

SCRUTINY COMMITTEE

MONDAY, 26 MARCH 2012

PRESENT:- Councillors Kevin Small (Chair), Fionuala Foley (Vice-Chair), Andy Harrison, Peter Heaton-Jones, Des Moffatt, Kevin Parry, Eric Shaw, Vera Tomlinson, Robert Wright and Andy Albinson

Councillors Roderick Bluh, Leader of the Council and Chair of Cabinet, Garry Perkins, Deputy Leader of the Council and Vice-Chair of Cabinet and Cabinet Member for Regeneration and Culture, Mark Edwards, Cabinet Member for Finance, Colin Lovell, Cabinet Member for Customer Services and a Safer and Stronger Borough, Brian Mattock, Cabinet Member for Health and Adult Social Care, David Renard, Cabinet Member for Children's Services, and Keith Williams, Cabinet Member for Leisure and Corporate Services were also in attendance.

Apologies for absence were received from Councillors Emma Faramarzi

148. Declarations of Interest

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

149. Public Question Time

Carol Bent of Marlborough Road, Old Town, Swindon, asked questions regarding the proposed Croft School and, in particular, matters she had raised at a previous meeting of the Committee, on that same subject, to which she felt she had not received adequate responses. The Chair responded to Ms Bent's questions and also confirmed that full responses had been given to her previous questions. He commented that it had to be recognised that the answers given at the meeting were no less valid simply because they were not what the questioner might have hoped to hear.

Steve Thompson of Northern Road, Gorse Hill, asked a question regarding the valuation of land proposed for development at Pickards Field. Councillor Rod Bluh, the Leader of the Council, responded to Mr Thompson's question. In response to a supplementary question by Mr Thompson regarding his understanding that the developer had indicated at a public meeting that new changing rooms would not be provided as part of the scheme, the Leader agreed to investigate the matter and provide Mr Thompson with a written response. Mr Thompson was asked to advise the Committee Clerk of his contact details.

Colin Doubleday, the Chair of Pipers Area Residents Association, referred to his attendance at recent Locality meetings and asked about members' understanding of the roles of the Locality Leads. The Chair and the Leader of the Councillor responded to Mr Doubleday's question. The Chair also responded to supplementary questions put by Mr Doubleday regarding the application of the Council's "10 working days" rule to Councillors and Locality Leads when responding to correspondence.

Kareen Boyd, of Hesketh Crescent, Old Town, Swindon, put a question regarding the Council's projections for secondary school places and, specifically, the identification of secondary school places for the children of families resident in Wichelstowe. Councillor David Renard, Cabinet Member for Children's Services responded. Councillor Renard, with the Leader and the Deputy Leader of the Council, responded to a supplementary question put by Mrs Boyd regarding the provision of additional secondary schools in the "southern locality" in next 5 to 10 years. Mrs Boyd also sought clarification of statements in the October 2009 feasibility study regarding the "potential for future expansion of Croft School" and the "excellent access" to that site. It was agreed that a written response should be provided.

Richard Symonds, a local resident, asked about the appropriateness of the Council's disposal of an asset six weeks before the local elections. The Chair responded to Mr Symonds question.

150. Consideration of Cabinet Decisions

The Director of Law and Democratic Services submitted a report introducing decisions arising from the Cabinet meeting held on 21 March 2012.

104. Proposed redevelopment of Dorcan House/Eldene Shopping Centre

Councillor Rod Bluh, the Leader of the Council, responded to questions put by Councillor Foley regarding the relocation of businesses currently in the Eldene Shopping Centre, and, in particular, the commitment to retaining the local post office and the chip shop.

Resolved - That Minute 104 of the Cabinet be noted.

105. Revenue Budget Management 2011/12

Resolved - That Minute 105 of the Cabinet be noted.

106. Capital Budget Monitoring Report 2011/12

Resolved - That Minute 106 of the Cabinet be noted.

107. School Admission Arrangements and Home to School Transport Policy

Resolved - That Minute 107 of the Cabinet be noted.

108. Adult Learning Plan 2012

Resolved - That Minute 108 of the Cabinet be noted.

109. Recycling in Swindon

Resolved - That Minute 109 of the Cabinet be noted.

110. Pay Policy Statement

Resolved - That Minute 110 of the Cabinet be noted.

111. Proposed merger of Swindon Borough Council and Wiltshire Police Community Safety Teams

Resolved - That Minute 111 of the Cabinet be noted.

112. Award of Highways, