

SPECIAL COMMITTEE

THURSDAY, 25 MARCH 2010

PRESENT:- Councillors Roderick Bluh (Chair), Fionuala Foley (Vice-Chair), Brian Mattock, David Renard, James Grant and Derique Montaut.

An apology for absence was received from Councillor Stan Pajak.

21. Declarations of Interest

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

22. Minutes

Resolved – That the minutes of the meeting held on 23rd February 2010 be confirmed and signed as a correct record.

23. Public Question Time

The following questions were asked in accordance with Standing Order 28.

Questioner

Mr. R. K. Hayden, Turner Street, Swindon.

I note from Agenda Item 7 “Appointment to Outside Body: Digital City (UK) Ltd.” that the Leader of the Council has indicated that it is proposed to nominate Councillor Garry Perkins, Cabinet Member for Children’s Services, to serve on the Board of the company. Can the Chair explain why it is proposed to nominate the Cabinet Member for Children’s Services to this position when there appear to be far more relevant Cabinet portfolios that would link to this role on the company?

Response

The Chair thanked Mr. Hayden for his question and advised that the proposed appointment did not relate to the portfolio held by Councillor Perkins, but rather to his personal background in the commercial sector. Councillor Perkins also represented the Council on the Board of Swindon Commercial Services Ltd. (SCS) for this same reason.

Questioner

Mr. Brian Cockbill, Stratton St. Margaret, Swindon.

In respect of Agenda Item 5 “Confirmation of Minutes – Forward Strategy for Delivering Economic Development and Regeneration in Swindon” - (a) Would I be correct in believing that the remit of Forward Swindon Limited (FSL) is wider than that of The New Swindon Company and will cover the whole of the Borough? (b) I understand from the report that the South West of England Regional Development Agency is a partner agency and funder of the new Forward Swindon Limited (FSL). I note the role of the Cabinet Member for Culture, Regeneration and Economic Development within the company, and also that he has recently been appointed to serve on the Regional Development Agency. Is the Committee confident that this

does not lead to a conflict of interest? (c) I understand from the report that the funding for Forward Swindon Limited (FSL) is being provided by the Council and from two existing funders including the South West of England Regional Development Agency. I believe it is Conservative Party policy to abolish Regional Development Agencies if it comes to power after the forthcoming General Election. What will happen to the new company if the South West of England Regional Development Agency is abolished and its funding ceases, and what is the Council's plan should that happen?

Response

The Chair thanked Mr. Cockbill for his questions. He advised that Mr. Cockbill was correct and that Forward Swindon Limited (FSL) had a much wider remit than that of the New Swindon Company and would cover the whole of the Borough. He explained that the current Cabinet Member for Culture, Regeneration and Economic Development, who served on the Regional Development Agency, was not seeking re-election at the forthcoming Council Elections, and that the Cabinet Member with portfolio responsibility for regeneration and economic development matters would serve on the new company. The Council's Director of Law and Democratic Services had investigated the issue of a potential conflict of interest and had advised that he believed there was no such conflict.

The Chair advised that it was Conservative Party policy to seek the abolition of Regional Development Agencies, and he asked the Deputy Chief Executive and Group Director, Environment, Regeneration and Community to respond to the specific question on funding. The Deputy Chief Executive explained how Forward Swindon Limited (FSL) was to be funded. She explained that a five-year funding package had been agreed between the Council and its partners and, that as part of this overall package, the South West of England Regional Development Agency was only committed to the provision of one year's funding, which it had already allocated. Therefore any decision to abolish the Regional Development Agency would not impact directly on the future funding or viability of the new company.

24. Confirmation of Minutes - Forward Strategy for Delivering Economic Development and Regeneration in Swindon

The Director of Law and Democratic Services submitted a report setting out a "Minute for Confirmation" arising from the meeting of the Cabinet held on 10th March 2010 and relating to the appointment of Directors of Forward Swindon Limited (FSL), a new "arms length Borough wide delivery vehicle" to deliver regeneration, place marketing, economic development, inward investment and cultural development in Swindon.

Resolved – That, on behalf of the Council, Minute 110(3) of the Cabinet be approved, and the Chief Executive and the Cabinet Member with portfolio responsibility for Economic Development and Regeneration be appointed as Directors of Forward Swindon Limited (FSL).

25. Sustainable Community Strategy - Supplementary Note

The Director of Policy, Performance and Communications and the Leader of the Council submitted a joint report concerning a proposal to update the Council's statutory "Sustainable Community Strategy – A Shared Vision for Swindon 2008-2030" by way of a Supplementary Note in order to reflect the wish to enhance the

local economy by establishing Forward Swindon Limited (FSL) as a separate legal entity from Swindon Borough Council.

The Chair referred to the linkages between the Council's Sustainable Community Strategy and use of the "Well Being" powers available to local authorities under the Local Government Act 2000. He advised that the proposed amendment to the Sustainable Community Strategy was similar to that agreed when Swindon Commercial Services Ltd. (SCS) was established as an "arms length" company, and was for the same reason.

Resolved – That the proposed Supplementary Note for inclusion in the Council's Sustainable Community Strategy ("Sustainable Community Strategy – A Shared Vision for Swindon 2008-2030"), relating to the establishment of Forward Swindon Limited (FSL), as detailed in the joint report, be approved.

26. Appointment to Outside Body: Digital City (UK) Ltd.

The Director of Law and Democratic Services submitted a report concerning the appointment of a Councillor representative to serve on the Board of Digital City (UK) Ltd.

The Chair explained that the Council had entered into a loan agreement with Digital City (UK) Ltd. in October 2009, and that the agreement provided that the Council was entitled to appoint a Director of the company. The Group Director, Business Transformation had been fulfilling that role on an interim basis but had now resigned from the company. He advised that it was proposed that Councillor Garry Perkins, Cabinet Member for Children's Services, be nominated to serve on the Board of the company.

Councillor Derique Montaut and Councillor James Grant referred to the controversy both within and external to the Council regarding the loan agreement with Digital City (UK) Ltd. and the recent decision of the Scrutiny Committee to refer back to the Cabinet a decision on this matter. This was to be considered at a special Cabinet meeting on 31st March 2010. It was their belief that there should be an external inquiry into the loan agreement with Digital City (UK) Ltd. and the WiFi project. They held the view that consideration of the appointment of a Director should be deferred until the outcome of the Cabinet and the associated Scrutiny Committee meeting was known, until the findings of other internal investigations were considered and, preferably, until such time that a comprehensive external review of the project had been completed.

The Chair commented that the issue of the loan agreement with Digital City (UK) Ltd. and the WiFi project had been considered by the Scrutiny Committee on a number of occasions, had been the subject of debate at other Council committees, and also at the full Council meeting. At none of these meetings had it been determined that due process had not been followed. He believed that there was no reason to believe that any external enquiry would identify any different findings. More importantly, the Council had entered into a loan agreement with Digital City (UK) Ltd. and it was important that the Council's interests were protected by representation on the Board of the company. With the resignation from his interim role by the Group Director, it was important that action was taken quickly to ensure that the Council was appropriately represented as the company continued to operate and deliver the project.

Resolved – That, on behalf of the Council, Councillor Garry Perkins, Cabinet Member for Children's Services, be appointed as the Council's representative on the Board of Digital City (UK) Ltd.