

SPECIAL COMMITTEE

THURSDAY, 11 DECEMBER 2008

PRESENT:- Councillors Roderick Bluh (Chair), Fionuala Foley (Vice-Chair), Fay Howard, Brian Mattock, David Renard, Stan Pajak and Kevin Small.

6. Declarations of Interest

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

7. Minutes

Resolved – That the minutes of the meeting held on 23rd July 2008, be confirmed and signed as a correct record.

8. Public Question Time

No public questions were asked under Standing Order 28.

9. Exempt Items - Exclusion of Press and Public

Resolved – That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in Agenda Item No. 8 of the Notice of the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned. (Minute 12 refers.)

10. Appointment of Cabinet Member of Swindon Borough Council and Appointments to Committees and Other Bodies

The Director of Law and Democratic Services submitted a report concerning (a) a vacancy that had arisen on the Council's Cabinet, following the resignation of Councillor Justin Tomlinson from the Cabinet, (b) setting out a nomination from the Council's Conservative group to fill that vacancy, (c) notice of changes to Cabinet portfolios agreed by the Leader of the Council, and (d) further and related changes to Committee and other body appointments for the remainder of the Municipal Year 2008/09.

Councillor Kevin Small enquired whether it was a requirement of the Council's Constitution that the Chair of an Overview and Scrutiny Committee serve on the Council's Scrutiny Committee. The Director of Law and Democratic Services explained that, whilst it was strongly recommended that the Chairs of Overview and Scrutiny Committees serve on the Council's Scrutiny Committee, this was not a requirement of the Constitution. The wording of the Constitution had been left flexible to allow for a situation where for personal or practical reasons an Overview and Scrutiny Chair was unable to participate in the Scrutiny Committee.

Resolved – (1) That the resignation of Councillor Justin Tomlinson as a Cabinet Member be noted.

(2) That Councillor Mark Edwards be appointed to serve on the Council's Cabinet, with effect from 12 December 2008, for the remainder of the Municipal Year 2008/09.

(3) That the following changes in Committee Membership be approved for the remainder of the Municipal Year 2008/09 –

- Councillor Mark Edwards replace Councillor Justin Tomlinson on the Appointments Committee;
- Councillor Justin Tomlinson replace Councillor Mark Edwards on the Health Overview and Scrutiny Committee;
- Councillor Keith Williams replace Councillor Mark Edwards on the Audit Committee;
- Councillor Vera Tomlinson replace Councillor Michael Dickinson on the Scrutiny Committee;
- Councillor Mary Martin replace Councillor David Sammels on the Scrutiny Committee;
- Councillor Vera Tomlinson replace Councillor Sinead Darker on Swindon Dance;
- Councillor Phil Young replace Councillor Justin Tomlinson on the Art Gallery Project Board;
- Councillor Nick Martin replace Councillor Justin Tomlinson on the Leisure Working Party; and
- Councillor Justin Tomlinson be appointed as the Council's Sports and Leisure Champion.

(4) That the Leader of the Council's new allocation of Cabinet portfolio responsibilities, as set out in Appendix One to the report, be noted.

(5) That the following changes in the composition of the Housing Advisory Forum, for the remainder of the Municipal Year 2008/09 be noted –

- Councillor Steve Allsopp replaces Councillor Fay Howard as the Labour Group representative; and
- Ms. Rita Lawrence replaces Ms. Bab James as the Tenants Association for Sheltered Housing (TASH) representative on the Housing Advisory Forum.

(6) That the Director of Law and Democratic Services be authorised to make any necessary changes to the Council's Constitution and Committee Composition Lists associated with the proposals in (2) to (5) above.

11. Delegated Powers To Remove or Obliterate Placards And Posters

The Cabinet Member for Local Environment and Sustainability and the Director of Environment and Streetscene submitted a joint report concerning the proposed granting of delegated authority to enable a more effective enforcement of control over advertisements under the provisions of the Town and Country Planning Act 1990.

