Resolved – (1) That the Head of Highways and Transport be authorised to undertake a review of the current arrangements after 12 months of their operation.

**(2) That the Cabinet Member for Economic Prosperity be authorised to report this outcome to the next appropriate meeting of Council.**

Councillor Brian Ford made a personal, non-prejudicial declaration of interest in respect of Cabinet's consideration of this matter on the grounds that a family member utilised the residents' car parking season ticket provision for this area.

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

#### **9. Traffic Management Act 2004 - Enforcement Powers**

Councillor Fionuala Foley, the Cabinet Member for Highways and the Environment, and the Head of Highways and Transport, submitted joint report regarding a motion at Council about the obstruction of pavements by vehicles and the outcome of investigations by officers of the options for tackling the issue of parking on pavements throughout the Borough.

It was noted that officers and Ward Members regularly receive complaints about vehicles obstructing pedestrian dropped kerbs and vehicle crossings and that the Council has the option to take on additional powers under the Traffic Management Act (2004) to deal with this issue.

In response to a question put by Councillor Matthew Courtliff regarding the proposals enforcing only prohibitions of double parking and parking at dropped footways, and not in respect of more general parking obstruction, Councillor Foley advised that such obstruction was a matter for Police enforcement and that it would be inappropriate to require enforcement in such cases to be the responsibility of the Council's parking enforcement officers. She added that residents' views on the more general obstruction issues raised by Councillor Courtliff would be obtained through the proposed consultation and that, as part of the consultation review, appropriate consideration would be given to options open to the Council.

The Council's Head of Highways and Transport commented on the use of existing legislative powers available to the Council to take action over the inconsiderate parking obstruction of pedestrian dropped kerbs and vehicle crossings and assured the meeting that options to use new legislative provisions to combat more general parking obstruction were kept under review.

Councillor Foley, with Councillor Oliver Donachie, the Cabinet Member for Economy Prosperity, responded to additional questions put by Councillors Jim Grant and Bob Wright regarding:

- The staff resource available to support parking obstruction enforcement
- The responsibilities of the Police in respect of highway obstruction enforcement
- The implications of such enhanced enforcement in areas where residents' car parking is already recognised to be deficient
- The inclusion of problems of parking on grass verges as part of the consultation review.

**Resolved – (1) That the Motion at Council on 28 September 2017, regarding obstructions of pavements by vehicles (Minute 35 2017/18 refers), be noted.**

(2) That the Head of Highways and Transport, in consultation with the Cabinet Member for Highways and the Environment, be authorised to (a) arrange consultation with the local community over proposals to enforce prohibitions of double parking and parking at dropped footways, and (b) confirm the start date, duration and closing dates of that consultation.

(3) That the Head of Highways and Transport, in consultation with the Cabinet Member for Highways and the Environment, be authorised to consider the consultation responses received and, if appropriate, to introduce enforcement powers permitted under sections 85 (prohibition of double parking) and 86 (prohibition of parking on dropped footway) of the Traffic Management Act 2004, in accordance with the delegated authority contained within the Scheme of Delegations 2018/19 (paragraph 147), subject to giving prior public notice of this intention and the date from which it will apply.

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



# **Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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Author:	Leader of the Council and the Director of Law and Democratic Services
Wards:	All
Parishes Affected:	All

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## **1. Purpose and Reasons**

- 1.1 To consider recommendations arising from meetings of the Independent Remuneration Panel on the level of Councillors' Allowances in Swindon for 2019/2020.
- 1.2 The Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to consider the recommendations of its Independent Remuneration Panel when making decisions relating to its Scheme of Councillors' Allowances. It is not required to adopt all or any of the Panel's recommendations. Decisions on the Scheme of Councillors' Allowances require the approval of full Council.

## **2. Recommendations**

Cabinet is recommended to:

- 2.1 Consider the recommendations of the Independent Remuneration Panel on Councillors' Allowances for 2019/2020, as set out in paragraph 3.20, and to refer these recommendations to the Council.
- 2.2 Authorise the Director of Law and Democratic Services to introduce a revised Councillors' Allowances Scheme for 2019/2020 based on the recommendations of the Independent Remuneration Panel, as approved and adopted by the Council.

## **3. Detail**

Background

- 3.1 The Independent Remuneration Panel for Swindon Borough Council was established in late 2001. It is currently made up of six members independent of the Council. One each is recruited from the Education, Business and Voluntary / Community Sectors, while three Lay Members are appointed following public advertisement.
- 3.2 Following its annual review, the Panel put forward its recommendations for the 2018/2019 Municipal Year which were adopted in full by Council at its meeting on 13<sup>th</sup> July 2017 (Minute 18(2) 2017/18 of the Council refers).

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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).

# **Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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- 3.3 The Panel's recommendations for Councillors' Allowances for 2018/2019, as adopted by Council, are summarised below. The full Councillors' Scheme of Allowances can be found in the Council's Constitution, available on the Swindon Borough Council website.
- 3.3.1 That the level of Basic Allowance be set at £8,220 for 2018/2019.
- 3.3.2 That the Basic Allowance payable to all councillors be index linked to any percentage increase in the Local Government Pay Settlement for a period of four years, commencing in 2017/2018.
- 3.3.3 That a system of Basic Allowance multiplication be used to calculate the levels of Special Responsibility Allowances.
- 3.4 Cabinet is asked to note that a 2% increase was awarded in the Local Government Pay Settlement for 2018/2019. This percentage increase will result in a final Basic Allowance for members of £8,384 for the 2018/2019 Municipal Year.

## Review of Councillors' Allowances for 2019/2020

- 3.5 At its meeting on 13<sup>th</sup> November 2017, the Panel noted that there were no significant changes proposed to the structure and role of councillors serving on the Cabinet and Council Committees, and that there had been no change in respect of the structure and responsibilities of the Standards or other regulatory Committees.
- 3.6 The Panel also sought the views of the Council's Chief Executive, Section 151 Officer, Monitoring Officer and the respective political groups on the levels of Councillors' Allowances for 2019/2020, and where representations were made these are set out in the report.

## *Basic Allowance*

- 3.7 At its meeting on 13<sup>th</sup> November 2017, the Panel considered the appropriateness of the Basic Allowance in Swindon, giving regard to the phased increases already applied to the 2017/2018 and 2018/2019 Municipal Years. The Panel noted that the Council had also adopted an index link for the Basic Allowance, attached to the percentage increase in the Local Government Pay Settlement for a period of four years (ending in the 2020/2021 Municipal Year).
- 3.8 The Panel noted that the views of the Council's Chief Executive, Section 151 Officer, Monitoring Officer, and the respective political groups had been sought on the level of Basic Allowance, and that no representations had been made.

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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).

# **Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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- 3.9 Given the work already undertaken by the Panel on the 'reasonableness' of the Allowances for 2018/2019, it was minded to recommend that the level of Basic Allowance remain unchanged for the 2019/2020 Municipal Year (not including any changes resulting from the index link to the Local Government Pay Settlement).

## *Special Responsibility Allowances (SRA)*

- 3.10 At its meeting on 13<sup>th</sup> November 2017, the Panel noted that the Chair of the Licensing Committee had requested that it consider whether those Licensing Committee members who sit on daytime Licensing Panels should be entitled to an SRA. The Panel revisited its deliberations as to why this SRA had been recommended for removal in May 2017, and was of the opinion that an insufficient amount of time had passed in which to effectively assess the impact on attendance at Licensing Panels as a result of the cessation of the SRA. Accordingly, the Panel determined that at least one year's worth of data would be required to enable a comprehensive review to be undertaken.
- 3.11 The Panel also noted at this meeting that the views of the Council's Chief Executive, Section 151 Officer, Monitoring Officer, and the respective political groups had been sought on the levels of the SRAs in Swindon, and that no representations had been made. The Panel further noted that there were no proposals to amend the description or responsibilities of any of the posts which currently attract SRAs.
- 3.12 At its meeting on 27<sup>th</sup> March 2018, and in anticipation of its review in May 2018, the Panel requested that further information be sought from the Clerk responsible for arranging Licensing Panels (to determine whether recruiting members to sit on Panels has been difficult since the SRA was removed) and the Political Assistants (to determine if fewer members are volunteering for annual appointment to Licensing since the SRA was removed). The Panel also requested that the Chair of the Licensing Committee be invited to attend for interview to determine their thoughts on the matter.
- 3.13 At its meeting on 10<sup>th</sup> May 2018, the Panel met with the Chair and Clerk of the Licensing Committee, and considered their representations regarding the reintroduction of some form of payment for those members who sit on Licensing Panels. The written submissions of the Political Assistants were also considered by the Panel.
- 3.14 The Panel, although sympathetic to the case put, determined that there was no fair and lawful way to remunerate some, but not all, of the Licensing Committee members, and that no evidence had been provided to demonstrate an adverse effect on the numbers of councillors volunteering to sit on the Licensing Committee.

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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).

## **Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

- 
- 3.15 Given the work already undertaken by the Panel on the 'reasonableness' of the Allowances for 2018/2019, it was minded to recommend that the level of Special Responsibility Allowances remain unchanged for the 2019/2020 Municipal Year (not including any changes resulting from the index link of the Basic Allowance to the Local Government Pay Settlement).

### *Travel, Subsistence and Dependent Care Allowances*

- 3.16 At its meeting on 13<sup>th</sup> November 2017, the Panel considered a representation from the Leader of the Council to review the subsistence levels and the hotel allowance, giving particular regard to the high prices in London.
- 3.17 The Panel had previously considered a summary of subsistence and hotel allowances paid by other comparable authorities, and the Travel and Subsistence Policy for Swindon Borough Council officers, at its meeting on 8<sup>th</sup> May 2017. It determined that further information would be required regarding the cost and frequency of overnight hotel stays within the last two years to allow it to undertake a review of this matter.
- 3.18 At its meeting on 27<sup>th</sup> March 2018, the Panel considered the further information it had requested, and noted the following:
- 3.18.1 That Swindon Borough Council does not have an agreement with a hotel chain to provide discounted rooms.
- 3.18.2 That there had been 11 overnight stays by councillors in the last two years, and the associated costs of those stays.
- 3.18.3 That there was no evidence to suggest that councillors are paying more for hotel costs than the amount they are entitled to claim back under the Scheme.
- 3.19 Given the work already undertaken by the Panel on the 'reasonableness' of the levels of Travel, Subsistence and Dependent Care Allowances for 2018/2019, and the consideration of the further information provided as set out above, the Panel was minded to recommend that the level of Travel, Subsistence and Dependent Care Allowances remain unchanged for the 2019/2020 Municipal Year.

### Recommendations

- 3.20 The Panel resolved that the Cabinet and Council be recommended:
- 3.20.1 That the levels of Councillors' Basic Allowance, Special Responsibility Allowances, and Travel, Subsistence and Dependent Care Allowances remain unchanged for the 2019/2020 Municipal Year.

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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).

# **Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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3.20.2 To note that the Basic Allowance and Special Responsibility Allowances will be amended to reflect any percentage increase arising from the result of the Local Government Pay Settlement for 2019/2020.

3.20.3 To note that the Panel is minded to undertake a thorough and comprehensive review of allowances for the 2020/2021 Municipal Year.

## **4. Alternative Options**

- 4.1 There are no alternative options proposed. The Cabinet can decide to support all the Panel's recommendations to the Council, or it can decide not to support the Panel's recommendations and to make its own recommendations to the Council.

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

### Financial and Procurement Implications

- 5.1 The total allocation for Councillors' Allowances and support for 2018/2019 is £735,900. From this, £477,888 is set aside for the payment of Councillors' Basic Allowances (£8,384 x 57) and the remainder is made available for Special Responsibility and other Allowances, as specified in the Scheme of Allowances. The impact of the changes proposed by these recommendations is minimal.

### 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 the Independent Remuneration Panel are compatible with convention rights.

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

- 5.3 There are no specific other implications arising from this report.

### Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been undertaken as the report concerns implementation of national regulations and does not make any recommendations that affects services or employment. The Independent Remuneration Panel considered potential impacts on equality groups as part of their deliberations, and their proposals on the level of allowances reflects their considerations.

### Risk Management

- 5.5 There are no specific risk implications. Decisions on Councillors' Allowances are often controversial in media terms and thus decisions may have a reputational risk for the Council.

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Further information on the subject of this report can be obtained from Vicki Yull, 01793 463603, [vyull@swindon.gov.uk](mailto:vyull@swindon.gov.uk).

# **Councillors' Allowances 2019/20 – Recommendations of the Independent Remuneration Panel**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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## **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 None.

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is not a Key Decision.

# **The One Swindon Health and Wellbeing Board – Revised Terms of Reference**

**Health and Wellbeing Board**

**Date: 23 May 2018**

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Author: Cherry Jones. Director of Public Health. SBC

Wards: All

Parishes Affected: All

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## **1. Purpose and Reasons**

- 1.1 Following agreement at the Health and Wellbeing Board (HWB) meeting on 28 March 2018 the board approved the merger of the One Swindon Leadership Board and the Swindon Health and Wellbeing Board. This was agreed given the duplication of some of the membership across these two Boards and duplication of agendas. This proposal had previously been discussed and agreed by the One Swindon Leadership Board members at their 23 January 2018 meeting.
- 1.2 The revised draft HWB Terms of Reference attached at Appendix 1 have been amended (using track changes so that proposed changes can be seen clearly) as discussed at the HWB March meeting and include the wider proposed membership.
- 1.3 The One Swindon Leadership Board was established a number of years ago and before the Health and Social Care Act 2012 which established Health and Wellbeing Boards as a forum where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities. The Swindon Health and Wellbeing Board was established in 2013.

## **2. Recommendations**

The Board is recommended to:

- 2.1 Discuss and agree the revised Terms of Reference for the One Swindon Health and Wellbeing Board.

## **3. Detail**

- 3.1 Many of the members of One Swindon Leadership Board were also members of the Health and Wellbeing Board and many of the issues which were One Swindon areas of focus were also discussed and progressed either at the Health and Wellbeing Board or at other boards/forums which feed into the Health and Wellbeing Board.
- 3.2 Of the three One Swindon agreed areas of focus existing forums exist all of which feed into the Health and Wellbeing Board including:

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Further information on the subject of this report can be obtained from Cherry Jones, Direct Dial 01739 444681, [cherryjones@swindon.gov.uk](mailto:cherryjones@swindon.gov.uk).



# **The One Swindon Health and Wellbeing Board – Revised Terms of Reference**

**Health and Wellbeing Board**

**Date: 23 May 2018**

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- 3.2.1 Domestic Abuse - multi agency Domestic Abuse and Violence against Women and Girls Board which feeds into the Community Safety Partnership.
- 3.2.2 Homelessness – multi agency Homelessness Alliance led by Voluntary Sector (also covered by Health Overview and Scrutiny).
- 3.2.3 Education – Swindon Challenge Board (was the Education Strategy Board).
- 3.3 Additionally, we have a number of partnership forums covering areas of common interest. These include
  - 3.3.1 One Public Estate forum - looking at the potential for sharing and rationalising our estate
  - 3.3.2 The Community Safety Partnership – looking at shared responses to anti-social behaviour
  - 3.3.3 The Switch on to Swindon Board- working with businesses to progress place marketing and enhancing the reputation of Swindon
  - 3.3.4 The Local Safeguarding Children Board and Local Safeguarding Adults Board – working together to protect vulnerable children and adults
- 3.4 There was an identified overlap in membership and areas of interest of the One Swindon Leadership Board and the Health and Wellbeing Board and the risk of duplication of discussions.
- 3.5 The membership of the One Swindon Leadership Board was as follows
  - 3.5.1 Great Western Hospital
  - 3.5.2 Clinical Commissioning Group \*
  - 3.5.3 Police and Crime Commissioner \*
  - 3.5.4 Chief Constable
  - 3.5.5 Voluntary Action Swindon \*
  - 3.5.6 Leader of the Liberal Democrat Group
  - 3.5.7 Leader of the Labour Group
  - 3.5.8 Leader of the Council
  - 3.5.9 Cabinet Member for Communities and Place

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Further information on the subject of this report can be obtained from Cherry Jones, Direct Dial 01739 444681, [cherryjones@swindon.gov.uk](mailto:cherryjones@swindon.gov.uk).



# **The One Swindon Health and Wellbeing Board – Revised Terms of Reference**

**Health and Wellbeing Board**

**Date: 23 May 2018**

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3.5.10 Business West

3.5.11 Fire and Rescue

3.5.12 Probation – Community Rehabilitation Company

3.5.13 Department of Work and Pensions ( Job Centre Plus)

3.5.14 Chief Executive \*

3.5.15 Director of Public Health \*

3.5.16 Director of Children's Services /Director of Adult Social Services \*

(\* also members of the Health and Wellbeing Board)

3.6 The current membership of the Health and Wellbeing Board is

3.6.1 Independent Chair

3.6.2 Clinical Commissioning Group Accountable Officer

3.6.3 Clinical Commissioning group Clinical Chair

3.6.4 Clinical Commissioning group Executive Nurse

3.6.5 Police and Crime Commissioner

3.6.6 Voluntary Action Swindon

3.6.7 Healthwatch

3.6.8 Chief Executive

3.6.9 Director of Public Health

3.6.10 Director of Children's Services

3.6.11 Director of Adult Social Services

3.6.12 Cabinet Member for Adults' Health and Social Care

3.6.13 Cabinet Member for Children's Services

3.6.14 Spokesperson for Health & Adult Social Care

3.6.15 NHSE ( National Health Service England )

3.7 The proposed membership of the One Swindon Health and Wellbeing Board is

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Further information on the subject of this report can be obtained from Cherry Jones,  
Direct Dial 01739 444681, [cherryjones@swindon.gov.uk](mailto:cherryjones@swindon.gov.uk).

# **The One Swindon Health and Wellbeing Board – Revised Terms of Reference**

**Health and Wellbeing Board**

**Date: 23 May 2018**

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## **Voting Members**

- 3.7.1 The Leader of the Council
- 3.7.2 Cabinet Member for Health and Social Care
- 3.7.3 Cabinet Member for Children's Services
- 3.7.4 Leaders of the Opposition Groups X 2
- 3.7.5 Shadow Member for Health and Social Care or Children
- 3.7.6 Healthwatch Swindon representative
- 3.7.7 NHS Swindon Clinical Commissioning Group Accountable Officer
- 3.7.8 NHS Swindon Clinical Commissioning Group Clinical Chair (Vice-Chair)
- 3.7.9 NHS Swindon Clinical Commissioning Group Executive Nurse
- 3.7.10 NHS England Executive representative Voluntary Sector representative
- 3.7.11 Police and Crime Commissioner (Wiltshire)

## **Non-Voting**

- 3.7.12 Chief Executive of Swindon Borough Council
- 3.7.13 Director of Adult Social Care
- 3.7.14 Director of Children's Services
- 3.7.15 Director of Public Health
- 3.7.16 Great Western Hospital Chief Executive
- 3.7.17 Avon and Wiltshire Mental Health Partnership Swindon Locality Managing Director
- 3.7.18 Wiltshire Police Chief Constable
- 3.7.19 Business West
- 3.7.20 Dorset and Wiltshire Fire Service
- 3.7.21 Probation – Community Rehabilitation Company
- 3.7.22 Department of Work and Pensions

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Further information on the subject of this report can be obtained from Cherry Jones, Direct Dial 01739 444681, [cherryjones@swindon.gov.uk](mailto:cherryjones@swindon.gov.uk).

# **The One Swindon Health and Wellbeing Board – Revised Terms of Reference**

**Health and Wellbeing Board**

**Date: 23 May 2018**

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## **4. Alternative Options**

- 4.1 To continue to operate the two separate boards which may lead to duplication of effort and resource.

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

### Financial and Procurement Implications

- 5.1 There are no direct financial implications from this report.

### 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 direct implications arising from this report

### Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report. This is because the proposed merger of the two Boards does not make any new recommendations that would have a detrimental impact on services.

### Risk Management

- 5.5 There are no identified risks

## **6. Consultees**

- 6.1 This proposal has been discussed and approved by the One Swindon Board members at their 23 January 2018 meeting.
- 6.2 SBCs Corporate Governance Review Working Group fully support the proposal for the two Boards to merge at its meeting 12 March 2018.
- 6.3 The Health and Wellbeing Board agreed the merging in principle of the two boards at its 28 March board meeting.
- 6.4 The Director of Finance (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None
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Further information on the subject of this report can be obtained from Cherry Jones, Direct Dial 01739 444681, [cherryjones@swindon.gov.uk](mailto:cherryjones@swindon.gov.uk).

# **The One Swindon Health and Wellbeing Board – Revised Terms of Reference**

**Health and Wellbeing Board**

**Date: 23 May 2018**

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## **8. Appendices**

### **8.1 One Swindon Health and Wellbeing Board proposed Terms of Reference**

# **One Swindon Health and Wellbeing Board**

## **Terms of Reference**

### **1 Introduction**

The Health and Social Care Act 2012 establishes Health and Wellbeing Boards as a forum where key leaders from the health and care system work together to improve the health and wellbeing of their local population and reduce health inequalities.

The One Swindon Health and Wellbeing Board is made up of a collection of people from different organisations (including the NHS, the local authority officers and elected members, the Clinical Commissioning Group and the voluntary sector), who will work together on issues to do with being healthy and feeling well. The Board aims to find out what people in Swindon need to be healthy and feel well and work together to agree a strategy (plan) that will promote positive change towards making things happen. The Health and Wellbeing Strategy will help the Health and Wellbeing Board plan services to do with being healthy and feeling well and that make it easier for everyone to get the care they need. The Board also aims to reduce the health differences between poorer and better off groups across Swindon (health inequalities).

It is the responsibility of commissioners (who hold the budget) that their commissioning plans are supportive of the priorities identified in the Health and Wellbeing Strategy and the local needs of our population, and it is the responsibility of the Health and Wellbeing Board to ensure that they do.

The Health and Wellbeing Strategy will provide the priorities and objectives against which the success of the Health and Wellbeing Board can be measured.

The Health and Wellbeing Boards primary role is to provide strategic leadership to improve the health and wellbeing of Swindon's population (both adults and children) and to reduce the inequalities in health experienced by some communities. It aims to:

- Ensure delivery of improved outcomes for the people of Swindon bringing together national health and social care policy in conjunction with local priorities.
- Achieve democratic legitimacy and accountability, and empower local people to take part in decision-making about local health and wellbeing.
- Ensure the development of integrated working across the health and care system.

### **2 Purpose**

The purpose of the Board is to improve the health and wellbeing of people of all ages resident in the borough of Swindon, and to reduce health inequalities in Swindon.

### **3 Underlying Principles**

- shared leadership of a strategic approach to the health and wellbeing of our local communities
- a commitment to driving real action and change to improve services and outcomes
- parity between Board members in terms of their opportunity to contribute to the Board's deliberations, strategies and activities
- shared ownership of the Board by all the members (with commitment from their nominating organisations) and accountability to the communities it serves
- openness and transparency in the way that the Board carries out its work
- inclusiveness in the way it engages with patients, service users and the public
- recognition of safeguarding (adults and children) as everyone's business and a cross-cutting theme ensuring that all people in Swindon are safe and their wellbeing protected
- promotion of integrated commissioning and working across health and social care

### **4 Key responsibilities**

The key responsibilities of the Board are:

- To provide collective leadership, set strategic direction, prioritise local activity, and present comprehensible plans of what will be done locally, where possible and deemed appropriate by the Board, to address needs and improve health and wellbeing.
- To prepare the Swindon Joint Strategic Needs Assessment which identifies the local health and wellbeing needs of our population ensuring:
  - effective and meaningful engagement and dialogue with local communities and service users
  - joined up intelligence from local partners and stakeholders
  - Inclusion of comprehensive safeguarding data analysis
- To prepare the Swindon Joint Health and Wellbeing Strategy.
- To promote partnership and integration of commissioning and service delivery across health, social care, public health and other service areas including but not limited to housing, leisure and transport in conjunction with the Swindon Joint Health and Wellbeing Strategy.
- To ensure that the plans of local and regional commissioners, including the NHS Swindon Clinical Commissioning Group commissioning plan, promote the delivery of the Swindon Joint Health and Wellbeing Strategy wherever appropriate.

- To monitor, evaluate and annually report on the NHS Swindon Clinical Commissioning Group performance as part of the Clinical Commissioning Groups annual assessment by NHS England.
- To measure progress against local plans including NHS Swindon Clinical Commissioning Group Plan, the Joint Health and Wellbeing Strategy and other supporting plans and request action is taken to improve outcomes when monitoring indicators show plans or initiatives are not working.
- The Board will advise the NHS Clinical Commissioning group and the Swindon Borough Council Cabinet on strategic matters of health and wellbeing.
- The Board will refer the Commissioning Plans back to the Clinical Commissioning Group or to NHS England if they do not take sufficient account of the Swindon Joint Health and Wellbeing Strategy.
- Board members are accountable to each other for mobilising and co-ordinating partners and identifying available resources to deliver agreed priorities.
- To ensure the development and implementation of the National Health Services Act 2006 Section 75 Agreements including the Better Care Fund. Manage these partnership arrangements and in particular:
  - a. Make recommendations to Cabinet and the Clinical Commissioning Group Board as to commissioning of services.
  - b. Monitor and ensure delivery of and evaluate health, social care, education and other related services for adults, children and young people in Swindon on behalf of Clinical Commissioning Group and Swindon Borough Council and such other relevant services as Clinical Commissioning Group and Swindon Borough Council may from time to time agree.

The work programmes of the One Swindon Health and Wellbeing Board, the relevant Overview and Scrutiny Committee, and Healthwatch Swindon will be shared and loosely aligned to create pathways for influence, whilst maintaining independence and the role of scrutiny.

## **5 Role of the board**

In order to deliver its responsibilities, the Board may decide to establish a sub-committee and delegate functions to them.

The Board will do the following:

### **Coordinate partnership working**

- Bring together NHS, public health and social care leaders with members of the local population and democratically elected representatives.
- Promote integration of business action plans of partner organisations where appropriate.
- Co-ordinate information sharing across partners.
- Co-ordinate commissioning decisions to reflect the priorities identified by the Board including the use of joint commissioning and pooled budgets where appropriate.
- Consult with service users and carers about service developments which will affect them.
- Work with the Local Safeguarding Children and Adult Boards to ensure all partners promote the safety and welfare of children, young people and vulnerable adults, and receive an annual report from the Safeguarding Boards.
- Monitor the performance of the National Health services Act 2006 Section 75 Agreements including:
  - a. overseeing the work of the Joint Commissioning Group by reviewing and monitoring the six monthly performance reports which will be provided to them by the Group.
  - b. carrying out an Annual Review which will describe how commissioned services have performed, and include commentary on performance of providers, financial pressures and changes in need or service delivery. It will also set out commissioning intentions for the coming year and agreements for developing joint working.
- Optimise effective and efficient working to avoid partner organisations duplicating each other's work.
- Link with the voluntary and community sector.

### **Identify local needs**

- Lead the development of the Joint Strategic Needs Assessment which identifies local health and wellbeing needs and priorities.

### **Set strategic direction and prioritise and communicate actions**

- Prioritise actions, based on the agreed strategic direction, joint commissioning strategies and Joint Strategic Needs Assessment, to meet the needs of the current population and avoid compromising the wellbeing of future generations.
- Communicate actions in publically available action plans.

### **Performance monitor**

- Evaluate performance against locally agreed priorities.
- Evaluate performance against nationally set outcomes frameworks for the NHS, public health and social care.
- Scrutinise any local major service redesign of the NHS.
- Produce annual reports of progress in relation to above action plans, in order that the Board is publically accountable for delivery of these actions.

## **6 Membership**



The membership will consist of:

**Voting Members**

- | The Leader of the Council
- Cabinet Member for Health and Social Care
- Cabinet Member for Children's Services
- Leaders of the Opposition Groups X 2
- Shadow Member for Health and Social Care or Children
- | Healthwatch Swindon representative
- NHS Swindon Clinical Commissioning Group Accountable Officer
- NHS Swindon Clinical Commissioning Group Clinical Chair (Vice-Chair)
- NHS Swindon Clinical Commissioning Group Executive Nurse
- NHS England Executive representative
- Voluntary Sector representative
- Police and Crime Commissioner (Wiltshire)

**Non-Voting**

- Chief Executive of Swindon Borough Council
- Director of Adult Social Care
- Director of Children's Services
- Director of Public Health
- Great Western Hospital Chief Executive
- Avon and Wiltshire Mental Health Partnership Swindon Locality Managing Director
- Wiltshire Police Chief Constable
- Business West
- Dorset and Wiltshire Fire Service
- Probation – Community Rehabilitation Company
- Department of Work and Pensions

Such Lay Members as the Board may appoint (co-opted and voting)

Elected Members and officers of Swindon Borough Council are governed by Swindon Borough Councils Code of Conduct.

All members or co-opted members must notify the Council's Monitoring Officer of Disclosable Pecuniary Interests and are prohibited from participating in discussion or voting on any matter relating to their interest.

## **7 Procedures**

- | Meetings of the Board will be chaired by the Leader of the Council (or by the Vice-Chair in their absence) or by a lay member.

A quorum shall be four members (at least one from NHS Swindon Clinical Commissioning Group and one from Swindon Borough Council). Each member is required to attend at least four of the five scheduled Health and Wellbeing Board meetings per year. Members of the Board will nominate a deputy who will attend in their absence and have delegated authority, wherever possible and appropriate, to make decisions. Nominated deputies will form part of the quorum.

The Board will operate in accordance with the Council's existing decision-making framework and normal council budget setting processes. A decision to exercise any further local authority functions by the Health and Wellbeing Board would

therefore need to be taken by the appropriate decision-making body (e.g. Cabinet or Council), and a further report would be required for this.

## **8 Review Arrangements**

The Swindon Health and Wellbeing Board Chair will lead an annual effectiveness review.

**APPROVED:**

**NEXT REVIEW:**

**REVIEW HISTORY:**

**Inaugural Terms of Reference: approved 10 July 2013**

**First Review: May 2014**

**Second Review: January 2015**

**Third Review: May 2016**

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# Motion to Amend Central Residents' Season Ticket

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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Author: Cabinet Member for Economic Prosperity  
Corporate Director for Communities and Housing/ Head of Highways and Transport

Wards: Central, Eastcott, and Old Town

Parishes Affected: Central Swindon South

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## **1. Purpose and Reasons**

- 1.1 This report sets out the response to a resolution at Council and seeks Cabinet agreement to make no further amendments to the season ticket scheme at this time. There would, therefore, be no discounted season ticket option for residents to use the short stay town centre and Old Town Council Car Parks.
- 1.2 The report addresses the concerns raised on 22<sup>nd</sup> February 2018 (Council Minute 89, 2017/18 refers) and in a report to Cabinet on 17<sup>th</sup> March 2018 (Cabinet Minute 93, 2017/18 refers).

## **2. Recommendations**

Cabinet is recommended to:

- 2.1 Authorise the Head of Highways and Transport to undertake a review of the current arrangements after 12 months of their operation.
- 2.2 Authorise the Cabinet Member for Economic Prosperity to report this outcome to the next appropriate meeting of Council.

## **3. Detail**

Background

- 3.1 On 22<sup>nd</sup> February 2018, Council resolved that: "This Council, (1) Notes that a Council motion is to be considered by Cabinet regarding the reduction of charges for residential parking season tickets in Council Long-Stay Car Parks (2). Requests that the Cabinet Member include within this item to Cabinet the feasibility of the Residents Parking Season Ticket charge being applied to other secure Council Car Parks, plus a fee for the Council's security services" (Council Minute 89, 2017/18 refers).
- 3.2 Cabinet responded with a resolution on 17<sup>th</sup> March stating " (1) That the Head of Highways and Transport be authorised to: a) Amend the Residents Parking Scheme that includes a 'Town Centre zone' & 'Old Town Centre Zone' to enable residents not included in the existing zones and living within this area to purchase a permit to park at any time in the town centre long stay car parks (£299 per year, £150 for 6 months), or park between 6.00pm and 9.00am only

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Further information on the subject of this report can be obtained from Dawn Woollard, 01793 463771, [dwoollard@swindon.gov.uk](mailto:dwoollard@swindon.gov.uk).

# Motion to Amend Central Residents' Season Ticket

Cabinet

Date: 13<sup>th</sup> June 2018

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(£149 per year); and b) Undertake a review of this change after one year (2) That the Cabinet Member for the Economy and Skills be authorised to report this outcome to the next appropriate meeting of Council." (Cabinet Minute 93, 2017/18 refers).

- 3.3 Legal orders are in place currently that only allow residents' permits to be used in Long Stay Car Parks.
- 3.4 The current Town Centre Resident Parking Scheme allows the resident to park at any time in a town centre long stay car park for £625 per year, or £312.50 for 6 months. This has since been amended to a season ticket cost of £299.

## Further Possibilities for Change

- 3.5 Officers have been asked to investigate whether a similar discount could be applied to the Council's short stay car parks to allow residents to make use of car parks at times when they are less used by businesses and shoppers. Until use of the new season ticket has commenced, officers are unable to predict the demand for these tickets and therefore the impact that this uptake may have on the use of short stay car parks.
- 3.6 Current uptake of the discounted residents' season ticket is presently very low. Without reviewing the numbers of tickets purchased, officers cannot review the effect of similar discounted tickets in short stay car parks. If the resident permit demand were to be high, then the spaces available in short stay car parks would be affected.
- 3.7 Depending on location of the resident's property, the Council would advise the resident to use the current nearest car park.
- 3.8 The Council needs to ensure that short stay spaces are available for appropriate users. At present short stay use in both the town centre and Old Town car parks is generally high, leaving limited spare capacity throughout most of the day.
- 3.9 In addition, Old Town short stay car parks are close to capacity in the evenings. As the town centre develops, the Council would expect to see evening use of short stay town centre car parks also increase.
- 3.10 If parking in short stay car parks were allowed, the Traffic Regulation Order would need to be amended. Without knowing the uptake in season tickets, this would represent an unnecessary cost at this stage.
- 3.11 Given these unknowns, it is recommended that no further changes be made; however, a review should be undertaken in a year's time. If approved, the Cabinet Member is requested to report this outcome to Council.

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Further information on the subject of this report can be obtained from Dawn Woollard, 01793 463771, [dwoollard@swindon.gov.uk](mailto:dwoollard@swindon.gov.uk).

# Motion to Amend Central Residents' Season Ticket

Cabinet

Date: 13<sup>th</sup> June 2018

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## 4. Alternative Options

- 4.1 Cabinet could choose to add the ability for residents' Town Centre Permits to be used in short stay car parks. However, this would affect the users of the short stay car parks, as these facilities are designed for a quick turnover to support the shopping centres.

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

### Financial and Procurement Implications

- 5.1 The 2018/19 budget was approved before Council's resolution. Having high numbers of long stay permit holders taking short stay spaces would reduce the Council's expected income.
- 5.2 There are no Procurement Implications.

### Legal and Human Rights Implications

- 5.3 The Council is required to comply with the statutory provisions referred to in the report. All 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)

- 5.4 None

### Diversity Impact Assessment

- 5.5 A Diversity Impact Assessment (DIA) has been completed. No adverse or other significant issues were found. A copy of the DIA can be obtained from the report author.

### Risk Management

- 5.6 A Risk Assessment has been completed. No significant risks or issues were found. A copy of the Risk Assessment is available from the report author.

## 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

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Further information on the subject of this report can be obtained from Dawn Woollard, 01793 463771, [dwoollard@swindon.gov.uk](mailto:dwoollard@swindon.gov.uk).

# **Motion to Amend Central Residents' Season Ticket**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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## **8. Appendices**

8.1 None

## **9. Key Decision/Decision in Cabinet Work Programme**

9.1 This is a Key Decision and is included in the Cabinet Work Programme for March 2018.



# **Traffic Management Act 2004**

## **Enforcement Powers**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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Author:	Cabinet Member for Highways and the Environment Head of Highways & Transport
Wards:	All
Parishes Affected:	All

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

- 1.1 Following a Motion at Council on 28 September 2017 Officers have been investigating options for tackling the issue of parking on pavements throughout the Borough.
- 1.2 Officers and Ward Members regularly receive complaints of vehicles obstructing pedestrian dropped kerbs and vehicle crossings. The Council has the option to take on additional powers under the Traffic Management Act (2004) to deal with this issue. The report seeks approval for a consultation to take place on the adoption of these additional powers contained within the Traffic Management Act (2004). These will prohibit the parking of vehicles across pedestrian dropped kerbs and vehicle crossings. They will also prohibit double parking.
- 1.3 Enforcement will be carried out by the Council's Civil Enforcement Officers. There will be no requirement for Traffic Regulation Orders or special signs. However, there will be a requirement for prior consultation with the community and clear notice being given to the public of the Council's intention to adopt these powers.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the Motion at Council on 28 September 2017 regarding obstructions of pavements by vehicles (Minute 35 2017/18 refers).
- 2.2 Authorise the Head of Highways and Transport, in consultation with the Cabinet Member for Highways and the Environment, to consult with the local community over proposals to enforce prohibitions of double parking and parking at dropped footways.
- 2.3 Authorise the Head of Highways and Transport, in consultation with the Cabinet Member for Highways and the Environment, to consider the consultation responses received, and if appropriate, to introduce enforcement powers permitted under sections 85 (prohibition of double parking) and 86 (prohibition of parking on dropped footway) of the Traffic Management Act 2004 in accordance with the delegated authority contained within the Scheme of Delegations

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Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, [pmartlew@swindon.gov.uk](mailto:pmartlew@swindon.gov.uk).

# Traffic Management Act 2004

## Enforcement Powers

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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(paragraph 143) subject to giving prior public notice of this intention and the date from which it will apply.

### **3. Detail**

#### Background

- 3.1 At its meeting on 28 September 2017 Council considered the following motion proposed by Councillor Mary Martin and seconded by Councillor Matthew Courtliff.

“This Council notes the concerns raised by Ward Members on the nuisance caused to residents by obstructions on pavements and, particularly to those residents with pushchairs, mobility scooters and impaired vision. Council requests that the Cabinet Member for Communities and Place bring a report to Cabinet on how the Council can use the powers available to unitary authorities to tackle the obstruction of pavements in the areas where Ward Members think appropriate.

- 3.2 The Motion was carried (Council Minute 35 2017/18).

- 3.3 Parking on pavements, verges and dropped kerbs also featured as a concern at the September 2017 meeting of the Communities and Place Overview and Scrutiny Committee, which reviewed residents’ requests. Cabinet was asked to investigate ways of resolving these issues (Minute 10(1) 2017/18 refers).

- 3.4 Officers and Ward Members regularly receive complaints about vehicles obstructing pedestrian dropped kerbs and vehicle crossings either by parking across them on the road or by parking on top of them on the pavement. At present the only option available would be to introduce parking restrictions (double yellow lines). This would require a Traffic Regulation Order with the associated statutory process. The amount of double yellow lines involved would be only a few metres in each case. However, the time and costs involved make this impractical.

#### Traffic Management Act 2004

- 3.5 The Traffic Management Act 2004 (TMA) does give local authorities with the power of the civil enforcement of parking contravention the right to enforce prohibitions of double parking (Section 85 of TMA) and parking at dropped footways (Section 86 of TMA) as if they had been introduced using a traffic regulation order (TRO). Therefore there would be no need to make a TRO.

- 3.6 As this is an amendment to the Council’s parking policy regarding the contraventions it enforces it is recommended that a degree of consultation takes

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Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, pmartlew@swindon.gov.uk.

# **Traffic Management Act 2004**

## **Enforcement Powers**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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place with the community. The outcome of consultation should be considered before a final decision is made to proceed with these powers.

- 3.7 The Department for Transport Guidance states that the public should be made aware of the new restrictions being enforced. In addition to wider communication through the press and media it would be prudent to publish a notice giving details of the new restrictions and the start date for enforcement.
- 3.8 There is no requirement to place and maintain traffic signs to indicate the effect of sections 85 and 86 on roads.
- 3.9 In some residential areas parking spaces are at a premium and vehicles are often parked in less than ideal locations – including at, on and across pedestrian dropped kerbs. Enforcement of restrictions on parking across pedestrian dropped kerbs may therefore reduce the available parking space in such areas. However these dropped kerbs will have been provided in order to provide a suitable crossing point for pedestrians and their needs need to be balanced against the desire of car owners to park their vehicles. As the pedestrians most likely to be adversely impacted by a blockage of a dropped kerb are likely to be disabled or elderly or users of pushchairs the balance should be in their favour as vulnerable users of the highway.
- 3.10 No additional enforcement resources are being proposed and it will therefore be necessary to accommodate these new powers within existing resource levels amongst the Civil Enforcement Officers and associated Representations Team. It is anticipated that enforcement will be reactive to complaints that are received from the public or local Councillors and will not involve additional pro-active patrols to seek out these offences.
- 3.11 In relation to the original Motion at Council these powers will not have an impact on issues of pavement parking away from pedestrian dropped kerbs and vehicle crossings. Officers will continue to investigate options for tackling obstruction of pavements by vehicles beyond those powers that already exist to introduce Traffic Regulation Orders.

#### **4. Alternative Options**

- 4.1 The alternative to taking on these enforcement powers is to leave the situation as it exists at present. However this would not address the concerns raised by pedestrians (particularly pushchair users, those with mobility scooters and those with impaired vision). This option is available to the Council under existing legislation and it would appear sensible to make full use of the powers that have been made available to highway authorities to control indiscriminate and anti-social parking behaviour.

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Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, [pmartlew@swindon.gov.uk](mailto:pmartlew@swindon.gov.uk).

# Traffic Management Act 2004

## Enforcement Powers

Cabinet

Date: 13<sup>th</sup> June 2018

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- 4.2 The use of Traffic Regulation Orders to create parking restrictions (double yellow lines) at individual dropped kerbs across the Borough would not be a cost effective option nor practical in terms of officer resources.

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

#### Financial and Procurement Implications

- 5.1 Enforcement would be carried out within the existing establishment of Civil Enforcement Officers as part of their normal duties. There would therefore be no additional resource implications.
- 5.2 It is not anticipated that there will be significant additional revenue raised as a result of Penalty Charge Notices being issued as a result of enforcement of these offences. It is anticipated that most vehicles will be moved by their owners once the Civil Enforcement Officer is on site – and prior to a Penalty Charge Notice being issued.
- 5.3 There will be no Procurement Implications as the existing equipment used to issue Penalty Charge Notices can be used for these offences. The existing “back office” systems will also be unchanged.

#### Legal and Human Rights Implications

- 5.4 The content of this report will not have a direct implication on human rights issues and it is believed to be compatible with Convention Rights.
- 5.5 There are no direct legal issues arising from the report. The Traffic Management Act 2004 does give local authorities with the power of the civil enforcement of parking contravention the right to enforce prohibitions of double parking (Section 85 of TMA) and parking at dropped footways (Section 86 of TMA) as if they had been introduced using a traffic regulation order.