Councillor Kevin Small asked whether the proposed delegations would make it easier for the Returning Officer to remove unlawful display of election posters and enable action to be taken against those responsible. Councillor Stan Pajak enquired whether the proposal would extend to the removal of Banners from non-approved sites, and the removal of informal greetings placards and posters. The Director of Law and Democratic Services and the Director of Environment and Streetscene explained how it was hoped that the new delegations would enable action to be taken more effectively and quickly in all cases. The Director of Environment and Streetscene referred to the approach taken by the enforcement team, and the proportionality that was applied, in dealing with the display of posters and placards for personal greetings and promoting charitable events.

Resolved - (1) That the Director of Environment and Streetscene and/or the Director of Planning and Transport Strategy, in consultation with the Director of Law and Democratic Services, be authorised to issue notices to remove a placard or poster to persons who displayed, or caused it to be displayed, in contravention of regulations made under Section 220 of the Town and Country Planning Act 1990 ('the Act'), and if such notices are not complied with, to recover from the said person the costs reasonably incurred by the authority to remove the placard or poster pursuant to Section 225 of the Act.

(2) That the Director of Law and Democratic Services be authorised, at the request of the Director of Environment and Streetscene and/or the Director of Planning and Transport Strategy, to prosecute pursuant to Section 224 of the Town and Country Planning Act 1990 ('the Act') any person who displays an advertisement in contravention of the regulations under Section 220 of the Act.

(3) That, further to the decisions in (1) and (2) above, the Director of Law and Democratic Services be authorised to amend Part 8 of the Council's Constitution – Scheme of Delegations and Designations of Proper Officers, accordingly.

12. Adjustments to Council Organisational Structure

The Leader of the Council and the Chief Executive submitted a joint report concerning proposed organisational restructuring changes that would help to ensure that the way in which the Council's business units were organised remained fit for purpose, demonstrated value for money and supported the Council's strategic objectives.

Councillor Kevin Small referred to his concerns at the designation of the Group Director, Housing and Social Care as the officer fulfilling the role of Director of Adult Social Services, in view of the impact of departmental responsibilities on her strategic role. Councillor David Renard Cabinet Member for Health, Housing and Adult Social Care, explained how it was proposed this designation would operate in practice and commented that both he and the Group Director did not believe that this would have any detrimental impact on her strategic role.

Councillor Kevin Small noted that a number of senior officers within the Environment and Regeneration Directorate had recently retired from the Council. He expressed his concern at this loss of experience and local knowledge, and commented on the need to develop an effective succession planning process for the Council. The Director of Human Resources and Change explained that similar concerns existed nationally regarding the age profile of senior local government staff. He commented on how the Council was actively seeking to develop and promote succession planning.

Resolved – (1) That, on behalf of the Council, and with effect from the 12th December 2008, the following changes to the Council's Organisational Structure be implemented:

- the transfer of Recreation Services from Swindon Commercial Services to the Directorate of Housing and Leisure;
- the re-designation of the 'Planning and Transport Strategy' Directorate to 'Planning and Transport' Directorate;
- the change to the organisational structure of StreetSmart, as set out within paragraph 2.3 of the report;
- the transfer of the delegations exercised by the current Director of Environment and Streetscene (Nos. 65 to 233 in the Council's Scheme of Delegations) to the Group Director, Environment and Regeneration;
- confirmation that the Group Director, Housing and Social Care, fulfils the Director of Adult Social Services role for the Council; and
- the Council's management structure be as set out in Appendix 1 to the report.

(2) That the Director of Law and Democratic Services be authorised to make the necessary changes to the Council's Constitution to recognise the organisational changes set out in (1) above.

(3) That the operation of the revised Environment and StreetSmart Organisation Structure be reviewed at the end of the Municipal Year 2008/09, and the Director of Human Resources and Change subsequently report on the outcome of that review to the members of the Special Committee.

(4) That, following the introduction of the proposed organisational changes referred to in (1) and (2) above, the Deputy Chief Executive and Group Director, Environment and Regeneration, the Group Director, Housing and Social Care and the Managing Director of Swindon Commercial Services be asked to provide all Councillors with an officer contact list for the restructured services within their Directorates.