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

- 5.6 No other implications have been identified.

#### Diversity Impact Assessment

- 5.7 A Diversity Impact Assessment (DIA) was completed for the overarching LTP Strategy in 2011. The DIA was reviewed and updated for 2015. This included a detailed analysis of the 2011 Census data. The conclusions were that:

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Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, [pmartlew@swindon.gov.uk](mailto:pmartlew@swindon.gov.uk).

# **Traffic Management Act 2004**

## **Enforcement Powers**

**Cabinet**

**Date: 13<sup>th</sup> June 2018**

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- 5.7.1 Some equality groups have significantly lower levels of car ownership than the population generally and will therefore have different transport issues (e.g. more reliance on public transport, walking and cycling),
- 5.7.2 Caution should be used in applying “Swindon-wide” average figures for equality groups on a local basis, and
- 5.7.3 The concentration of certain groups into distinct parts of Swindon will mean that transport issues unique to those communities (e.g. non car ownership, reliance on public transport, concern over safety on-street at night) will be particularly emphasised in those areas
- 5.8 This DIA is available from the report author.
- 5.9 The pedestrians who are most disadvantaged by the obstruction of dropped kerbs are often those who would fall into one of the groups that have protected characteristics as defined by the Equalities Act 2010 (e.g. disabled, elderly). Action to prevent obstruction of dropped kerbs is therefore an issue that would be appropriate for the Borough Council to carry out in furtherance of its Public Sector Equality Duty which requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

### Risk Management

- 5.10 There are no direct risks arising from this report.

## **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 None

## **9. Key Decision/Decision in Cabinet Work Programme**

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme for June 2018.

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Further information on the subject of this report can be obtained from Philip Martlew, Direct Dial Telephone Number 01793 466369, [pmartlew@swindon.gov.uk](mailto:pmartlew@swindon.gov.uk).

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## Council Petitions Scheme

**Council**

**Date: 12<sup>th</sup> July 2018**

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Author: The Director of Law and Democratic Services

Wards: All

Parishes Affected: All

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

- 1.1 To report the receipt of a petition to “Stop Swindon Borough Council from cutting the school crossing guard on Eastcott Road”. The petition contains 402 signatures 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 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 Hear from the Lead Petitioner (or representative) stating why Council should support the petition’s request to “Stop Swindon Borough Council from cutting the school crossing guard on Eastcott Road”;
- 2.2 Thank the Lead Petitioner and acknowledge the views expressed
- 2.3 To consider a response from the Cabinet Member for Highways and the Environment in respect of the petition.

### **3. Detail**

Petition

- 3.1 A petition has been received containing 402 signatures to “Stop Swindon Borough Council from cutting the school crossing guard on Eastcott Road”. There is an on-line petition supporting the paper version of this petition, although at the time of producing this report details on the number of valid petitioners has not been verified.

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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](mailto:sbanks@swindon.gov.uk)

# Council Petitions Scheme

**Council**

**Date: 12<sup>th</sup> July 2018**

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## Procedure

- 3.2 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 (Council Minute 10, 2010/11 refers). While the statutory requirement to have a petition scheme has been repealed (Section 46, Localism Act 2011), the Council has resolved to retain a petition scheme at each subsequent Annual Meeting in order to promote public participation. The current scheme is set out in Section 9, Part 4 of the Constitution (Council Minute 8, 2017/2018).
- 3.3 The Council's Petitions Officer has determined that the Petitions set out in paragraph 3.1 of the report meets the requirements to be considered by the Council.
- 3.3.1 In accordance with the Scheme:
- 3.3.2 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.
- 3.4 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.
- 3.5 The Lead Petitioner has been advised that the petition will be presented to the meeting of Council to be held on 12<sup>th</sup> July 2018 and has been invited to attend.

## **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 Government Statutory Guidance on Handling Petitions have been taken into account in the development of the Council's Petition Scheme.

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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](mailto:sbanks@swindon.gov.uk)



# Council Petitions Scheme

**Council**

**Date: 12<sup>th</sup> July 2018**

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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 the Director of Law and Democratic Services (Monitoring Officer) have been consulted in respect of this report.

## **7. Background Papers**

7.1 None

## **8. Appendices**

8.1 Appendix 1 – Petition Extract

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## Stop Swindon Borough Council from cutting the school crossing guard on Eastcott Road

Name	Address and Post Code	Email address	Signature	Can we contact you with updates? [Y/N]
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## Hannington Neighbourhood Plan

**Council**

**Date: 12<sup>th</sup> July 2018**

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Author:	Cabinet Member for Strategic Planning and Corporate Director – Communities and Housing
Wards:	Blunsdon & Highworth
Parishes Affected:	Hannington

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

- 1.1 This Report invites Council to approve the Decisions Statement relating to the Hannington Neighbourhood Plan following the issuing of the independent Examiner's Report. It also seek Council's approval to proceed with a referendum on the adoption of the Hannington Neighbourhood Plan.
- 1.2 Schedule 4B (12) of the Town and Country Planning Act 1990 (as amended) and paragraph 18 of The Neighbourhood Planning (General) Regulations 2012, require that a local authority must consider each of the recommendations made in the Examiner's Report and decide what action to take in response to each recommendation. If the authority is satisfied that, subject to modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.
- 1.3 The production of Hannington Neighbourhood Plan accords with policies in the Swindon Borough Local Plan. It links to the Council's Vision and Priorities 1 and 4.

### **2. Recommendations**

#### Council is recommended:

- 2.1 To approve the Hannington Neighbourhood Plan 'Decision Statement' as set out in the **Appendix 1** to this Report.
- 2.2 That subject to the Director of Law and Democratic Services being satisfied as to the carrying out by Hannington Parish Council and Swindon Borough Council of the modifications recommended by the Examiner, the Director of Law and Democratic Services be authorised to undertake a referendum on the Hannington Neighbourhood Plan in Hannington Parish, in accord with regulations set out in The Neighbourhood Planning (Referendum) Regulations 2012 as soon as is practically possible.

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Further information on the subject of this report can be obtained from Karen Phimister, Direct Dial 01793 466425, [kphimister@swindon.gov.uk](mailto:kphimister@swindon.gov.uk).

# Hannington Neighbourhood Plan

Council

Date: 12<sup>th</sup> July 2018

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## 3. Detail

### Background

- 3.1 On 21<sup>st</sup> November 2014, Hannington Parish Council requested that the Hannington Neighbourhood Area be designated for the purposes of producing a neighbourhood development plan for the area. Following a six week consultation Swindon Borough Council designated the Hannington Neighbourhood Area on 16<sup>th</sup> March 2015.
- 3.2 On 24<sup>th</sup> October 2017 Hannington Parish Council published the draft Hannington Neighbourhood Plan for a six week consultation, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3 The Hannington Neighbourhood Plan was submitted by the Parish Council to Swindon Borough Council in December 2017 for assessment by an independent examiner. The Plan and associated documents were publicised for consultation by Swindon Borough Council for six weeks between 18<sup>th</sup> January and 1<sup>st</sup> March 2018 (the Local Authority publicity consultation).
- 3.4 Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH was appointed as the Independent Examiner and all comments received at the Local Authority publicity consultation were passed on for his consideration.
- 3.5 He issued his Report into the Hannington Neighbourhood Plan on the 24 May 2018, and this is attached at **Appendix 2** to this report. He has concluded that, subject to modifications, the Hannington Neighbourhood Plan will meet the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990 (as amended) as attached at **Appendix 3**. Subject to these modifications being made, the Borough Council may then proceed to referendum.

### The Examiner's Report

- 3.6 In total, the Examiner made 41 recommendations incorporating a total of 87 modifications to the Hannington Neighbourhood Plan. These were concerned with:
  - Correcting errors within the wording of the policies and supporting information
  - Improving the clarity of policies
  - Meeting the Basic Conditions 1, 2 and 3

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Further information on the subject of this report can be obtained from Karen Phimister, Direct Dial 01793 466425, [kphimister@swindon.gov.uk](mailto:kphimister@swindon.gov.uk).

# Hannington Neighbourhood Plan

Council

Date: 12<sup>th</sup> July 2018

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In addition to the recommended modifications above the Examiner recommended that

- the plan proceeds to referendum
- the proposed Referendum Area should be confirmed

- 3.7 Officers consider that once the recommended changes are made the Neighbourhood Plan would then meet the legal requirements and basic conditions as set out in the regulations.

## The Decision Statement

- 3.8 In order to comply with the regulations as stated in paragraph 1.2 of this Report the Borough Council must produce a decision statement in which it should consider each of the Examiner's recommendations and if the plan can proceed to referendum.
- 3.9 A copy of the proposed Decision Statement is attached at **Appendix 1** to this Report.
- 3.10 In summary, it is recommended that all but one of the Examiner's recommendations are accepted, that the Plan is modified in accordance with them and the Plan is subject to a referendum in accordance with the relevant regulations. The exception relates to the format of the Hannington Character Assessment and Design Statement which forms an appendix to the Hannington Neighbourhood Plan and does not materially alter the content of the Plan.

## Next Steps

- 3.11 Should the Council approve the Decision Statement, Swindon Borough Council will publish on its website, and in such other manner as they consider is likely to bring the decision statement and the report to the attention of people who live, work or carry on business in the neighbourhood area:
- the decision and their reasons for it ("the Decision Statement");
  - details of where and when the decision statement may be inspected; and
  - a copy of the Independent Examiner's report.
- 3.12 Should the Council agree with the recommendations, and that the plan can proceed to referendum, then Swindon Borough Council planning officers and Hannington Parish Council will undertake the necessary modifications to the draft plan prior to the referendum, as required by legislation.

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Further information on the subject of this report can be obtained from Karen Phimister, Direct Dial 01793 466425, [kphimister@swindon.gov.uk](mailto:kphimister@swindon.gov.uk).

# Hannington Neighbourhood Plan

**Council**

**Date: 12<sup>th</sup> July 2018**

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- 3.13 To meet the requirements of the Localism Act 2011, a referendum which poses the question “Do you want Swindon Borough Council to use the Neighbourhood Plan for Hannington to help it decide planning applications in the neighbourhood area?” will be held in the Parish of Hannington.
- 3.14 Subject to approval by the Council, in accordance with the Regulations Hannington Parish Council have agreed that the referendum will be to be held on the 13<sup>th</sup> September 2018. If the plan obtains over 50% of the votes cast at referendum the Council can then ‘make’ the plan and bring it into legal force. The Neighbourhood Plan would become part of the Development Plan and would be taken into account in planning decision-making within the Hannington Neighbourhood Plan Area (i.e. Hannington Parish).

## Polling place scheme

- 3.15 Currently the Borough Council has, within its polling place scheme, one polling place that is used for all elections taking place within the Hannington Parish at Hannington Village Hall.

## **4. Alternative Options**

- 4.1 The Council could conclude that the modified Plan incorporating with the Examiners modifications did not meet the basic conditions as set out in the legislation. However, this would mean the Plan could not proceed to referendum and risk creating a vacuum in the overall land use development strategy of the Council.

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

### Financial and Procurement Implications

- 5.1 The cost of the referendum falls on the Borough Council, but this will be funded through grant payments from central government for Neighbourhood Planning.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications have been taken into account in preparing this report. It is considered that the recommendations are consistent with Convention Rights. The context of this Report is guided by the relevant provisions of the Town and Country Planning Act 1990 (as amended) and relevant secondary legislation.

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Further information on the subject of this report can be obtained from Karen Phimister, Direct Dial 01793 466425, [kphimister@swindon.gov.uk](mailto:kphimister@swindon.gov.uk).



# Hannington Neighbourhood Plan

**Council**

**Date: 12<sup>th</sup> July 2018**

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

- 5.3 The Hannington Neighbourhood Plan has to be in accordance with the strategic policies of the Swindon Borough Local Plan and therefore is subject to the same assessment in terms of sustainability. In addition a separate Strategic Environmental Assessment Screening Opinion was undertaken on the Plan by SBC Planning Policy in September 2015 and reviewed in December 2017, which concluded that the Hannington Neighbourhood Plan was unlikely to have significant effects on the environment and that a SEA was therefore not required.

## Diversity Impact Assessment

- 5.4 The Swindon Borough Local Plan was subject to detailed Diversity Impact Assessment and the Hannington Neighbourhood Plan has to be in general conformity with the Local Plan for it to meet the basic conditions.

## Risk Management

- 5.5 Electoral services is aware of the need to proceed with the referendum at the earliest opportunity and are working to that aim.

## **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.
- 6.2 Discussions have taken place with the Lead Cabinet Member, Ward members and Hannington Parish Council

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1: The Hannington Neighbourhood Plan Decision Statement made by Swindon Borough Council (draft)
- 8.2 Appendix 2: Independent Examiner's Report on the Hannington Neighbourhood Plan – 13<sup>th</sup> February 2017.
- 8.3 Appendix 3: The Basic Condition Requirements for Neighbourhood Plans

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Further information on the subject of this report can be obtained from Karen Phimister, Direct Dial 01793 466425, [kphimister@swindon.gov.uk](mailto:kphimister@swindon.gov.uk).

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## **Appendix 1: Hannington Neighbourhood Plan Decision Statement**

### **Introduction**

Under the Town and Country Planning Act 1990 (as amended), Swindon Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders. The Localism Act 2011 and the Neighbourhood Planning Regulations 2012 (as amended) outline the Local Planning Authority's responsibilities under Neighbourhood Planning and the legal process to be followed.

The Independent Examiners Report has been received for the Hannington Neighbourhood Plan which recommends that the plan proceed to referendum subject to modifications. The Council is now required to make a decision on the plan proposals and the recommendations in the Examiner's Report; and publish in a Decision Statement their decision and reasons for it.

The Council's response to the Examiner's recommendations are listed in Table 1 below.

### **Background**

The Hannington Neighbourhood Plan relates to the area that was designated by Swindon Borough Council as a neighbourhood area on 16 March 2015. This area is coterminous with the Hannington Parish Council boundary.

Following submission of the Hannington Neighbourhood Plan to Swindon Borough Council the plan was publicised and representations were invited. Consultation on the plan was undertaken by the Council from 18 January to 1st March 2018.

The Council, with the agreement of Hannington Parish Council, appointed Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH as Independent Examiner to review whether the plan met the "Basic Conditions" (as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990) and whether it should proceed to referendum.

The Examiner's report was received on 24 May 2018 and concludes that, subject to making the modifications recommended by the Examiner, the neighbourhood plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.

The Council is now bound by Paragraph 12(2) of Schedule 4B to the Town and Country Planning Act 1990 to consider each of the recommendations made by the Examiner in their report (and the reasons for them); and decide what action to take in response to each recommendation.

### **Decision and Reasons**

Having considered each of the recommendations made in the examiner's report, and the reasons for them, Swindon Borough Council accepts all the Examiner's recommendations apart from Recommendation 40 (regarding the formatting of a section within the Hannington Character Assessment and Design Statement) in order to ensure that the draft plan meets the basic conditions as set out in Schedule 4B of The Town and Country Planning Act 1990 (as amended by the Localism Act 2011). Table 1 below lists all of the recommendations in the Examiner's Report and the Council's response to them.

### **Next Steps**

Swindon Borough Council is satisfied that once the recommended modifications are made to the Neighbourhood Plan it would then meet the Basic Conditions and therefore a referendum must be held on the making of the Neighbourhood Plan.

As soon as possible after making a decision on the plan proposals and the Examiner's recommendations, the Council must (in accordance with Regulation 18 of the Neighbourhood Planning Regulations 2012) publish on their website and in such other manner as they consider is likely to bring the decision statement and the report to the attention of people who live, work or carry on business in the neighbourhood area:

- the decision and their reasons for it ("the Decision Statement");
- details of where and when the Decision Statement may be inspected; and
- where recommendations have been made by an Independent Examiner, a copy of the report.

Once the Decision Statement has been published Swindon Borough Council planning officers and Hannington Town Council will undertake the necessary modifications to the draft plan prior to referendum. To meet the requirements of the Localism Act 2011, a referendum which poses the question "*Do you want Swindon Borough Council to use the Neighbourhood Plan for Hannington to*

*help it decide planning applications in the neighbourhood area?”* will be held in the Parish of Hannington as soon as practically possible.

If the plan obtains over 50% of the votes cast at referendum the Council can then ‘make’ the plan and bring it into legal force. The Neighbourhood Plan would become part of the Development Plan and would be taken into account in planning decision-making within the Hannington Neighbourhood Plan Area (defined as the existing Hannington Parish area).

**Table 1:**

<b>No</b>	<b>Plan Page No.</b>	<b>Policy Number</b>	<b>Independent Examiner’s Recommendations</b>	<b>Swindon Borough Council Decision and Reasons</b>
1.	Front cover 2 3  All		1.1 Reduce the content to ‘Hannington Parish Neighbourhood Plan’ and a date for the document: December 2017 (see also Recommendation 2) 1.2 Remove the listing of versions 1.3 Add numbers to each section in the Table of Contents (excluding the Appendices) both on the Contents Page and within the body of the Plan. 1.4 Re-check the whole of the final document for consistency in capitalising words.	Accept this modification for reasons of clarity and correction. In addition, for reasons of consistency with previously ‘made’ Neighbourhood Plans in the Borough, add ‘Final Version July 2018’
2.	Front cover		Add the Plan period to the front cover thus: ‘Hannington Neighbourhood Plan 2018-2026	Accept modification for reasons of clarity and correction
3.	4		Under the heading ‘the Neighbourhood Plan – Introduction and Purpose’	Accept modification

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>amend/correct the following:</p> <p>3.1 Delete paragraphs 2, 3 and 5.</p> <p>3.2 Remove the reference to 'Neighbourhood Forums' in paragraph 4, and references to 'or orders' in the first sentence of para 7, and the whole of the second sentence of paragraph 7.</p> <p>3.3 in paragraph 9 replace '<i>nominated</i>' with '<i>appointed</i>'.</p> <p>3.4 in paragraph 11 replace '<i>strategic</i>' with '<i>planning</i>' and remove '<i>and village design statements</i>' and '<i>and desires</i>' since neither of these is part of the statutory planning system.</p>	for reasons of clarity and correction
4.	6		<p>Under the heading 'Hannington Parish – A brief history and overview':</p> <p>4.1 Delete paragraph 6 (list of listed buildings) and replace with: <i>'There are 17 Grade 2 Listed Buildings across Hannington Parish. Hannington Village and its setting was designated a Conservation Area in 1979, redesignated in 1990 and an 'Appraisal and Management Plan' was adopted by Swindon Borough Council in February 2009 (see Map1).'</i></p> <p>4.2 Add after paragraph 8: <i>'The Swindon Borough Local Plan 2026 identifies a 'Rural Settlement Boundary' for Hannington Village (see Map2) within which development will be concentrated in accordance with Local Plan Policy SD2.'</i></p> <p>4.3 Relocate the two maps to immediately follow the text and retitle the renumber and retitle the maps as follows: <i>'Map1 – Hannington Conservation Area</i> <i>Map2 – Hannington Rural Settlement Boundary'.</i></p>	Accept modification for reasons of clarity and correction
5.	8		<p>Under the heading "Hannington Neighbourhood Area":</p> <p>5.1 In paragraph 1 correct the designation date to 16th March 2015; including the Council Decision Notice as Appendix A is not appropriate, it is sufficient for this to be referenced within the Basic Conditions Statement.</p> <p>5.2 Delete paragraphs 2, 3 &amp; 4.</p> <p>5.3 Renumber and retitle the map of the Hannington Neighbourhood Area as:</p>	Accept modification for reasons of clarity and correction

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<i>'Map3 – Hannington Neighbourhood Area'.</i>	
6.	10		Under the heading "Hannington Neighbourhood Plan – Vision Statement" delete paragraph 2.	Accept modification for reasons of clarity and correction
7.	11		<p>Under the heading "Plan Evidence and Justification":</p> <p>7.1 Amend the title to <i>'Plan Origins and Justification'</i>.</p> <p>7.2 Amend paragraph 1 to:</p> <p><i>'The Neighbourhood Plan objectives that are the bases for the Plan Policies derive from the original Parish questionnaire (the process is set out in fuller detail in the 'Statement of Community Involvement' that accompanies the Plan).'</i></p> <p>7.3 Delete paragraphs 2 &amp; 3.</p> <p>7.4 Add a second sentence to paragraph 4 as follows:</p> <p><i>'As a result of these efforts 38% of the questionnaires were returned for analysis.'</i></p> <p>7.5 Add an additional paragraph after paragraph 5 as follows:</p> <p><i>'After much drafting and redrafting the draft Plan document was the subject of a Regulation 14 public consultation between October and November 2017 (fuller details are provided within the Consultation Statement companion document 'Public Consultation Review 24th October 2017 and 14th November 2017').</i></p>	Accept modification for reasons of clarity and correction
8.	12	HPRD1	<p>Rewrite as follows:</p> <p><i>'Hannington, as a rural village that lacks accessibility and a suitable range of facilities, is not a priority for growth as identified in the Swindon Borough Local Plan 2026 Policy SD2.</i></p> <p><i>a) However the Plan identifies that within its Rural Settlement Boundary the village should accommodate a share of the development expected across all the rural villages that is "proportional to [its] size and function" and primarily that is a</i></p>	Accept modification for reasons of clarity and correction and to meet the Basic Conditions 1 & 3

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p><i>share of (at least) the 100 dwellings for "Other Villages" as stipulated in Local Plan Policy LN1.</i></p> <p><i>b) The Hannington Conservation Area extends outside of the Rural Settlement Boundary to include the immediate, countryside setting of the village recognising that the village has "a tranquil atmosphere and a high environmental quality" to be conserved (Hannington Conservation Area Appraisal and Management Plan, 2009).</i></p> <p><i>c) The Local Plan Policy SD2 further indicates that development outside of the Rural Settlement Boundary in rural and countryside locations will be permitted where:</i></p> <ul style="list-style-type: none"> <li><i>• local needs have been identified and allocated through a Neighbourhood Plan; and/or</i></li> <li><i>• it supports the expansion of tourist and visitor facilities in appropriate locations; or</i></li> <li><i>• it is in accordance with other Policies within the Local Plan permitting specific development in the countryside.</i></li> </ul> <p><i>d) This Neighbourhood Plan does not identify or allocate for local needs beyond those already addressed since 2011 through completed dwellings or development with a planning consent; these are assessed as fulfilling the proportional growth set out in the Swindon Borough Local Plan 2026.</i></p> <p><i>e) In the event that Swindon Borough Local Plan growth requirement for rural villages is varied or the consented developments are not implemented then further development proposals should be in accordance with Local Plan (in particular Policy SD2 as identified at i and iii above) and have appropriate regard for the Hannington Conservation Area and for the other related Policies in this Plan.'</i></p>	
9.	13	HPRD1	<p>In the Supporting Information:</p> <p>9.1 Add an opening paragraph as follows: <i>'The Swindon Borough Local Plan</i></p>	Accept modification



No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p><i>2026 identifies Hannington as a rural village for which it defines a Rural Settlement Boundary. Local Plan Policy SD2 sets down the strategic bases upon which growth to 2026 will be accommodated; growth in rural villages will be concentrated within the Rural Settlement Boundary.'</i></p> <p>9.2 Reword the existing opening paragraph as follows: <i>'Local Plan Policy SD2 says that developments proposed to be sited outside the rural settlement boundary will be permitted only if they fulfil specific, limited functions and therefore any such proposals will be the subject of appropriately rigorous scrutiny.'</i></p> <p>9.3 Take in from the Supporting Information for Policy HPRD7 the paragraphs commencing <i>"Clarification was sought....."</i> (page 19) through to the paragraph ending <i>".....over the Plan period is 3"</i> (page 20). After this add the following: <i>'At the time of submission of this Plan, since the commencement of the Local Plan period in 2011 one additional dwelling had been completed, two dwellings had a planning consent and an application had been submitted for 8 dwellings; the latter application was approved in January 2018 (subject to conditions). Therefore, subject to build-out of the consented developments, the "proportional" growth expected of Hannington will have been achieved and exceeded; consultation for the Plan acknowledged that this modest additional growth should assist in meeting the housing needs of the Parish in terms of a greater mix of housing, particularly for the older and younger generations.'</i></p>	for reasons of clarity and correction
10.	14	HPRD2	<p>10.1 Reword the opening sentence as follows: <i>'Development proposals , both residential and non-residential, will adhere to the guidance in the Hannington Character Assessment and Design Statement and the Hannington Conservation Area Appraisal and Management Plan:'.</i></p> <p>10.2 From section (a) replace everything after the comma (ie commencing <i>"they should be..."</i>) with <i>'and'</i>.</p> <p>10.3 In section (b) replace <i>"and/or"</i> with <i>'and'</i>; delete <i>"the local character of the</i></p>	Accept modification for reasons of clarity and correction and to meet Basic Condition 1

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<i>area and in particular"; add at the end 'and the Swindon Design Guide 2009'. 10.4 Add '(c) Whilst preserving the character of the area, development proposals should demonstrate the application of the principles of sustainable design'.</i>	
11.	13	HPRD2	In the Supporting Information: 11.1 Delete the first paragraph and the bullet point list. 11.2 Reword the final (and now remaining) paragraph as follows: <i>'The Hannington Character Assessment and Design Statement document contains guidelines and detailed character area backgrounds for Policy HPRD2.'</i>	Accept modification for reasons of clarity and correction
12.	14	HPRD3	12.1 Delete sections (a), (c), (e) & (g); renumber the remaining sections accordingly. 12.2 Reword section (b) as follows: <i>'The new dwellings are not 'backland' or 'tandem' development, as defined in the Swindon Borough Residential Design Guide SPD, unless they fall within the ambit of Policy HPRD5; and'</i> 12.3 Reword section (d) as follows: <i>'The siting and design of the dwellings are in keeping with the street scene and, where appropriate, the character of the Conservation Area; and'</i> 12.4 Partly reword section (f) as follows: <i>'Safe access and egress to the existing (if altered) and proposed dwelling is achieved in accordance with.....'</i>	Accept modification for reasons of clarity and correction and to meet Basic Conditions 1 & 3
13.	14	HPRD3	In the Supporting Information: 13.1 Delete the second sentence (which is included in brackets). 13.2 Remove "HANNINGTON PLANNING STEERING GROUP" from the third sentence. 13.3 Replace the fourth sentence (now included as an authoritative reference in the Policy) with: <i>' For Hannington village the Conservation Area Appraisal and Management Plan notes as a feature that "The settlement's haphazard layout results in a high proportion of open space and there are generally wide spaces between buildings and, unusually, roadside open space".'</i>	Accept modification for reasons of clarity and correction

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
14.	15	HPRD4	Reword as follows: <i>'Proposals for the sub-division of existing dwellings must consider, assess and address, within the terms of the Swindon Borough Local Plan Policy HA4 and the Residential Design Guide SPD, their impact on:</i> <i>a) the character and street scene of their setting including, where appropriate, the Conservation Area; and</i> <i>b) the amenity of the adjacent properties; and</i> <i>c) the adequacy of the access, parking and garden space for the dwellings as proposed.'</i>	Accept modification for reasons of clarity and correction and to meet Basic Conditions 1 & 3
15.	15	HPRD4	Replace the Supporting Information with: <i>'Although the sub-division of dwellings will not of itself reduce the surrounding amenity space, the related provision for access, parking and plot sub-division may reduce the valued open, green space about the buildings which, particularly within the Hannington Conservation Area, will be a vital consideration.'</i>	Accept modification for reasons of clarity and correction
16.	16	HPRD5	Delete Policy HPRD5 (the relevant content having been picked up at Policy HPRD2) and renumber the subsequent policies accordingly.	Accept modification for reasons of clarity and correction and to meet Basic Condition 1
17.	17	HPRD6	Renumber and retitle Policy HPRD6 as 'HPRD5 Redevelopment of Land' and reword the Policy as follows: <i>'The sympathetic redevelopment of buildings (with their curtilages) and previously developed land will be supported, where a planning consent is required, provided that in so doing:</i> <i>a) the objectives of the Neighbourhood Plan are being addressed; and</i> <i>b) integration of the redevelopment within its setting, whether village or</i>	Accept modification for reasons of clarity and correction and to meet Basic Condition 1

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<i>countryside, is achieved; and c) no significant harm is effected to the local infrastructure (including but not exclusively power, water, sewerage, telecoms and roads).'</i>	
18.	17	HPRD6	In the Supporting Information for Policy HPRD6 add immediately after "NPPF" the following: ' <i>Annex 2: Glossary</i> '.	Accept modification for reasons of clarity and correction
19.	18	HPRD7	<p>Renumber and reword as follows:  <i>'HPRD6 Housing Supply  The housing requirement up to 2026 for Hannington village having already been met (through new construction and new planning consents), no requirement for further sites is identified in this Plan. Should the need arise for additional housing to meet identified needs then:</i></p> <p><i>a) in accordance with Swindon Borough Local Plan 2026 sites should be located within the Rural Settlement Boundary and be proportional to the size and form of the village; and</i></p> <p><i>b) proposed developments should, wherever possible, respond to the latest assessment of housing needs in the Hannington Parish; current needs identified through the Plan preparation are for smaller dwellings for first time buyers, for those wishing to downsize and for older persons; and</i></p> <p><i>c) in order to effect sympathetic integration within the existing village and retain the character of the Conservation Area, sites will normally be of a size to accommodate between one and three dwellings.'</i></p>	Accept modification for reasons of clarity and correction and to meet Basic Conditions 1, 2 & 3
20.	19, 20	HPRD7	In the Supporting Information for the renumbered Policy HPRD6: 20.1 Delete the content related to Plot Ratios (on page 19) since the suggested value of this tool is established only in the abstract but without a reality check for application in Hannington; the Conservation Area Appraisal and Management Plan notes the value of the " <i>settlement's haphazard layout</i> ".	Accept modification for reasons of clarity and correction

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>20.2 Delete the content related to the housing requirement (on pages 19 &amp; 20) since this has been relocated under Policy HPRD1.</p> <p>20.3 Retain the paragraph relating to meeting the needs of Hannington Parish (on page 20) reworded as follows: <i>'If additional sites for housing are required then these must respect the character of the village and its Conservation Area and should assist in meeting the housing needs of Hannington Parish which were identified through consultation as a greater mix of housing, including in particular for the older and younger generations.'</i></p>	
21.	21	HPF1	Replace <i>'Flood Plain of'</i> with <i>'Thames flood plain at'</i> .	Accept modification for reasons of clarity and correction
22.	21	HPF1	<p>In the Supporting Information:</p> <p>22.1 Delete the second sentence of paragraph 2.</p> <p>22.2 Add to paragraph 2 as follows: <i>'Thames Water advise that it is the responsibility of the developer to make proper provision for surface water drainage and surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding.'</i></p>	Accept modification for reasons of clarity and correction
23.	22	HPCA1	<p>23.1 Amend the title of Policy HPCA1 to <i>'Protection of Heritage Assets'</i>.</p> <p>23.2 Reword Policy HPCA1 as follows: <i>'In line with Swindon Borough Local Plan 2026 Policy EN10 development proposals that will affect designated or non-designated heritage assets shall conserve and, where appropriate, enhance their significance and setting.'</i></p>	Accept modification for reasons of clarity and correction
24.	22	HPCA1	In the Supporting Information for Policy HPCA1 delete the word <i>"designated"</i> in the first line.	Accept modification for reasons of clarity

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
				and correction
25.	23	HPCA2	Reword Policy HPCA2 as follows: <i>'Development proposals within or that would affect the setting of the Hannington Conservation Area shall demonstrate regard for the Hannington Conservation Area Appraisal and Management Plan (2009) and, in line with Swindon Borough Local Plan 2026 Policy EN10, will conserve those elements which contribute to its special character and appearance.'</i>	Accept modification for reasons of clarity and correction and to meet Basic Conditions 1 & 3
26.	23	HPCA2	In the Supporting Information for Policy HPCA2 delete all except the first sentence of paragraph 2 beginning <i>'The community supports....'</i>	Accept modification for reasons of clarity and correction
27.	24	HPOC1	Reword Policy HPOC1 as follows: <i>'Development proposals that adversely affect the existing footpaths and bridleways around the Parish will be resisted in line with Swindon Borough Local Plan 2026 Policy TR2d.'</i>	Accept modification for reasons of clarity and correction and to meet Basic Condition 1
28.	24	HPOC1	<i>In the Supporting Information for Policy HPOC1, second line, replace 'Policy TR2)' with 'Policy TR2d'.</i>	Accept modification for reasons of correction
29.	25	HPOC2	29.1 In line with the Swindon Borough Local Plan 2026 it will be sufficient to refer to the <i>"Countryside"</i> (ie the area outside the Rural Settlement Boundary) rather than the <i>"Open Countryside"</i> in the title for Policy HPOC2. 29.2 Delete HPOC2 paragraph (a) since the wording is an almost exact copy of Policy HPRD2. 29.3 Merge the remaining part of Policy HPOC2 with the core concern of Policy HPOC5 as follows:	Accept modification for reasons of clarity and correction and to meet Basic Conditions 1 & 3

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<i>'In line with Swindon Borough Local Plan 2026 Policy SD2 development proposals in the countryside will be restricted to appropriate uses that require a countryside location. In line with Swindon Borough Local Plan 2026 Policy EN5 development proposals for appropriate uses must conserve and enhance the intrinsic rural character, diversity and local agricultural distinctiveness of Hannington's landscape. In particular any such proposals should use poorer quality land in preference to that of high grade agricultural land (grades 1, 2 and 3a).'</i>	
30.	25	HPOC2	Add to the Supporting Information for Policy HPOC2 the Supporting Information for Policy HPOC5 but delete from the latter <i>"see Supporting Information Central Government Policy to protect agricultural land"</i> since the NPPF reference is sufficient.	Accept modification for reasons of clarity and correction
31.	26	HPOC3	Slightly reword the title and Policy content of Policy HPOC3 as follows: <i>'HPOC3 Protection of Bird Habitats Development proposals should not cause the destruction of any green spaces which are the habitat of wild birds (including hunting grounds of birds of prey).'</i>	Accept modification for reasons of clarity and correction
32.	26	HPOC3	32.1 In the Supporting Information for Policy HPOC3 complete the third sentence in paragraph 1 as: <i>'Specifically but not exclusively the local birds of prey are the red kites and buzzards that are in the area.'</i> 32.2 Delete bullet point 2 in the detail about the red kite.	Accept modification for reasons of clarity and correction
33.	27	HPOC4	Reword and correct Policy HPOC4 as follows: <i>'HPOC4 Solar &amp; Wind Farms and Telecommunication Masts In line with Swindon Borough Local Plan 2026 Policies IN3 &amp; IN4, the siting and</i>	Accept modification for reasons of clarity and correction and to

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<i>design of proposals for low carbon and renewable energy and telecommunications installations should address, inter alia, their impacts on, and benefits to, the local community and their environmental impact, including cumulative landscape and visual impacts, which for Hannington must include their impact on the Conservation Area.'</i>	meet Basic Condition 1
34.	27	HPOC4	Amend the Supporting Information for Policy HPOC4 to read as follows and delete the balance which is unnecessary: <i>'Resistance to the building of solar farms, wind turbines and mobile phone masts is clearly reflected in the community involvement questionnaire results.'</i>	Accept modification for reasons of clarity and correction
35.	28	HPOC5	Delete Policy HPIC5 and its Supporting Information.	Accept modification for reasons of clarity and correction and to meet Basic Condition 1
36.	29, 30, 31, 32	Appendices A-C	Delete Appendices A – C and insert the <i>'Hannington Character Assessment and Design Statement'</i> (subject to the incorporation of amendments as recommended below) as a new Appendix A both here and on the Contents Page; replace all other titling on the existing Character Assessment and Design Statement with <i>'Appendix A'</i> .	Accept modification for reasons of clarity and correction
37.		New section 'Monitoring & Review'	Add a section (both here and on the Contents Page) headed 'Monitoring and Review' as follows: <i>'The Parish Council will monitor the impact of the Neighbourhood Plan and formally review it no later than 2022 and then on a 5 year cycle which may be brought into line with the review cycle of the Swindon Borough Local Plan 2026.'</i>	Accept modification for reasons of clarity and correction



No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
38.		New Appendix A	<p>38.1 A consistent title for the Character Assessment and Design Statement document is needed for use throughout and '<i>Hannington Character Assessment and Design Statement</i>' is the most straightforward version; '<i>Parish &amp; Village</i>' has not been used consistently and these words are not needed since it is the Plan area that is being addressed.</p> <p>38.2 In paragraph 5 of the '<i>Introduction</i>' replace '<i>require</i>' with '<i>guide</i>' since that is the agreed purpose for the document; in paragraph 6 replace '<i>must</i>' with '<i>may</i>'.</p> <p>38.3 Throughout the document remove the comment boxes remaining from redrafting.</p>	Accept modification for reasons of clarity and correction
39.		New Appendix A	Insert before each Character Area section a map at a scale that identifies the street and path names used within the related text.	Accept modification for reasons of clarity
40.		New Appendix A	Relocate the section headed 'Landscape Setting, Pathways and Views' to be part of the section to which it relates headed 'Character Assessment for CA01 - Queens Road'.	Not accepted. This section relates to all of the Character Areas not just CA01 – Queens Road. Does not materially alter the contents of the Plan.
41.		New Appendix A	<p>41.1 Under the heading '<i>Objective</i>' in paragraph 2 delete the words '<i>does not set out to prohibit future growth in the area, but</i>'; in paragraph 4 delete the word '<i>unequivocally</i>'; in paragraph 5 correct the name of the Supplementary Planning Guidance to '<i>Buildings of Significant Local Interest</i>'.</p> <p>41.2 Under the sub-heading '<i>2. Hannington Conservation Area Appraisal 2009</i>' correct the title in the sub-heading to '<i>Hannington Conservation Area Appraisal and Management Plan 2009</i>'; in the final paragraph amend the word '<i>control</i>' to</p>	Accept modification for reasons of clarity and correction and to meet Basic Conditions 1 & 3

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>read '<i>management</i>'.</p> <p>41.3 Throughout the document cross-references to specific Policies within the Neighbourhood Plan need to be rechecked and amended as required to match with the version of the Plan after recommended modifications have been made.</p> <p>41.4 The use of the word '<i>constraints</i>' is unnecessarily negative when, as is noted, the objective of the '<i>Statement</i>' is to encourage good, appropriate design; delete the word '<i>constraints</i>' wherever it occurs.</p> <p>41.5 Under the heading '<i>Hannington Conservation Area – Design [Constraints]</i>' always use capital letters for '<i>Conservation Area</i>' or its abbreviation as '<i>Area</i>' and for '<i>Appraisal</i>'; in paragraph 2 remove the words '<i>policies – HPCA1/HPCA2</i>'; delete the final two paragraphs since these are unrelated to the section heading.</p> <p>41.6 Under the heading '<i>Specific Material and Design [Constraints and] Guidance</i>', sub-heading '<i>Sizes and Types</i>', in deference to the NPPF expectation that there should be no '<i>unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness</i>' (para 60), delete all but the last two paragraphs/sentences of this sub-section – I note that the same issue is addressed more pertinently under '<i>Siting and Design</i>'.</p> <p>41.7 Delete the sub-heading '<i>Supporting Information</i>' and the related content since the Neighbourhood Plan itself addresses this issue more completely and the same issue is addressed more pertinently under '<i>Siting and Design</i>'.</p> <p>41.8 Under the heading '<i>External Appearance</i>' change the tense in paragraph 2 from '<i>will be</i>' to '<i>is</i>'.</p> <p>41.9 Under the heading '<i>Roofs</i>' in paragraph 1 replace '<i>dictated</i>' with '<i>indicated</i>'.</p> <p>41.10 Under the heading '<i>Door</i>' the local planning authority has indicated that the generic agreement to uPVC doors is in conflict with the Conservation Area policy; delete the first sentence.</p> <p>41.11 Under the heading '<i>Domestic Solar Panels</i>' it is not appropriate for</p>	

No	Plan Page No.	Policy Number	Independent Examiner's Recommendations	Swindon Borough Council Decision and Reasons
			<p>guidance to say what '<i>will not be permitted</i>'; delete the second sentence.</p> <p>41.12 Under the heading '<i>Parking</i>' replace '<i>must</i>' with '<i>should</i>'.</p> <p>41.13 Under the heading '<i>Sewerage and drainage</i>' delete the fourth sentence since no basis for the strong discouragement is provided; delete the fifth sentence as it is not appropriate for procedural obligations to be put on the local planning.</p>	
			<p>Recommendation that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate to proceed to referendum.</p>	<p>Agree with the Examiner that the recommended modifications to the Wroughton Neighbourhood Plan would ensure the plan meets the basic conditions referendum and that it is appropriate to proceed referendum</p>
			<p>Recommendation that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Swindon Borough Council on 16<sup>th</sup> March 2015.</p>	<p>Proceed to referendum based on the designated Neighbourhood Area</p>

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## **HANNINGTON NEIGHBOURHOOD PLAN 2018 - 2026**

**The Report of the Independent Examiner to Swindon Borough Council on the  
Hannington Neighbourhood Plan**

**Andrew Matheson MSc MPA DipTP MRTPI FCIH  
Independent Examiner  
24<sup>th</sup> May 2018**

## Summary

I was appointed by Swindon Borough Council, in agreement with the Hannington Parish Council, in February 2018 to undertake the Independent Examination of the Hannington Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 8<sup>th</sup> May 2018.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in the Hannington Neighbourhood Area. There is an evident focus on safeguarding the very distinctive character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Swindon Borough Local Plan 2026.

Subject to a series of recommended modifications set out in this Report I have concluded that the Hannington Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

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## Introduction

This report sets out the findings of the Independent Examination of the Hannington Neighbourhood Plan 2018-2026. The Plan was submitted to Swindon Borough Council by Hannington Parish Council in their capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

Neighbourhood Plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy.

This report assesses whether the Hannington Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Hannington Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Hannington Neighbourhood Plan would then be used in the process of determining planning applications within the Plan boundary as an integral part of the wider development plan.

## The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted neighbourhood plan meets the legislative and procedural requirements. I was appointed by Swindon Borough Council, in agreement with the Hannington Parish Council, to conduct the examination of the Hannington Neighbourhood Plan and to report my findings. I am independent of both the Swindon Borough Council and the Hannington Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a Member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Hannington Neighbourhood Plan is submitted to a referendum; or
- the Hannington Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Hannington Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;



- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

These are helpfully covered in the submitted Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Hannington Neighbourhood Plan as submitted with supporting Appendices
- Hannington Neighbourhood Plan Conditions Statement (December 2017)
- Hannington Neighbourhood Plan Statement of Community Involvement (November 2017)
- Hannington Neighbourhood Plan Public Consultation Review 24<sup>th</sup> October 2017 and 14<sup>th</sup> November 2017
- Hannington Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion (September 2015 reviewed December 2017)
- Content at <http://www.hanningtonvillage.co.uk/neighbourhood-plan/>
- Representations made to the Regulation 16 public consultation on the Hannington Neighbourhood Plan
- Swindon Borough Local Plan 2026
- Swindon Borough Supplementary Planning Documents (SPDs)
- Hannington Conservation Area Appraisal and Management Plan 2009
- National Planning Policy Framework (NPPF) (March 2012)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (PPG) (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Plan area on 8<sup>th</sup> May 2018. I looked at Hannington, Hannington Wick, Swanborough and their rural hinterland. I also viewed the character of the Hannington Conservation Area and all the various sites and locations identified in the Plan document.

The legislation establishes that, as a general rule, neighbourhood plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Hannington Neighbourhood Plan could be examined without the need for a public hearing and I advised Swindon Borough Council accordingly. The Qualifying Body has helpfully responded to my enquiries so that I may have a thorough understanding of the thinking behind the Plan, and the correspondence has been shown on the Swindon Borough Council neighbourhood planning website for the Hannington Neighbourhood Plan.

### **Hannington Neighbourhood Development Area**

A map showing the boundary of the Hannington Neighbourhood Area was provided to accompany the Neighbourhood Plan. Further to an application made by Hannington Parish Council, Swindon Borough Council approved the designation of the Neighbourhood Area on 16<sup>th</sup> March 2015. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

## Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the qualifying body has prepared a Statement of Community Involvement (with a related 'Public Consultation Review 24<sup>th</sup> October 2017 and 14<sup>th</sup> November 2017') to accompany the Plan. To progress the work related to the preparation of the Plan the Parish Council as the Qualifying Body appointed a Planning Steering Group.

The relevant Planning Practice Guidance says:

"A qualifying body should be inclusive and open in the preparation of its neighbourhood plan [or Order] and ensure that the wider community:

- is kept fully informed of what is being proposed
- is able to make their views known throughout the process
- has opportunities to be actively involved in shaping the emerging neighbourhood plan [or Order]
- is made aware of how their views have informed the draft neighbourhood plan [or Order]." (Reference ID: 41-047-20140306)

I can see that an inclusive approach to community engagement and a range of formal and informal approaches and media has been used to invite and obtain participation. In November 2013 all the residents of the Parish were invited via a questionnaire to participate in the collation of issues to be addressed in the Neighbourhood Plan. A live draft Plan was subsequently published in July 2014. A leaflet drop to every household invited comment on the draft document and set out several routes for input via the Parish website, Facebook and Twitter; however, at that stage only one amendment was suggested. The use of social media was recognised as important for a large Parish with a relatively small population. Following a meeting with Officers from Swindon Borough Council some reformatting was undertaken to ensure that the draft documents could meet the legal requirements of a Neighbourhood Plan. After numerous redrafts to reflect consultation input the Plan was put to the formal Regulation 14 public consultation between 5<sup>th</sup> September and 17<sup>th</sup> October 2017. The Steering Group meetings in late October and early November 2017 to discuss the consultation feedback were widely publicised and well attended. The outcomes are recorded in a supplement to the Consultation Statement titled "Neighbourhood Plan Public Consultation Review 24<sup>th</sup> October and 14<sup>th</sup> November 2017.

Overall, the degree of commitment by all participants in the Hannington Neighbourhood Plan illustrates the potential of neighbourhood planning to give "communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need" (para 183, National Planning Policy Framework). It is never likely that a shared vision will be reached with unanimity; a representation helpfully notes that "discussions were lively, even at some points contentious. I found the process to be thorough, open and inclusive". From all the evidence provided to me for the Examination, I can see that an extensive and comprehensive approach has been taken to informing the community and obtaining the input and opinions of all concerned throughout the process. Comments were pro-actively sought and those received were duly considered. I can see that there has been a documented record of the ways that consultation has benefitted the Hannington Neighbourhood Plan. I cannot identify any exclusions from any surveys or public events and the submitted Consultation Statement indicates extensive, generally constructive participation. I am therefore satisfied that the consultation process accords with the requirements of the Regulations and that, in having regard to national policy and guidance, the Basic Conditions have been met. In reaching my own conclusions about the specifics of the content of the Plan I will later note points of agreement or disagreement with Regulation 16 representations, just as the Qualifying Body has already done for earlier consultations. That does not imply or suggest that consultation has been inadequate, merely that a test against the Basic Conditions is being applied. One particularly thorough representation

raised a number of points which are reflected in the detailed examination of the Plan content that follows.

### **Representations Received**

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Swindon Borough Council from Thursday 18<sup>th</sup> January 2018 to Thursday 1<sup>st</sup> March 2018. I have been passed representations – 11 in total - received from the following:

- Environment Agency
- Highways England
- Historic England
- Natural England
- Ministry of Defence (RAF Fairford)
- Savills on behalf of Thames Water Utilities Ltd
- Philip Sapwell
- Guillaume Molhant Proost
- Miles Bozeat
- Gary Llewellyn Town & Country Planning Services (2 documents)
- Swindon Borough Council (2 documents)

## The Neighbourhood Plan

The Hannington Parish Council is to be congratulated on its extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2026. I can see that a sustained effort has been put into the dialogue with the local community to arrive at actions and policies that aim to “set out how Hannington Parish can develop in a sustainable way, whilst meeting the desires and aspirations of local Parish residents”. The Plan document is simply presented with a combination of text, illustrations and Policy pages that are, subject to the specific points that I make below, well laid out and themed helpfully for the reader. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

The wording of content & Policies is not always as well-expressed as one might wish, but that is not uncommon in a community-prepared planning document and something that can readily be addressed. It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of Policy, it is part of my role wherever possible to see that the community's intent is sustained in an appropriately modified wording for the policy. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (PPG Reference ID: 41-001-20140306). It is evident that the Qualifying Body understands and has addressed the requirement for sustainable development.

A representation suggests that I should be examining version 26 of the Neighbourhood Plan document rather than the version 30 document as submitted to Swindon Borough Council by the Qualifying Body and as subsequently the subject of a Regulation 16 consultation. However, I have been engaged to Examine the submitted document alone and, although I will take an interest in supporting documents and the origins of the Plan through public consultation, it will only be the submitted Plan (version 30) on which I will comment.

Having considered all the evidence and representations submitted as part of the Examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It works from a positive vision for the future of the Neighbourhood Area and promotes policies that are, subject to some amendment, proportionate and sustainable. The Plan sets out the community needs it will meet whilst identifying and safeguarding Hannington's distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive Vision agreed with the community. All such difficult tasks were approached with transparency and care, with input as required and support from Swindon Borough Council.

However, in the writing up of the work into the Plan document, it is often the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy. Further, the NPPF expectation that the Plan should “plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan” (NPPF para 16) is not always evident. Accordingly I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘Basic Conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring these particular references to the fore because they will be evident as I examine the policies individually and consider whether they meet or can meet the ‘Basic Conditions’.

## Basic Conditions

The Independent Examiner is required to consider whether a neighbourhood plan meets the “Basic Conditions”, as set out in law following the Localism Act 2011. In order to meet the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

The submitted Conditions Statement has very helpfully set out to address the issues in the same order as above and, where appropriate, has tabulated the relationship between the policy content of the Plan and its higher tier equivalents.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Conditions Statement and other available evidence as appropriate.

## The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics and I have brought them together as a list at the end of the Report.

### Plan Presentation

As a document on the verge of becoming a part of the Development Plan, the Neighbourhood Plan needs to lose some of the trappings of its development. It is Hannington Parish Council as the Qualifying Body that has submitted the Plan, not its appointed Steering Group. The version history has probably served its purpose very well but is no longer relevant now that the submission version has been reached. From my experience of referencing content for the purposes of this Report I believe it would be helpful if the sections set out in the Table of Contents were numbered (and this numbering with titles carried across consistently into the body of the document) so that Planning Officer Reports, and Planning Decision Notices, can easily reference content.

I note an inconsistent use of capital letters throughout the document eg “the [Hannington] Neighbourhood plan” where both words should be capitalised, and “Neighbourhood planning” where neither word need be capitalised. I suggest that a single editor should re-check the document for a consistent approach throughout.

### **Recommendation 1:**

*1.1 On the front cover reduce the content to ‘Hannington Parish Neighbourhood Plan’ and a date for the document: ‘December 2017’ (but see also Recommendation 2 below).*

*1.2 Remove the listing of versions.*

*1.3 Add numbers to each section listed in the “Table of Contents” (excluding the Appendices) both on the Contents Page and within the body of the Plan.*

*1.4 Re-check the whole of the final document for consistency in capitalising words.*

## **Front cover**

A neighbourhood plan must specify the period during which it is to have effect. I note that there is no reference to the Plan period on the front cover and this should be added.

### **Recommendation 2:**

*Add the Plan period to the front cover thus: 'Hannington Neighbourhood Plan 2018 – 2026'.*

## **1. Introduction and Purpose**

As the Plan is not prepared by a Neighbourhood Forum and it does not propose to use a Neighbourhood Development Order all references to these can be removed from the Introduction (I note that this approach has already been adopted within the listing of the Basic Conditions). The wording here must accurately reflect the legal framework within which Neighbourhood Plans sit.

### **Recommendation 3:**

*Under the heading "The Neighbourhood Plan – Introduction and Purpose" amend/correct the following:*

*3.1 Delete paragraphs 2, 3 & 5.*

*3.2 Remove the reference to "Neighbourhood Forums" in paragraph 4, and references to "or orders" in the first sentence of paragraph 7, and the whole of the second sentence of paragraph 7.*

*3.3 In paragraph 9 replace "nominated" with 'appointed'.*

*3.4 In paragraph 11 replace "strategic" with 'planning' and remove "and village design statements" and "and desires" since neither of these is part of the statutory planning system.*

## **2. Hannington Parish – A brief history and overview**

In this section there seems little purpose in naming the individual listed building since these cannot be identified on the related map (and their number does not appear to match with the total of 17). In contrast there is no mention in the text of the Hannington Conservation Area although this has two maps relating to it, one of which seems to have become detached from the text. Similarly there is no mention in the text of the "Settlement Boundary" although this is identified in Map1.

### **Recommendation 4:**

*Under the heading "Hannington Parish – A brief history and overview":*

*4.1 Delete paragraph 6 (list of listed buildings) and replace with:*

*'There are 17 Grade 2 Listed Buildings across Hannington Parish. Hannington Village and its setting was designated a Conservation Area in 1979, redesignated in 1990 and an 'Appraisal and Management Plan' was adopted by Swindon Borough Council in February 2009 (see Map1).'*

*4.2 Add after paragraph 8: 'The Swindon Borough Local Plan 2026 identifies a 'Rural Settlement Boundary' for Hannington Village (see Map2) within which development will be concentrated in accordance with Local Plan Policy SD2.'*

*4.3 Relocate the two maps to immediately follow the text and retitle the renumber and retitle the maps as follows:*

*'Map1 – Hannington Conservation Area*

*Map2 – Hannington Rural Settlement Boundary'.*



### **3. Hannington Neighbourhood Area**

It is correct that the Plan should identify the designated Neighbourhood Area (and this is the title that the Plan should use) but most of the rest of the content in this section is not appropriate. However, Swindon Borough Council advises that the Neighbourhood Area was designated on 16<sup>th</sup> March 2015 and so the date in paragraph 1 needs to be corrected.

#### **Recommendation 5:**

*Under the heading “Hannington Neighbourhood Area”:*

*5.1 In paragraph 1 correct the designation date to 16<sup>th</sup> March 2015; including the Council Decision Notice as Appendix A is not appropriate, it is sufficient for this to be referenced within the Basic Conditions Statement.*

*5.2 Delete paragraphs 2, 3 & 4.*

*5.3 Renumber and retitle the map of the Hannington Neighbourhood Area as: ‘Map3 – Hannington Neighbourhood Area’.*

### **4. Hannington Neighbourhood Plan – Vision Statement**

I am not sure how any/every proposed development can “demonstrate within its design its support for the ambitions of the Parish”, and I cannot see either that the particular leisure ambition is evident throughout the Policies that follow. Therefore I believe that paragraph 2 should be deleted.

#### **Recommendation 6:**

*Under the heading “Hannington Neighbourhood Plan – Vision Statement” delete paragraph 2.*

### **5. Plan Evidence and Justification**

Whilst I can appreciate that community consultation has produced some evidence in justification for the Plan, it should not be implied that the consultation is the sole basis on which Policies can be developed. Accordingly, the section title needs adjustment and the content here can be made more pertinent.

#### **Recommendation 7:**

*Under the heading “Plan Evidence and Justification”:*

*7.1 Amend the title to ‘Plan Origins and Justification’.*

*7.2 Amend paragraph 1 to:*

*‘The Neighbourhood Plan objectives that are the bases for the Plan Policies derive from the original Parish questionnaire (the process is set out in fuller detail in the ‘Statement of Community Involvement’ that accompanies the Plan).’*

*7.3 Delete paragraphs 2 & 3.*

*7.4 Add a second sentence to paragraph 4 as follows:*

*‘As a result of these efforts 38% of the questionnaires were returned for analysis.’*

*7.5 Add an additional paragraph after paragraph 5 as follows:*

*‘After much drafting and redrafting the draft Plan document was the subject of a Regulation 14 public consultation between October and November 2017 (fuller details are provided within the Consultation Statement companion document ‘Public Consultation Review 24<sup>th</sup> October 2017 and 14<sup>th</sup> November 2017’).’*

## **6. Residential Development and Non-Residential Development Objectives and Policies**

### **Policy HPRD1 Development Principles**

I feel that the core principle as suggested in the objectives is that new development should normally be located within the Rural Settlement Boundary – in accordance with Local Plan Policy SD2 - and this is therefore worth stating in the Policy rather than addressing “proposals to be sited outside of the current Settlement Area” as if those will be the norm. A representation notes that the correct term, from Local Plan Policy SD2, is “Rural Settlement Boundary”. Further, in line with the NPPF expectation (para 16), a positively phrased Policy can match the heading of the Policy by setting down the Principles to be followed – largely to be derived from the application of the Local Plan Policies - rather than concentrating on selected hurdles to be jumped. The use of an “unequivocal” test is problematic since the Policies to which a commitment is being sought are written in necessarily equivocal terms. A representation summarises that “Hannington has a special historic and landscape character, being a tranquil rural village much of which is within a Conservation Area, meaning that any development must be carefully controlled and only permitted in the right circumstances”.

With the granting in 2018 of a planning consent for the development at Manor Farm (Application no: S/17/1114) the context for the Neighbourhood Plan has shifted significantly. Most materially the Plan’s assessed requirement for post-2011 additional housing will have been met and possibly exceeded once the development is implemented. This position ought to be established at the outset so that prospective developers are not misled.

#### **Recommendation 8:**

*Rewrite Policy HPRD1 as follows:*

*‘Hannington, as a rural village that lacks accessibility and a suitable range of facilities, is not a priority for growth as identified in the Swindon Borough Local Plan 2026 Policy SD2.*

*a) However the Plan identifies that within its Rural Settlement Boundary the village should accommodate a share of the development expected across all the rural villages that is “proportional to [its] size and function” and primarily that is a share of (at least) the 100 dwellings for “Other Villages” as stipulated in Local Plan Policy LN1.*

*b) The Hannington Conservation Area extends outside of the Rural Settlement Boundary to include the immediate, countryside setting of the village recognising that the village has “a tranquil atmosphere and a high environmental quality” to be conserved (Hannington Conservation Area Appraisal and Management Plan, 2009).*

*c) The Local Plan Policy SD2 further indicates that development outside of the Rural Settlement Boundary in rural and countryside locations will be permitted where:*

- local needs have been identified and allocated through a Neighbourhood Plan; and/or*
- it supports the expansion of tourist and visitor facilities in appropriate locations; or*
- it is in accordance with other Policies within the Local Plan permitting specific development in the countryside.*

*d) This Neighbourhood Plan does not identify or allocate for local needs beyond those already addressed since 2011 through completed dwellings or development with a planning consent; these are assessed as fulfilling the proportional growth set out in the Swindon Borough Local Plan 2026.*

*e) In the event that Swindon Borough Local Plan growth requirement for rural villages is varied or the consented developments are not implemented then further development proposals should be in accordance with Local Plan (in particular Policy SD2 as identified at i*



and iii above) and have appropriate regard for the Hannington Conservation Area and for the other related Policies in this Plan.'

As reworded Policy HPRD1 meets the Basic Conditions.

### **Policy HPRD1 Supporting Information**

In line with the expanded Policy the supporting information ought to be expanded also and this should include bringing forward some of the content presently related to Plan Policy HPRD7.

#### **Recommendation 9:**

*In the Supporting Information for Policy HPRD1:*

*9.1 Add an opening paragraph as follows: 'The Swindon Borough Local Plan 2026 identifies Hannington as a rural village for which it defines a Rural Settlement Boundary. Local Plan Policy SD2 sets down the strategic bases upon which growth to 2026 will be accommodated; growth in rural villages will be concentrated within the Rural Settlement Boundary.'*

*9.2 Reword the existing opening paragraph as follows: 'Local Plan Policy SD2 says that developments proposed to be sited outside the rural settlement boundary will be permitted only if they fulfil specific, limited functions and therefore any such proposals will be the subject of appropriately rigorous scrutiny.'*

*9.3 Take in from the Supporting Information for Policy HPRD7 the paragraphs commencing "Clarification was sought....." (page 19) through to the paragraph ending ".....over the Plan period is 3" (page 20). After this add the following: 'At the time of submission of this Plan, since the commencement of the Local Plan period in 2011 one additional dwelling had been completed, two dwellings had a planning consent and an application had been submitted for 8 dwellings; the latter application was approved in January 2018 (subject to conditions). Therefore, subject to build-out of the consented developments, the "proportional" growth expected of Hannington will have been achieved and exceeded; consultation for the Plan acknowledged that this modest additional growth should assist in meeting the housing needs of the Parish in terms of a greater mix of housing, particularly for the older and younger generations.'*

### **Policy HPRD2 Design and Amenity**

This Policy has a clear intent but could benefit from less repetition and, across the Policy and Supporting Information, a consistent use of wording. A representation notes that the wording is "over-complicated and should be simplified". As I will further explain under Policy HPRD5, I believe it is more appropriate and more readily understood that the contribution of sustainable design is included within this Policy heading. As I will note later, I believe that the Character Assessment and Design Statement document needs a consistent title throughout and 'Hannington Character Assessment and Design Statement' is the most helpful title.

#### **Recommendation 10:**

*In Policy HPRD2:*

*10.1 Reword the opening sentence as follows:*

*'Development proposals, both residential and non-residential, will adhere to the guidance in the Hannington Character Assessment and Design Statement and the Hannington Conservation Area Appraisal and Management Plan.'*

*10.2 From section (a) replace everything after the comma (ie commencing "they should be...") with 'and'.*

*10.3 In section (b) replace "and/or" with 'and'; delete "the local character of the area and in particular"; add at the end 'and the Swindon Design Guide 2009'.*

*10.4 Add '(c) Whilst preserving the character of the area, development proposals should demonstrate the application of the principles of sustainable design'.*

As partly reworded Policy HPRD2 meets the Basic Conditions.

### **Supporting Information for Policy HPRD2**

The positive “guidelines” of the Policy confusingly become “constraints” within the Supporting Information. There is no value in repeating content from the Design Statement in the Supporting Information, not least because the Statement may be reviewed more frequently than the Plan itself.

#### **Recommendation 11:**

*In the Supporting Information for Policy HPRD2:*

*11.1 Delete the first paragraph and the bullet point list.*

*11.2 Reword the final (and now remaining) paragraph as follows: ‘The Hannington Character Assessment and Design Statement document contains guidelines and detailed character area backgrounds for Policy HPRD2.’*

### **HPRD3 Residential Garden Development**

This Policy relates to a particular type of development proposal only and since *all* development proposals are obliged to have regard to Policy HPRD2 there is no value in repeating parts of the content of that Policy here. The capitalised references to the Hannington Planning Steering Group are also inappropriate as the Plan documents are submitted by the Qualifying Body.

The Policy intent has support within the NPPF (para 53) and more nuanced support within the Swindon Borough Local Plan. A representation notes that the Swindon Residential Design Guide provides specific advice on backland development which says: “In some cases backland development will be granted permission because it makes efficient use of land and causes no significant harm, because it is well planned, designed and integrated and provides needed dwellings” However, it is evident that the character of Hannington and its Conservation Area relies in part on the low density of housing and their green settings. The representation notes two areas where backland development has occurred on land previously occupied by disused agricultural buildings. Such redevelopment is supported in Policy HPRD6 (see later for amendment to HPRD5) and so this possibility must be allowed for in the Policy.

#### **Recommendation 12:**

*In Policy HPRD3:*

*12.1 Delete sections (a), (c), (e) & (g); renumber the remaining sections accordingly.*

*12.2 Reword section (b) as follows: ‘The new dwellings are not ‘backland’ or ‘tandem’ development, as defined in the Swindon Borough Residential Design Guide SPD, unless they fall within the ambit of Policy HPRD5; and’*

*12.3 Reword section (d) as follows: ‘The siting and design of the dwellings are in keeping with the street scene and, where appropriate, the character of the Conservation Area; and’*

*12.4 Partly reword section (f) as follows: ‘Safe access and egress to the existing (if altered) and proposed dwelling is achieved in accordance with.....’*

As amended Policy HPRD3 meets the Basic Conditions.

### **Supporting Information for Policy HPRD3**

As noted above, some of the wording here is inappropriate for a Plan that will be part of the Development Plan.

**Recommendation 13:**

*In the Supporting Information for Policy HPRD3:*

*13.1 Delete the second sentence (which is included in brackets).*

*13.2 Remove “HANNINGTON PLANNING STEERING GROUP” from the third sentence.*

*13.3 Replace the fourth sentence (now included as an authoritative reference in the Policy) with: ‘ For Hannington village the Conservation Area Appraisal and Management Plan notes as a feature that “The settlement’s haphazard layout results in a high proportion of open space and there are generally wide spaces between buildings and, unusually, roadside open space”.’*

**Policy HPRD4 Sub-division of Dwellings**

Refashioning this Policy as positive guidance will reduce the amount of unhelpful repetition.

**Recommendation 14:**

*Reword Policy HPRD4 as follows:*

*‘Proposals for the sub-division of existing dwellings must consider, assess and address, within the terms of the Swindon Borough Local Plan Policy HA4 and the Residential Design Guide SPD, their impact on:*

- a) the character and street scene of their setting including, where appropriate, the Conservation Area; and*
- b) the amenity of the adjacent properties; and*
- c) the adequacy of the access, parking and garden space for the dwellings as proposed.’*

As reworded Policy HPRD4 meets the Basic Conditions.

**Supporting Information for Policy HPRD4**

This Policy relates to the sub-division of dwellings not the creation of a new detached dwelling and therefore the support wording must consistent with this. A representation suggests that it is too onerous to expect “green space” on every side of a created dwelling, especially if that is impossible because that is not a feature of the existing dwelling – and I would add where that is not needed eg with a new granny flat.

**Recommendation 15:**

*Replace the Supporting Information with:*

*‘Although the sub-division of dwellings will not of itself reduce the surrounding amenity space, the related provision for access, parking and plot sub-division may reduce the valued open, green space about the buildings which, particularly within the Hannington Conservation Area, will be a vital consideration.’*

**Policy HPRD5 Standards of Development**

Parts of the Swindon Borough Local Plan have been overtaken by events. The Ministerial Statement of March 2015 was clear that “local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development”. The best that this Policy can achieve therefore, in keeping with Local Plan Policy DE1, is that ‘development proposals should address the objectives of sustainable development through high quality design and place-making principles’. Accordingly I believe that such a provision would most appropriately and most readily

understood if incorporated within Policy HPRD2 (as I suggested at the related point in this Report).

**Recommendation 16:**

*Delete Policy HPRD5 (the relevant content having been picked up at Policy HPRD2) and renumber the subsequent policies accordingly.*

**Policy HPRD6 Development on existing or previously developed sites**

Although the first impression is that this Policy supports the NPPF Core Principle of the effective use of land, the actual wording gives rise to a number of issues. Firstly the use of garden land covered in Policy HPRD3 would appear to overlap, particularly since the phrase “within its curtilage” has been included. Secondly the requirement, without any supporting evidence, that any proposal “retains its existing use (within the planning use class orders) and number of dwellings/establishments” could conflict with permitted development rights that, for instance, allow the reuse of an agricultural building for one or more dwellings but also creates an overlap with Policy HPRD4. Thirdly, it is difficult to see how a proposal might address all three stated Parish “needs” together (particularly in the absence of use changes) and how employment or recreation needs might be addressed when these are not declared. Fourthly, the Supporting Information relates to the reuse of “previously developed land” whereas the Policy uses “sites” in place of “land” and additionally relates to “existing” developed sites.

Given the stated objectives here and the reference in Policy HPRD7 to the preference for the reuse of land before the allocation of new land for development I believe that the core of the Policy is about the sympathetic reuse of land. A representation objects to the inclusion of consideration of the impact on local infrastructure, and I agree that it is difficult to see why any harm might be occasioned, but I see no reason to exclude this practical consideration.

**Recommendation 17:**

*Renumber and retitle Policy HPRD6 as ‘HPRD5 Redevelopment of Land’ and reword the Policy as follows:*

*‘The sympathetic redevelopment of buildings (with their curtilages) and previously developed land will be supported, where a planning consent is required, provided that in so doing:*

- a) the objectives of the Neighbourhood Plan are being addressed; and*
- b) integration of the redevelopment within its setting, whether village or countryside, is achieved; and*
- c) no significant harm is effected to the local infrastructure (including but not exclusively power, water, sewerage, telecoms and roads).’*

As reworded the renumbered Policy HPRD5 meets the Basic Conditions.

**Supporting Information for the renumbered Policy HPRD5**

Since the supporting information is a quotation from the Glossary to the NPPF the reference ought to be more explicit.

**Recommendation 18:**

*In the Supporting Information for Policy HPRD6 add immediately after “NPPF” the following: ‘(Annex 2: Glossary)’.*

**Policy HPRD7 Housing Supply**

Since the housing numbers shown here are already on course to being delivered, either through completed construction or current planning consents, the purpose of this section needs to shift. I have already indicated the revised context in a reworded Policy HPRD1. Since no evidenced context for the size restriction on sites has been provided the Policy can only be indicative of the size of sites with associated reasoning. The Hannington Character

Assessment and Design Statement referenced in bullet point 4 has already been the subject of Policy HPRD2.

**Recommendation 19:**

*Renumber and reword Policy HPRD7 as follows:*

*'HPRD6 Housing Supply*

*The housing requirement up to 2026 for Hannington village having already been met (through new construction and new planning consents), no requirement for further sites is identified in this Plan. Should the need arise for additional housing to meet identified needs then:*

- a) in accordance with Swindon Borough Local Plan 2026 sites should be located within the Rural Settlement Boundary and be proportional to the size and form of the village; and*
- b) proposed developments should, wherever possible, respond to the latest assessment of housing needs in the Hannington Parish; current needs identified through the Plan preparation are for smaller dwellings for first time buyers, for those wishing to downsize and for older persons; and*
- c) in order to effect sympathetic integration within the existing village and retain the character of the Conservation Area, sites will normally be of a size to accommodate between one and three dwellings.'*

As reworded the renumbered Policy HPRD6 meets the Basic Conditions.

**Supporting Information for the renumbered Policy HPRD6**

Much of the supporting material is no longer relevant for the reworded Policy or has been moved to support Policy HPRD1.

**Recommendation 20:**

*In the Supporting Information for the renumbered Policy HPRD6:*

*20.1 Delete the content related to Plot Ratios (on page 19) since the suggested value of this tool is established only in the abstract but without a reality check for application in Hannington; the Conservation Area Appraisal and Management Plan notes the value of the "settlement's haphazard layout".*

*20.2 Delete the content related to the housing requirement (on pages 19 & 20) since this has been relocated under Policy HPRD1.*

*20.3 Retain the paragraph relating to meeting the needs of Hannington Parish (on page 20) reworded as follows: 'If additional sites for housing are required then these must respect the character of the village and its Conservation Area and should assist in meeting the housing needs of Hannington Parish which were identified through consultation as a greater mix of housing, including in particular for the older and younger generations.'*

**Flooding Objectives and Policies**

**Policy HPF1 Flood Prevention**

Whilst this Policy adds nothing to the national and local policies the Qualifying Body has indicated their wish to draw attention to the matter through the Neighbourhood Plan; accordingly only a minor amendment is proposed for clarity.

**Recommendation 21:**

*In Policy HPF1 replace "Flood Plain of" with 'Thames flood plain at'.*

As partly reworded Policy HPF1 meets the Basic Conditions.



### **Supporting Information for Policy HPF1**

A representation on behalf of Thames Water has requested the inclusion of a few words that might be incorporated here.

#### **Recommendation 22:**

*In the Supporting Information for Policy HPF1:*

*22.1 Delete the second sentence of paragraph 2.*

*22.2 Add to paragraph 2 as follows: 'Thames Water advise that it is the responsibility of the developer to make proper provision for surface water drainage and surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding.'*

### **Policy HPCA1 Protection of Historic or Heritage Assets**

The Policy wording here is an inaccurate representation of Local Plan Policy EN10, the very Policy to which it must show general conformity. Across parts (a) & (b) there are three, largely repetitive references to the same Local Plan Policy which is available to anyone to read for themselves; it is unhelpful to practical decision making. However, the Qualifying Body has urged me to bear in mind that the topic of the heritage in the Parish was identified through the consultation as of great local importance. Accordingly a briefer but more nuanced wording is recommended.

#### **Recommendation 23:**

*23.1 Amend the title of Policy HPCA1 to 'Protection of Heritage Assets'.*

*23.2 Reword Policy HPCA1 as follows:*

*'In line with Swindon Borough Local Plan 2026 Policy EN10 development proposals that will affect designated or non-designated heritage assets shall conserve and, where appropriate, enhance their significance and setting.'*

As reworded Policy HPCA1 meets the Basic Conditions.

### **Supporting Information for Policy HPCA1**

To bring the text in line with the Policy without unnecessary repetition the word "designated" should be removed, since the Policy relates to both designated and non-designated Heritage Assets.

#### **Recommendation 24:**

*In the Supporting Information for Policy HPCA1 delete the word "designated" in the first line.*

### **Policy HPCA2 Protection of the Conservation Area**

As was the case with Policy HPCA1, the wording here misrepresents the related Local Plan Policy (and further, that related Policy is misquoted in the Supporting Information). The Policy should not imply that every development proposal across the Parish must address the Conservation Area. A representation suggests that the intent of this Policy could be incorporated within Policy HPCA1. Whilst it is evident that the community consultation showed strong support for the protection of the Conservation Area, the Policy must have the appropriate regard for higher level policy.

#### **Recommendation 25:**

*Reword Policy HPCA2 as follows:*

*'Development proposals within or that would affect the setting of the Hannington Conservation Area shall demonstrate regard for the Hannington Conservation Area Appraisal and Management Plan (2009) and, in line with Swindon Borough Local Plan 2026*

*Policy EN10, will conserve those elements which contribute to its special character and appearance.'*

As reworded Policy HPCA2 meets the Basic Conditions.

### **Supporting Information for Policy HPCA2**

To bring the text in line with the Policy without unnecessary or incorrect repetition of content elsewhere the Supporting Information should be reduced. A representation notes that the quote referenced as being from Local Plan Policy EN10 is not to be found in that Policy.

### **Recommendation 26:**

*In the Supporting Information for Policy HPCA2 delete all except the first sentence of paragraph 2 beginning "The community supports....".*

### **Policy HPOC1 Bridleways and Footpaths**

By paraphrasing the Local Plan Policy subsequently quoted in the Supporting Information there is the potential to mislead; the Local Plan Policy TR2d is not limited to the open countryside and few if any proposals will amount to "development...of the existing footpaths and bridleways".

### **Recommendation 27:**

*Reword Policy HPOC1 as follows:*

*'Development proposals that adversely affect the existing footpaths and bridleways around the Parish will be resisted in line with Swindon Borough Local Plan 2026 Policy TR2d.'*

As reworded Policy ENV2 meets the Basic Conditions.

### **Supporting Information for Policy HPOC1**

There is a typographical error with the reference to the Local Plan Policy.

### **Recommendation 28:**

*In the Supporting Information for Policy HPOC1, second line, replace "Policy TR2)" with 'Policy TR2d'.*

### **HPOC2 Open Countryside and Rural Character**

This Policy wording lacks a positive focus and a significant part of its content has already been addressed in earlier policies. Policy HPOC5 appears to be the more positive side of the same coin as Policy HPOC2; this view appears to have further endorsement in the Supporting Information to Policy HPOC2 which notes the relationship with Local Plan Policy EN5 on Landscape Character and Historical Landscape. I believe nothing would be lost and clarity would be gained if Policies HPOC2 & HPOC5 were combined.

### **Recommendation 29:**

*29.1 In line with the Swindon Borough Local Plan 2026 it will be sufficient to refer to the "Countryside" (ie the area outside the Rural Settlement Boundary) rather than the "Open Countryside" in the title for Policy HPOC2.*

*29.2 Delete HPOC2 paragraph (a) since the wording is an almost exact copy of Policy HPRD2.*

*29.3 Merge the remaining part of Policy HPOC2 with the core concern of Policy HPOC5 as follows:*

*'In line with Swindon Borough Local Plan 2026 Policy SD2 development proposals in the countryside will be restricted to appropriate uses that require a countryside location. In line with Swindon Borough Local Plan 2026 Policy EN5 development proposals for appropriate*

*uses must conserve and enhance the intrinsic rural character, diversity and local agricultural distinctiveness of Hannington's landscape. In particular any such proposals should use poorer quality land in preference to that of high grade agricultural land (grades 1, 2 and 3a).'*

As reworded the new Policy HPOC2 meets the Basic Conditions.

### **Supporting Information for the new Policy HPOC2**

Subject to one amendment the Supporting Information for Policies HPOC2 and HPOC5 can be merged.

#### **Recommendation 30:**

*Add to the Supporting Information for Policy HPOC2 the Supporting Information for Policy HPOC5 but delete from the latter "see Supporting Information Central Government Policy to protect agricultural land" since the NPPF reference is sufficient.*

### **Policy HPOC3 Protection of Habitats**

The Policy title and wording lack some co-ordination; 'birds' is not in the title and 'habitats' is not in the Policy wording.

#### **Recommendation 31:**

*Slightly reword the title and Policy content of Policy HPOC3 as follows:*

*'HPOC3 Protection of Bird Habitats*

*Development proposals should not cause the destruction of any green spaces which are the habitat of wild birds (including hunting grounds of birds of prey).'*

As slightly reworded Policy HPOC2 meets the Basic Conditions.

### **Supporting Information for Policy HPOC3**

Within the text there is an incomplete sentence and since this is supporting a land use policy reference to penalties for disturbance is inappropriate.

#### **Recommendation 32:**

*32.1 In the Supporting Information for Policy HPOC3 complete the third sentence in paragraph 1 as:*

*'Specifically but not exclusively the local birds of prey are the red kites and buzzards that are in the area.'*

*32.2 Delete bullet point 2 in the detail about the red kite.*

### **Policy HPOC4 Solar Farms and Masts**

The wording here takes the form of a series of statements rather than a Policy but includes reference to 'wind farms' which is not in the title and incorrectly references the related Local Plan Policies (they are IN3 & IN4).

One of the Core Principles within the NPPF is that planning should "support the transition to a low carbon future in a changing climate .... and encourage the use of renewable resources (for example, by the development of renewable energy)". However the NPPF does further recognise (para 97) that local policies should "maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts". Planning Practice Guidance offers more detail including the expectation that "great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting" and "protecting local amenity is an important consideration which should be given proper weight in planning decisions" (Reference ID: 5-007-20140306).



On the matter of masts the NPPF says (para 43) that local authorities “should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network..... Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.”

National policy and Local Plan Policies IN3 and IN4 therefore already address the issues covered in this Policy but the Qualifying Body is concerned that these matters raised in the consultations should be included in the Plan.

**Recommendation 33:**

*Reword and correct Policy HPOC4 as follows:*

*‘HPOC4 Solar & Wind Farms and Telecommunication Masts*

*In line with Swindon Borough Local Plan 2026 Policies IN3 & IN4, the siting and design of proposals for low carbon and renewable energy and telecommunications installations should address, inter alia, their impacts on, and benefits to, the local community and their environmental impact, including cumulative landscape and visual impacts, which for Hannington must include their impact on the Conservation Area.’*

As reworded Policy HPOC4 meets the Basic Conditions.

**Supporting Information for Policy HPOC4**

The supporting information needs slight adjustment since the full stop seems to have been put in the wrong place.

**Recommendation 34:**

*Amend the Supporting Information for Policy HPOC4 to read as follows and delete the balance which is unnecessary:*

*‘Resistance to the building of solar farms, wind turbines and mobile phone masts is clearly reflected in the community involvement questionnaire results.’*

**HPOC5 Agricultural Heritage**

As this content, to the extent appropriate, has been incorporated with Policy HPOC2 the content here can now be deleted.

**Recommendation 35:**

*Delete Policy HPOC5 and its Supporting Information.*

**Appendices A - C**

None of the content here is relevant to the content of the Plan – although it should be available as supporting material that has been relevant to the progressing of the Plan. However, the Hannington Character Assessment and Design Statement is an integral part of many Policies and therefore ought to be included as an Appendix to ensure ease of access.

**Recommendation 36:**

*Delete Appendices A – C and insert the ‘Hannington Character Assessment and Design Statement’ (subject to the incorporation of amendments as recommended below) as a new Appendix A both here and on the Contents Page; replace all other titling on the existing Character Assessment and Design Statement with ‘Appendix A’.*

**Monitoring and Review**

A commitment to monitoring and review is essential.

**Recommendation 37:**

Add a section (both here and on the Contents Page) headed 'Monitoring and Review' as follows:

*'The Parish Council will monitor the impact of the Neighbourhood Plan and formally review it no later than 2022 and then on a 5 year cycle which may be brought into line with the review cycle of the Swindon Borough Local Plan 2026.'*

**Village Character Assessment and Design Statement**

At my request the Qualifying Body reviewed the submitted Village Design Statement (VDS) because:

- a response to comments made by Swindon Borough Council was outstanding;
- despite the use of a variety of descriptive terms it was agreed that the function of the document was to provide "guidance"; it is important that both the content and the wording within the VDS have appropriate regard for the NPPF expectations:  
"para 59: Local planning authorities [and by extension Qualifying Bodies for Neighbourhood Plans] should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.  
para 60: Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."
- the document is referenced in a number of Policies within the Neighbourhood Plan and therefore the content needs to be part of that "practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency" (NPPF para 17);
- as noted in Recommendation 35 above, I believe that the document should be included within the Neighbourhood Plan as an Appendix and titled as such.

It is the version of the document shown as revision number 9 dated 26<sup>th</sup> April 2018 that is the subject of the recommendations below.

**Hannington Parish and Village Character Assessment**

The Character Assessment provides a helpful and primarily factual background to help prospective developers understand the bases of Hannington's local distinctiveness and identity. The wording needs to be helpfully descriptive and appropriate to its purpose and use; there are therefore some wording matters to be addressed.

**Recommendation 38:**

*38.1 A consistent title for the Character Assessment and Design Statement document is needed for use throughout and 'Hannington Character Assessment and Design Statement' is the most straightforward version; 'Parish & Village' has not been used consistently and these words are not needed since it is the Plan area that is being addressed.*

*38.2 In paragraph 5 of the "Introduction" replace "require" with 'guide' since that is the agreed purpose for the document; in paragraph 6 replace "must" with 'may'.*

*38.3 Throughout the document remove the comment boxes remaining from redrafting.*

## **Scope of the Character Assessment and identification of specific Character Areas**

Given that the Assessment is often written as a walk through named streets and footpaths I have to agree with Swindon Borough Council that street level maps of each Character Area are essential to following the narrative.

### **Recommendation 39:**

*Insert before each Character Area section a map at a scale that identifies the street and path names used within the related text.*

## **Landscape Setting, Pathways and Views**

First impressions are that this section relates to the rural area of the Parish outside of the Character Areas; in reality however, the content relates to the setting of Hannington village and therefore it ought to be located at part of the section on CA01 rather than at the end of all the assessments.

### **Recommendation 40:**

*Relocate the section headed “Landscape Setting, Pathways and Views” to be part of the section to which it relates headed “Character Assessment for CA01 - Queens Road”.*

## **Hannington Parish and Village Design Statement**

As noted above, the wording of the “Statement” must be appropriate to its purpose as a “guide”; the wording also needs to be accurate.

### **Recommendation 41:**

*41.1 Under the heading “Objectives” in paragraph 2 delete the words “does not set out to prohibit future growth in the area, but”; in paragraph 4 delete the word “unequivocally”; in paragraph 5 correct the name of the Supplementary Planning Guidance to ‘Buildings of Significant Local Interest’.*

*41.2 Under the sub-heading “2. Hannington Conservation Area Appraisal 2009” correct the title in the sub-heading to ‘Hannington Conservation Area Appraisal and Management Plan 2009’; in the final paragraph amend the word “control” to read ‘management’.*

*41.3 Throughout the document cross-references to specific Policies within the Neighbourhood Plan need to be rechecked and amended as required to match with the version of the Plan after recommended modifications have been made.*

*41.4 The use of the word “constraints” is unnecessarily negative when, as is noted, the objective of the “Statement” is to encourage good, appropriate design; delete the word “constraints” wherever it occurs.*

*41.5 Under the heading “Hannington Conservation Area – Design [Constraints]” always use capital letters for ‘Conservation Area’ or its abbreviation as ‘Area’ and for ‘Appraisal’; in paragraph 2 remove the words “policies – HPCA1/HPCA2”; delete the final two paragraphs since these are unrelated to the section heading.*

*41.6 Under the heading “Specific Material and Design [Constraints and] Guidance”, sub-heading “Sizes and Types”, in deference to the NPPF expectation that there should be no “unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness” (para 60), delete all but the last two paragraphs/sentences of this sub-section – I note that the same issue is addressed more pertinently under “Siting and Design”.*

*41.7 Delete the sub-heading “Supporting Information” and the related content since the Neighbourhood Plan itself addresses this issue more completely and the same issue is addressed more pertinently under “Siting and Design”.*

*41.8 Under the heading “External Appearance” change the tense in paragraph 2 from “will be” to ‘is’.*

*41.9 Under the heading “Roofs” in paragraph 1 replace “dictated” with ‘indicated’.*

*41.10 Under the heading “Doors” the local planning authority has indicated that the generic agreement to uPVC doors is in conflict with the Conservation Area policy; delete the first sentence.*

*41.11 Under the heading “Domestic Solar Panels” it is not appropriate for guidance to say what “will not be permitted”; delete the second sentence.*

*41.12 Under the heading “Parking” replace “must” with ‘should’.*

*41.13 Under the heading “Sewerage and drainage” delete the fourth sentence since no basis for the strong discouragement is provided; delete the fifth sentence as it is not appropriate for procedural obligations to be put on the local planning.*

As reworded the Hannington Character Assessment and Design Statement meets the Basic Conditions.

## **Other matters raised in representations**

Some representations make suggestions for additional content, including objectives, but it should be appreciated that, given that the Neighbourhood Plan sits within the development plan documents as a whole, keeping content pertinent is entirely appropriate. There is no obligation on Neighbourhood Plans to be comprehensive in their coverage – unlike Local Plans - and content is properly guided by the priority issues for the community, not least because supporting evidence is required.

I have not mentioned every representation individually but this is not because they have not been thoroughly read and considered in relation to my Examiner role, rather their detail may not add to the pressing of my related recommendations which must ensure that the Basic Conditions are met.

## **European Union (EU) and European Convention on Human Rights (ECHR) Obligations**

A further Basic Condition, which the Hannington Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion for the Hannington Neighbourhood Plan (dated December 2017) produced by Swindon Borough Council has been used to determine whether or not the content of the Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plan and Programmes Regulations 2004. The Screening noted and the Statutory Consultees agreed that the Hannington Neighbourhood Plan:

- will not have significant effects in relation to any of the criteria set out in Schedule 1 of the SEA Regulations and therefore does not require a SEA; and
- as the Plan does not allocate sites and is in general conformity with the Swindon Borough Local Plan 2026, no HRA is required.

Particularly in the absence of any adverse comments from the statutory bodies or the Local Planning Authority, I can confirm that the Screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

The Hannington Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Hannington Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with, the ECHR.

## Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting content, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body.

I therefore conclude that, subject to the modifications recommended, the Hannington Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

**On that basis I *recommend* to the Swindon Borough Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Hannington Neighbourhood Plan to proceed to referendum.**

## Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case. I therefore ***recommend*** that the Plan should proceed to referendum based on the Neighbourhood Area as approved by the Swindon Borough Council on 16<sup>th</sup> March 2015.

**Recommendations:** (this is a listing of the recommendations exactly as they are included in the Report)

Rec.	Text	Reason
1	<p>1.1 On the front cover reduce the content to 'Hannington Parish Neighbourhood Plan' and a date for the document: 'December 2017' (but see also Recommendation 2 below).</p> <p>1.2 Remove the listing of versions.</p> <p>1.3 Add numbers to each section listed in the "Table of Contents" (excluding the Appendices) both on the Contents Page and within the body of the Plan.</p> <p>1.4 Re-check the whole of the final document for consistency in capitalising words.</p>	For clarity and correction
2	Add the Plan period to the front cover thus: 'Hannington Neighbourhood Plan 2018 – 2026'.	For clarity and correction
3	<p>Under the heading "The Neighbourhood Plan – Introduction and Purpose" amend/correct the following:</p> <p>3.1 Delete paragraphs 2, 3 &amp; 5.</p> <p>3.2 Remove the reference to "Neighbourhood Forums" in paragraph 4, and references to "or orders" in the first sentence of paragraph 7, and the whole of the second sentence of paragraph 7.</p> <p>3.3 In paragraph 9 replace "nominated" with 'appointed'.</p> <p>3.4 In paragraph 11 replace "strategic" with 'planning' and remove "and village design statements" and "and desires" since neither of these is part of the statutory planning system.</p>	For clarity and correction
4	<p>Under the heading "Hannington Parish – A brief history and overview":</p> <p>4.1 Delete paragraph 6 (list of listed buildings) and replace with: 'There are 17 Grade 2 Listed Buildings across Hannington Parish. Hannington Village and its setting was designated a Conservation Area in 1979, redesignated in 1990 and an 'Appraisal and Management</p>	For clarity and correction



	<p>Plan' was adopted by Swindon Borough Council in February 2009 (see Map1).'</p> <p>4.2 Add after paragraph 8: 'The Swindon Borough Local Plan 2026 identifies a 'Rural Settlement Boundary' for Hannington Village (see Map2) within which development will be concentrated in accordance with Local Plan Policy SD2.'</p> <p>4.3 Relocate the two maps to immediately follow the text and retitle the renumber and retitle the maps as follows:  'Map1 – Hannington Conservation Area  Map2 – Hannington Rural Settlement Boundary'.</p>	
5	<p>Under the heading "Hannington Neighbourhood Area":</p> <p>5.1 In paragraph 1 correct the designation date to 16th March 2015; including the Council Decision Notice as Appendix A is not appropriate, it is sufficient for this to be referenced within the Basic Conditions Statement.</p> <p>5.2 Delete paragraphs 2, 3 &amp; 4.</p> <p>5.3 Renumber and retitle the map of the Hannington Neighbourhood Area as:  'Map3 – Hannington Neighbourhood Area'.</p>	For clarity and correction
6	<p>Under the heading "Hannington Neighbourhood Plan – Vision Statement" delete paragraph 2.</p>	For clarity and correction
7	<p>Under the heading "Plan Evidence and Justification":</p> <p>7.1 Amend the title to 'Plan Origins and Justification'.</p> <p>7.2 Amend paragraph 1 to:  'The Neighbourhood Plan objectives that are the bases for the Plan Policies derive from the original Parish questionnaire (the process is set out in fuller detail in the 'Statement of Community Involvement' that accompanies the Plan).'</p> <p>7.3 Delete paragraphs 2 &amp; 3.</p> <p>7.4 Add a second sentence to paragraph 4 as follows:  'As a result of these efforts 38% of the</p>	For clarity and correction

	<p>questionnaires were returned for analysis.'</p> <p>7.5 Add an additional paragraph after paragraph 5 as follows:          'After much drafting and redrafting the draft Plan document was the subject of a Regulation 14 public consultation between October and November 2017 (fuller details are provided within the Consultation Statement companion document 'Public Consultation Review 24th October 2017 and 14th November 2017').'</p>	
8	<p>Rewrite Policy HPRD1 as follows:          'Hannington, as a rural village that lacks accessibility and a suitable range of facilities, is not a priority for growth as identified in the Swindon Borough Local Plan 2026 Policy SD2.</p> <p>a) However the Plan identifies that within its Rural Settlement Boundary the village should accommodate a share of the development expected across all the rural villages that is "proportional to [its] size and function" and primarily that is a share of (at least) the 100 dwellings for "Other Villages" as stipulated in Local Plan Policy LN1.</p> <p>b) The Hannington Conservation Area extends outside of the Rural Settlement Boundary to include the immediate, countryside setting of the village recognising that the village has "a tranquil atmosphere and a high environmental quality" to be conserved (Hannington Conservation Area Appraisal and Management Plan, 2009).</p> <p>c) The Local Plan Policy SD2 further indicates that development outside of the Rural Settlement Boundary in rural and countryside locations will be permitted where:</p> <ul style="list-style-type: none"> <li>• local needs have been identified and allocated through a Neighbourhood Plan; and/or</li> <li>• it supports the expansion of tourist and visitor facilities in appropriate locations; or</li> <li>• it is in accordance with other Policies within the Local Plan permitting specific development in the countryside.</li> </ul> <p>d) This Neighbourhood Plan does not identify or allocate for local needs beyond</p>	<p>For clarity and correction and to meet Basic Conditions 1 &amp; 3</p>



	<p>those already addressed since 2011 through completed dwellings or development with a planning consent; these are assessed as fulfilling the proportional growth set out in the Swindon Borough Local Plan 2026.</p> <p>e) In the event that Swindon Borough Local Plan growth requirement for rural villages is varied or the consented developments are not implemented then further development proposals should be accordance with Local Plan (in particular Policy SD2 as identified at i and iii above) and have appropriate regard for the Hannington Conservation Area and for the other related Policies in this Plan.'</p>	
9	<p>In the Supporting Information for Policy HPRD1:</p> <p>9.1 Add an opening paragraph as follows: 'The Swindon Borough Local Plan 2026 identifies Hannington as a rural village for which it defines a Rural Settlement Boundary. Local Plan Policy SD2 sets down the strategic bases upon which growth to 2026 will be accommodated; growth in rural villages will be concentrated within the Rural Settlement Boundary.'</p> <p>9.2 Reword the existing opening paragraph as follows: 'Local Plan Policy SD2 says that developments proposed to be sited outside the rural settlement boundary will be permitted only if they fulfil specific, limited functions and therefore any such proposals will be the subject of appropriately rigorous scrutiny.'</p> <p>9.3 Take in from the Supporting Information for Policy HPRD7 the paragraphs commencing "Clarification was sought....." (page 19) through to the paragraph ending ".....over the Plan period is 3" (page 20). After this add the following: 'At the time of submission of this Plan, since the commencement of the Local Plan period in 2011 one additional dwelling had been completed, two dwellings had a planning consent and an application had been submitted for 8 dwellings; the latter application was approved in January 2018 (subject to conditions). Therefore, subject to build-out of the consented developments, the "proportional" growth expected of</p>	For clarity and correction

	Hannington will have been achieved and exceeded; consultation for the Plan acknowledged that this modest additional growth should assist in meeting the housing needs of the Parish in terms of a greater mix of housing, particularly for the older and younger generations.'	
10	<p>In Policy HPRD2:</p> <p>10.1 Reword the opening sentence as follows: 'Development proposals , both residential and non-residential, will adhere to the guidance in the Hannington Character Assessment and Design Statement and the Hannington Conservation Area Appraisal and Management Plan:'.</p> <p>10.2 From section (a) replace everything after the comma (ie commencing "they should be..." ) with 'and'.</p> <p>10.3 In section (b) replace "and/or" with 'and'; delete "the local character of the area and in particular"; add at the end 'and the Swindon Design Guide 2009'.</p> <p>10.4 Add '(c) Whilst preserving the character of the area, development proposals should demonstrate the application of the principles of sustainable design'.</p>	For clarity and correction and to meet Basic Condition 1
11	<p>In the Supporting Information for Policy HPRD2:</p> <p>11.1 Delete the first paragraph and the bullet point list.</p> <p>11.2 Reword the final (and now remaining) paragraph as follows: 'The Hannington Character Assessment and Design Statement document contains guidelines and detailed character area backgrounds for Policy HPRD2.'</p>	For clarity and correction
12	<p>In Policy HPRD3:</p> <p>12.1 Delete sections (a), (c), (e) &amp; (g); renumber the remaining sections accordingly.</p> <p>12.2 Reword section (b) as follows: 'The new dwellings are not 'backland' or 'tandem' development, as defined in the Swindon Borough Residential Design Guide SPD, unless they fall within the ambit of Policy HPRD5; and'</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>12.3 Reword section (d) as follows: 'The siting and design of the dwellings are in keeping with the street scene and, where appropriate, the character of the Conservation Area; and'</p> <p>12.4 Partly reword section (f) as follows: 'Safe access and egress to the existing (if altered) and proposed dwelling is achieved in accordance with.....'</p>	
13	<p>In the Supporting Information for Policy HPRD3:</p> <p>13.1 Delete the second sentence (which is included in brackets).</p> <p>13.2 Remove "HANNINGTON PLANNING STEERING GROUP" from the third sentence.</p> <p>13.3 Replace the fourth sentence (now included as an authoritative reference in the Policy) with: ' For Hannington village the Conservation Area Appraisal and Management Plan notes as a feature that "The settlement's haphazard layout results in a high proportion of open space and there are generally wide spaces between buildings and, unusually, roadside open space".'</p>	For clarity and correction
14	<p>Reword Policy HPRD4 as follows:</p> <p>'Proposals for the sub-division of existing dwellings must consider, assess and address, within the terms of the Swindon Borough Local Plan Policy HA4 and the Residential Design Guide SPD, their impact on:</p> <ul style="list-style-type: none"> <li>a) the character and street scene of their setting including, where appropriate, the Conservation Area; and</li> <li>b) the amenity of the adjacent properties; and</li> <li>c) the adequacy of the access, parking and garden space for the dwellings as proposed.' </li></ul>	For clarity and correction and to meet Basic Conditions 1 & 3
15	<p>Replace the Supporting Information with:</p> <p>'Although the sub-division of dwellings will not of itself reduce the surrounding amenity space, the related provision for access, parking and plot sub-division may reduce the valued open, green space about the buildings which, particularly within the</p>	For clarity and correction

	Hannington Conservation Area, will be a vital consideration.'	
16	Delete Policy HPRD5 (the relevant content having been picked up at Policy HPRD2) and renumber the subsequent policies accordingly.	For clarity and correction and to meet Basic Condition 1
17	Renumber and retitle Policy HPRD6 as 'HPRD5 Redevelopment of Land' and reword the Policy as follows: 'The sympathetic redevelopment of buildings (with their curtilages) and previously developed land will be supported, where a planning consent is required, provided that in so doing: a) the objectives of the Neighbourhood Plan are being addressed; and b) integration of the redevelopment within its setting, whether village or countryside, is achieved; and c) no significant harm is effected to the local infrastructure (including but not exclusively power, water, sewerage, telecoms and roads).'	For clarity and correction and to meet Basic Condition 1
18	In the Supporting Information for Policy HPRD6 add immediately after "NPPF" the following: '(Annex 2: Glossary)'.	For clarity and correction
19	Renumber and reword Policy HPRD7 as follows: 'HPRD6 Housing Supply The housing requirement up to 2026 for Hannington village having already been met (through new construction and new planning consents), no requirement for further sites is identified in this Plan. Should the need arise for additional housing to meet identified needs then: a) in accordance with Swindon Borough Local Plan 2026 sites should be located within the Rural Settlement Boundary and be proportional to the size and form of the village; and b) proposed developments should, wherever possible, respond to the latest assessment of housing needs in the Hannington Parish; current needs identified through the Plan preparation are for smaller dwellings for first time buyers, for those wishing to downsize and for older persons; and c) in order to effect sympathetic	For clarity and correction and to meet Basic Conditions 1, 2 & 3

	integration within the existing village and retain the character of the Conservation Area, sites will normally be of a size to accommodate between one and three dwellings.'	
20	<p>In the Supporting Information for the renumbered Policy HPRD6:</p> <p>20.1 Delete the content related to Plot Ratios (on page 19) since the suggested value of this tool is established only in the abstract but without a reality check for application in Hannington; the Conservation Area Appraisal and Management Plan notes the value of the "settlement's haphazard layout".</p> <p>20.2 Delete the content related to the housing requirement (on pages 19 &amp; 20) since this has been relocated under Policy HPRD1.</p> <p>20.3 Retain the paragraph relating to meeting the needs of Hannington Parish (on page 20) reworded as follows: 'If additional sites for housing are required then these must respect the character of the village and its Conservation Area and should assist in meeting the housing needs of Hannington Parish which were identified through consultation as a greater mix of housing, including in particular for the older and younger generations.'</p>	For clarity and correction
21	In Policy HPF1 replace "Flood Plain of" with 'Thames flood plain at'.	For clarity and correction
22	<p>In the Supporting Information for Policy HPF1:</p> <p>22.1 Delete the second sentence of paragraph 2.</p> <p>22.2 Add to paragraph 2 as follows: 'Thames Water advise that it is the responsibility of the developer to make proper provision for surface water drainage and surface water must not be allowed to drain to the foul sewer as this is the major contributor to sewer flooding.'</p>	For clarity and correction
23	<p>23.1 Amend the title of Policy HPCA1 to 'Protection of Heritage Assets'.</p> <p>23.2 Reword Policy HPCA1 as follows:</p>	For clarity and correction

	'In line with Swindon Borough Local Plan 2026 Policy EN10 development proposals that will affect designated or non-designated heritage assets shall conserve and, where appropriate, enhance their significance and setting.'	
24	In the Supporting Information for Policy HPCA1 delete the word "designated" in the first line.	For clarity and correction
25	Reword Policy HPCA2 as follows: 'Development proposals within or that would affect the setting of the Hannington Conservation Area shall demonstrate regard for the Hannington Conservation Area Appraisal and Management Plan (2009) and, in line with Swindon Borough Local Plan 2026 Policy EN10, will conserve those elements which contribute to its special character and appearance.'	For clarity and correction and to meet Basic Conditions 1 & 3
26	In the Supporting Information for Policy HPCA2 delete all except the first sentence of paragraph 2 beginning "The community supports....".	For clarity and correction
27	Reword Policy HPOC1 as follows: 'Development proposals that adversely affect the existing footpaths and bridleways around the Parish will be resisted in line with Swindon Borough Local Plan 2026 Policy TR2d.'	For clarity and correction and to meet Basic Condition 1
28	In the Supporting Information for Policy HPOC1, second line, replace "Policy TR2)" with 'Policy TR2d'.	For correction
29	<p>29.1 In line with the Swindon Borough Local Plan 2026 it will be sufficient to refer to the "Countryside" (ie the area outside the Rural Settlement Boundary) rather than the "Open Countryside" in the title for Policy HPOC2.</p> <p>29.2 Delete HPOC2 paragraph (a) since the wording is an almost exact copy of Policy HPRD2.</p> <p>29.3 Merge the remaining part of Policy HPOC2 with the core concern of Policy HPOC5 as follows: 'In line with Swindon Borough Local Plan 2026 Policy SD2 development proposals in the countryside will be restricted to</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	appropriate uses that require a countryside location. In line with Swindon Borough Local Plan 2026 Policy EN5 development proposals for appropriate uses must conserve and enhance the intrinsic rural character, diversity and local agricultural distinctiveness of Hannington's landscape. In particular any such proposals should use poorer quality land in preference to that of high grade agricultural land (grades 1, 2 and 3a).'	
30	Add to the Supporting Information for Policy HPOC2 the Supporting Information for Policy HOPC5 but delete from the latter "see Supporting Information Central Government Policy to protect agricultural land" since the NPPF reference is sufficient.	For clarity and correction
31	Slightly reword the title and Policy content of Policy HPOC3 as follows: 'HPOC3 Protection of Bird Habitats Development proposals should not cause the destruction of any green spaces which are the habitat of wild birds (including hunting grounds of birds of prey).'	For clarity and correction
32	32.1 In the Supporting Information for Policy HPOC3 complete the third sentence in paragraph 1 as: 'Specifically but not exclusively the local birds of prey are the red kites and buzzards that are in the area.'  32.2 Delete bullet point 2 in the detail about the red kite.	For clarity and correction
33	Reword and correct Policy HPOC4 as follows: 'HPOC4 Solar & Wind Farms and Telecommunication Masts In line with Swindon Borough Local Plan 2026 Policies IN3 & IN4, the siting and design of proposals for low carbon and renewable energy and telecommunications installations should address, inter alia, their impacts on, and benefits to, the local community and their environmental impact, including cumulative landscape and visual impacts, which for Hannington must include their impact on the Conservation Area.'	For clarity and correction and to meet Basic Condition 1
34	Amend the Supporting Information for Policy HPOC4 to read as follows and delete the	For clarity and correction

	balance which is unnecessary: 'Resistance to the building of solar farms, wind turbines and mobile phone masts is clearly reflected in the community involvement questionnaire results.'	
35	Delete Policy HPOC5 and its Supporting Information.	For clarity and correction and to meet Basic Condition 1
36	Delete Appendices A – C and insert the 'Hannington Character Assessment and Design Statement' (subject to the incorporation of amendments as recommended below) as a new Appendix A both here and on the Contents Page; replace all other titling on the existing Character Assessment and Design Statement with 'Appendix A'.	For clarity and correction
37	Add a section (both here and on the Contents Page) headed 'Monitoring and Review' as follows: 'The Parish Council will monitor the impact of the Neighbourhood Plan and formally review it no later than 2022 and then on a 5 year cycle which may be brought into line with the review cycle of the Swindon Borough Local Plan 2026.'	For clarity and correction
38	38.1 A consistent title for the Character Assessment and Design Statement document is needed for use throughout and 'Hannington Character Assessment and Design Statement' is the most straightforward version; "Parish & Village" has not been used consistently and these words are not needed since it is the Plan area that is being addressed.  38.2 In paragraph 5 of the "Introduction" replace "require" with 'guide' since that is the agreed purpose for the document; in paragraph 6 replace "must" with 'may'.  38.3 Throughout the document remove the comment boxes remaining from redrafting.	For clarity and correction
39	Insert before each Character Area section a map at a scale that identifies the street and path names used within the related text.	For clarity
40	Relocate the section headed "Landscape Setting, Pathways and Views" to be part of the section to which it relates headed	For clarity and correction



	"Character Assessment for CA01 - Queens Road".	
41	<p>41.1 Under the heading "Objectives" in paragraph 2 delete the words "does not set out to prohibit future growth in the area, but"; in paragraph 4 delete the word "unequivocally"; in paragraph 5 correct the name of the Supplementary Planning Guidance to 'Buildings of Significant Local Interest'.</p> <p>41.2 Under the sub-heading "2. Hannington Conservation Area Appraisal 2009" correct the title in the sub-heading to 'Hannington Conservation Area Appraisal and Management Plan 2009'; in the final paragraph amend the word "control" to read 'management'.</p> <p>41.3 Throughout the document cross-references to specific Policies within the Neighbourhood Plan need to be rechecked and amended as required to match with the version of the Plan after recommended modifications have been made.</p> <p>41.4 The use of the word "constraints" is unnecessarily negative when, as is noted, the objective of the "Statement" is to encourage good, appropriate design; delete the word "constraints" wherever it occurs.</p> <p>41.5 Under the heading "Hannington Conservation Area – Design [Constraints]" always use capital letters for 'Conservation Area' or its abbreviation as 'Area' and for 'Appraisal'; in paragraph 2 remove the words "policies – HPCA1/HPCA2"; delete the final two paragraphs since these are unrelated to the section heading.</p> <p>41.6 Under the heading "Specific Material and Design [Constraints and] Guidance", sub-heading "Sizes and Types", in deference to the NPPF expectation that there should be no "unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness" (para 60), delete all but the last two paragraphs/sentences of this sub-section – I note that the same issue is addressed more pertinently under "Siting and Design".</p> <p>41.7 Delete the sub-heading "Supporting Information" and the related content since the Neighbourhood Plan itself addresses this issue more completely and the same issue is addressed more pertinently under</p>	For clarity and correction and to meet Basic Conditions 1 & 3

	<p>"Siting and Design".</p> <p>41.8 Under the heading "External Appearance" change the tense in paragraph 2 from "will be" to 'is'.</p> <p>41.9 Under the heading "Roofs" in paragraph 1 replace "dictated" with 'indicated'.</p> <p>41.10 Under the heading "Doors" the local planning authority has indicated that the generic agreement to uPVC doors is in conflict with the Conservation Area policy; delete the first sentence.</p> <p>41.11 Under the heading "Domestic Solar Panels" it is not appropriate for guidance to say what "will not be permitted"; delete the second sentence.</p> <p>41.12 Under the heading "Parking" replace "must" with 'should'.</p> <p>41.13 Under the heading "Sewerage and drainage" delete the fourth sentence since no basis for the strong discouragement is provided; delete the fifth sentence as it is not appropriate for procedural obligations to be put on the local planning.</p>	
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### **Appendix 3: Definition of the Basic Conditions**

As defined by Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended by the Localism Act 2011):

*“A draft order meets the basic conditions if—*

*(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order,*

*(b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order,*

*(c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order,*

*(d) the making of the order contributes to the achievement of sustainable development,*

*(e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*

*(f) the making of the order does not breach, and is otherwise compatible with, EU obligations, and*

*(g) prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order.”*

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## Appointments to Committees

**Council**

**Date: 12<sup>th</sup> July 2018**

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Author: Director of Law and Democratic Services

Wards: All

Parishes Affected: All

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

- 1.1 To approve changes to the Membership of Council's Committees.
- 1.2 To consider appointments to the Swindon Health and Wellbeing Board.
- 1.3 The delivery of effective, accountable, and transparent decision making by the Council directly links to its overall policy and objectives.

### **2. Recommendations**

The Committee is recommended to:

- 2.1 Approve the changes to the membership of the Council's Committees as set out in paragraphs 3.2 and 3.3 of the report.
- 2.2 Approve any further changes to the membership of the Council's Committees as may be tabled by the relevant political party group leader(s) at the meeting.
- 2.3 Approve appointments to the Swindon Health and Wellbeing Board following changes to its Terms of Reference as set out in paragraph 3.5 of the report.

### **3. Detail**

- 3.1 The Director of Law and Democratic Services has received a request from the Council's Conservative Group to amend its representation on the Scrutiny Committee, and the Swindon Housing Company Board.
  - 3.2 At the meeting of Annual Council held on 18th May 2018, the following Councillors were appointed:  
  
Scrutiny Committee: Councillor Claire Ellis, and  
  
Swindon Housing Company: Councillors Oliver Donachie and Gary Sumner.  
  
Planning Committee: Brian Mattock
  - 3.3 The Conservative Group has requested that the following changes be approved for the Members to serve on these committees and board in place of those members referred to in paragraph 3.2:  
  
Scrutiny Committee: Steve Weisinger,  
  
Swindon Housing Company: Councillors Brian Mattock and Steve Weisinger.
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Further information on the subject of this report can be obtained from Steve Jones, (01793 463602), [sjones5@swindon.gov.uk](mailto:sjones5@swindon.gov.uk)

# Appointments to Committees

**Council**

**Date: 12<sup>th</sup> July 2018**

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Planning Committee: Maureen Penny

- 3.4 The Council has considered, earlier on the agenda, changes to the Terms of Reference of the Swindon Health and Wellbeing Board. The current Membership of the Board is the Leader of the Council, the Cabinet Member for Adults, the Cabinet Member for Children and Schools Attainment and the Shadow Spokesperson for Adults.
- 3.5 On the basis that Minute 8 of the Health and Wellbeing Board (Revised Terms of Reference) is approved by this Council and the Swindon Clinical Commissioning Group, Council is requested to revise its membership to include the Leader of the Council, the Cabinet Member for Adults, the Cabinet Member for Children and Schools Attainment, the leaders of the Opposition and Minority Groups and the Shadow Spokesperson for Adults or Children and School Attainment.

## **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 procurement implications to this report. Any Councillor Basic Allowance arising from attendance at these meetings will be met from existing budgets

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been taken fully into account in compiling this report, which is required to be submitted to Special Committee, on behalf of Council, to ensure compliance with the Council's political balance provisions set out in the Local Government Act 1989.

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

- 5.3 There are no additional implications.

### Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment is not required.

### Risk Management

- 5.5 A Risk Management Assessment is not required.

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Further information on the subject of this report can be obtained from Steve Jones, (01793 463602), [sjones5@swindon.gov.uk](mailto:sjones5@swindon.gov.uk)

## Appointments to Committees

**Council**

**Date: 12<sup>th</sup> July 2018**

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**6. Consultees**

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) have been consulted in respect of this report.

**7. Background Papers**

- 7.1 None

**8. Appendices**

- 8.1 None

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**CABINET**

**WEDNESDAY, 13 JUNE 2018**

**PRESENT:-** Councillors David Renard (Chair), Oliver Donachie, Fionuala Foley, Brian Ford, Russell Holland, Mary Martin, Cathy Martyn, Garry Perkins, Gary Sumner and Keith Williams

Councillor Jim Grant attended the meeting in respect of Minutes 4, 8 and 9.  
Councillor Jane Milner-Barry attended the meeting in respect of Minutes 5 and 9.  
Councillor Matthew Courtliff attended the meeting in respect of Minute 8.  
Councillor Bob Wright attended the meeting in respect of Minutes 8, 9, 10 and 12.

**1. Declarations of Interest.**

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

**2. Minutes.**

Resolved – That the minutes of the meeting held on 14<sup>th</sup> March 2018, be confirmed and signed as a correct record.

**3. Public Question Time.**

There were no public questions.

**4. Councillor Gary Sumner**

Councillor David Renard, the Leader of the Council, welcomed Councillor Sumner to this, his first Cabinet meeting in his capacity as Cabinet Member for Strategic Planning, and wished him every success.

**5. Budget Management 2017/18**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance, and the Interim Chief Executive, submitted a joint report presenting the 2017/18 revenue out-turn based on actual expenditure incurred during the financial year ending 31st March 2018.

Councillor Holland referred to the budget underspend achieved in year and thanked officers across the Council for their hard work in respect of that achievement. He also emphasised the importance of continuing that hard work to secure the savings necessary to achieve Swindon Programme objectives.

In response to a question put by Councillor Jim Grant regarding opportunity for the Council to use reduced Housing Revenue Account debt to initiate Council house building, Councillor Cathy Martyn, Cabinet Member for Housing and Public Safety, advised that part of the available “headroom” on the HRA account would be used to support the Queens Drive regeneration project. Councillor David Renard, the

Leader of the Council, assured Councillor Grant that Cabinet would consider any proposals put forward by the other groups on the Council to increase the level of affordable housing in the Borough.

In response to an additional question by Councillor Grant, Councillor Martyn agreed to provide a written response regarding the level of the identified HRA “headroom” that would be used to fund Council house building. Councillor Holland pointed out that the amount (the “headroom”) referred to in the report related to a reduction in debt level and that any funding for increased house building could only be financed through additional borrowing.

Resolved – (1) That the 2017/18 revenue out-turn for each service area, set out in Table 1 and Appendix 1 to the report, be noted.

(2) That the transferred underspend of £97k to the cashflowing reserve be also noted and that the Interim Executive be asked to thank all staff for helping achieve this position.

(3) That the flexible use of capital receipts in 2017/18, as set out in Appendix 2 to the report, be noted.

(4) That it be agreed that the Transformation Fund, set out in paragraph 3.17 of the report, continues to be available to support the delivery of savings identified as part of the Swindon Programme.

(5) That a written response be provided to Councillor Grant regarding the level of the identified HRA “headroom” that might be used to fund Council house building.

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

## **6. Capital Monitoring Outturn 2017/18**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance, and the Interim Chief Executive, submitted a joint report presenting the final 2017/18 position for the capital programme and some proposed changes to the Council’s capital programme.

Councillor Keith Williams, Cabinet Member for Corporate and Customer Services, responded to a question put by Councillor Jane-Milner Barry regarding the funding to be made available to address the backlog of repair works at Lydiard House and Conference Centre.

Resolved – (1) That the latest 2017/18 Capital Programme position as at financial year end, as detailed in paragraphs 3.1 to 3.4 of the report, be noted.

(2) That the changes to the programme set out in section 3.5 of the report be approved.

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

## **7. Treasury Management Performance 2017/18**

Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance, and the Interim Chief Executive, submitted a joint report setting out the Treasury Management performance for 2017/18.

Resolved – That the 2017/18 Treasury Management performance, as detailed at paragraphs 3.1 to 3.17 of the report, and Prudential Indicators, shown at Appendix 1 to the report, be noted.

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

## **8. Motion to Amend Central Residents' Season Ticket**

Councillor Oliver Donachie, the Cabinet Member for Economic Prosperity, and the Corporate Director for Communities and Housing and the Head of Highways and Transport, submitted a joint report setting out the response to a motion at Council regarding issues around the Residents' Parking Season Ticket charge and seeking Cabinet's agreement to make no further amendments to the season ticket scheme at this time. It was noted that, if the report's recommendations were agreed, there would be no discounted season ticket option for residents to use the short stay town centre and Old Town Council Car Parks.

Resolved – (1) That the Head of Highways and Transport be authorised to undertake a review of the current arrangements after 12 months of their operation. (2) That the Cabinet Member for Economic Prosperity be authorised to report this outcome to the next appropriate meeting of Council.

Councillor Brian Ford made a personal, non-prejudicial declaration of interest in respect of Cabinet's consideration of this matter on the grounds that a family member utilised the residents' car parking season ticket provision for this area.

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

## **9. Traffic Management Act 2004 - Enforcement Powers**

Councillor Fionuala Foley, the Cabinet Member for Highways and the Environment, and the Head of Highways and Transport, submitted joint report regarding a motion at Council about the obstruction of pavements by vehicles and the outcome of investigations by officers of the options for tackling the issue of parking on pavements throughout the Borough.

It was noted that officers and Ward Members regularly receive complaints about vehicles obstructing pedestrian dropped kerbs and vehicle crossings and that the Council has the option to take on additional powers under the Traffic Management Act (2004) to deal with this issue.

In response to a question put by Councillor Matthew Courtliff regarding the proposals enforcing only prohibitions of double parking and parking at dropped footways, and not in respect of more general parking obstruction, Councillor Foley advised that such obstruction was a matter for Police enforcement and that it would be inappropriate to require enforcement in such cases to be the responsibility of the Council's parking enforcement officers. She added that residents' views on the more general obstruction issues raised by Councillor Courtliff would be obtained through the proposed consultation and that, as part of the consultation review, appropriate

consideration would be given to options open to the Council.

The Council's Head of Highways and Transport commented on the use of existing legislative powers available to the Council to take action over the inconsiderate parking obstruction of pedestrian dropped kerbs and vehicle crossings and assured the meeting that options to use new legislative provisions to combat more general parking obstruction were kept under review.

Councillor Foley, with Councillor Oliver Donachie, the Cabinet Member for Economy Prosperity, responded to additional questions put by Councillors Jim Grant and Bob Wright regarding:

- The staff resource available to support parking obstruction enforcement
- The responsibilities of the Police in respect of highway obstruction enforcement
- The implications of such enhanced enforcement in areas where residents' car parking is already recognised to be deficient
- The inclusion of problems of parking on grass verges as part of the consultation review.

Resolved – (1) That the Motion at Council on 28 September 2017, regarding obstructions of pavements by vehicles (Minute 35 2017/18 refers), be noted.  
(2) That the Head of Highways and Transport, in consultation with the Cabinet Member for Highways and the Environment, be authorised to (a) arrange consultation with the local community over proposals to enforce prohibitions of double parking and parking at dropped footways, and (b) confirm the start date, duration and closing dates of that consultation.  
(3) That the Head of Highways and Transport, in consultation with the Cabinet Member for Highways and the Environment, be authorised to consider the consultation responses received and, if appropriate, to introduce enforcement powers permitted under sections 85 (prohibition of double parking) and 86 (prohibition of parking on dropped footway) of the Traffic Management Act 2004, in accordance with the delegated authority contained within the Scheme of Delegations 2018/19 (paragraph 147), subject to giving prior public notice of this intention and the date from which it will apply.

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

## **10. Libraries Strategy - Delivery Model**

Councillor Keith Williams, the Cabinet Member for Corporate and Customer Services, and the Corporate Director for Children's Services, submitted a joint report, outlining the main findings from the development of the Business Plan to establish a Public Sector Mutual (PSM) organisation to deliver the Swindon Library Strategy for a comprehensive and efficient Library service and to promote an increase in literacy and learning within communities. The report sought approval for Swindon Library Service (SLS) to move into a period of transition to prepare for becoming a Public Sector Mutual from April 2020.

It was noted that approval of the recommendations of this report would initiate Swindon Library Service and key Council officers carrying out the recommendations in the business plan where appropriate and to work as outlined to prepare the

service to move into a PSM.

Councillor Williams introduced the report and responded to questions put by Councillors Jane Milner-Barry, Bob Wright and Jim Grant regarding:

- The operational mechanism of the PSM to deliver the Swindon Library Strategy.
- The sustainability of the model.
- The possible award route, as outlined in the Business Plan, and the factors to be taken into account in determining the viability of the PSM
- The term of any arrangement.
- The Council's experiences in relation to the outsourcing of services.
- Decision making regarding the future of associated property assets.
- The Council's future funding commitment to a PSM and its aspirations to maintain and improve the library service.

Resolved – That the Head of Library Services, in consultation with the Cabinet Member for Corporate and Customer Services, the Strategic Commissioner, Routes to Employment, the Corporate Director Children Services, the Director of Finance and the Director of Law and Democratic Services, be authorised:

- a) To implement the transition arrangements outlined in the body of the report to prepare the Swindon Library Service for becoming a PSM by April 2020. This includes the development of a SLS Transition Board to advise the Head of Library Services on the implementation arrangements.
- b) To develop the implementation plan to set out the detailed arrangements for the creation of a PSM, including award route for the delivery of the core library services and the treatment of assets, back office costs, charges for services to non-core community-led Library services and staff transfer and pension arrangements.
- c) To allocate up to £100k of one-off resources be earmarked on the Council's Balance Sheet to fund the costs of any necessary financial, legal or technical advice required to support the implementation of the recommendations and the completion of the relevant contractual documentation as set out in paragraph 3.14.9.

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

## **11. Referral from the Scrutiny Committee - Superfast Broadband Extension Programme**

Councillor Oliver Donachie, the Cabinet Member for Economic Prosperity, and the Director of Digital Services & Corporate Programmes, submitted a joint report responding to Minute 61 (2017/18) of the Scrutiny Committee on 12<sup>th</sup> February 2018, referring back to Cabinet for further consideration its decision, responding to Council Minute 81 (2017/18), regarding the work being undertaken to provide superfast broadband to rural parts of the Borough and to update Cabinet on securing ultrafast broadband to support the local economy.

In response to questions put by Councillor Bob Wright, Councillor Donachie, with the Council's Director of Digital Services & Corporate Programmes, advised that, in terms of both customer uptake and its effectiveness as a catalyst for inward investment in fibre deployment across the borough, particularly in the rural areas,

the scheme represented excellent value for money for Swindon residents.

Resolved – (1) That, having due regard to the comments made by Scrutiny Committee at its meeting on 12th February 2018, Cabinet's decision at its meeting on 7th February 2018, as set out in paragraph 3.3 of the report, be re-affirmed.  
(2) That it be noted that, in respect of the project target of 95% coverage of Swindon Borough the scheme has advanced superfast broadband coverage to over 99% and take up by households is in excess of 1100 properties.

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

## **12. Councillors' Allowances 2019/20 - Recommendations of the Independent Remuneration Panel - Minute For Confirmation**

Councillor David Renard, the Leader of the Council, and the Director of Law and Democratic Services, submitted a joint report inviting Cabinet to consider recommendations arising from meetings of the Independent Remuneration Panel on the level of Councillors' Allowances in Swindon for 2019/2020.

It was noted that the Council is required by the Local Authorities (Members Allowances) (England) Regulations 2003 to consider the recommendations of its Independent Remuneration Panel when making decisions relating to its Scheme of Councillors' Allowances. Decisions on the Scheme of Councillors' Allowances require the approval of full Council, which body is not required to adopt all or any of the Panel's recommendations.

Resolved – (1) That the recommendations of the Independent Remuneration Panel on Councillors' Allowances for 2019/2020, as set out in paragraph 3.20 of the report, be accepted and referred to the Council for approval.  
(2) That the Director of Law and Democratic Services be authorised to introduce a revised Councillors' Allowances Scheme for 2019/2020 based on the recommendations of the Independent Remuneration Panel, as approved and adopted by the Council.

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

## **13. References from other Council Bodies - Health and Wellbeing Board**

Councillor Brian Ford, the Cabinet Member for Adults, and the Corporate Director Adult Social Services and Health and Director of Public Health, submitted a joint report regarding recommendations of the Health and Wellbeing Board at its meeting on 28th March 2018, that the Council adopt (a) the finalised Swindon Borough Council Adult Social Care Strategy 2018-2022, and (b) the Prevention Concordat for Better Mental Health in Swindon.

Councillor Ford introduced the report and responded to questions put by Councillor Bob Wright regarding the financial and staffing resources available to effectively support the Prevention Concordat for Better Mental Health in Swindon.

Resolved – That the recommendations of the Health and Wellbeing Board at its

meeting on 28th March 2018, that the Council adopt (a) the finalised Swindon Borough Council Adult Social Care Strategy 2018-2022, and (b) the Prevention Concordat for Better Mental Health in Swindon, be agreed.

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

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## Notice of Decisions Made

<b>Decision Maker:</b>	<b>Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Commercialisation; Councillor Garry Perkins, Cabinet Member for Regeneration</b>
<b>Subject</b>	1 and 3 Faringdon Road - Purchase, refurbishment and Disposal
<b>Decision(s): -</b>	<ol style="list-style-type: none"><li>1. That the “as built” floor layout plans, attached to the report, be noted and approved.</li><li>2. That the Head of Property Assets, in consultation with the Director of Law and Democratic Services and the Corporate Director resources and Growth, be authorised to dispose of the units identified in the report in a manner and on such terms as he considers will best achieve the objectives for redeveloping the property and at the same time comply with the Council’s duty to obtain best consideration.</li><li>3. That The Director of Law and Democratic Services, in consultation with the Head of Property Assets be authorised to complete all necessary documentation on such terms and conditions as he considers necessary to protect the Council’s interests to give effect to the authorised disposals.</li><li>4. That, in consultation with the Director of Finance and the Director of Law and Democratic Services, consideration be given in a future Cabinet report to whether any further financial contribution be made to the Trust identified in the report in addition to the amount already paid for the transfer of the property.</li></ol>
<b>Consultation:</b>	<p>The following Opposition Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:</p> <p>Councillor Stan Pajak – No comment pending clarity on how the money will be used.</p> <p>Councillor Kevin Small – Opposed, on the basis that the Trust referred to in the report may not be gaining the full value due. Asked that the matter be referred to Full Council.</p> <p>Councillor Bob Wright – Opposed, insufficient detail on how the Trust referred to in the report would benefit. Asked that the matter be referred to Full Council.</p>
<b>Date of Publication:</b>	Friday 20 <sup>th</sup> April 2018
<b>Date for Receipt of Requests for Call-in</b>	Monday 30 <sup>th</sup> April 2018

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Rob Richards Tel: 01793 463521 Email: [rrichards@swindon.gov.uk](mailto:rrichards@swindon.gov.uk)

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

<https://ww5.swindon.gov.uk/moderngov/mgListPlanItems.aspx?PlanId=625&RP=285>

## Notice of Decisions Made

<b>Decision Maker:</b>	<b>Councillor Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Commercialisation; Councillor Garry Perkins, Cabinet Member for Regeneration</b>
<b>Subject</b>	Carriage Works Acquisition
<b>Decision(s): -</b>	That additional funding in the amount specified in the report, to enable completion of the Carriage works acquisition, be agreed.
<b>Consultation:</b>	<p>The following Opposition Spokespersons / Ward Members have been consulted on the recommendations of the report and their responses are also summarised below:</p> <p>Councillors Milner-Barry, Small, Bob Wright, Julie Wright and Junab Ali – No comment Councillor Stan Pajak – Supports recommendation</p> <p>No requests for Cabinet consideration were received.</p>
<b>Date of Publication:</b>	Friday 20 <sup>th</sup> April 2018
<b>Date for Receipt of Requests for Call-in</b>	Monday 30 <sup>th</sup> April 2018

For more details on the subject of the Decision or for a copy of the Decision Note please contact: Rob Richards Tel: 01793 463521 Email: [rrichards@swindon.gov.uk](mailto:rrichards@swindon.gov.uk)

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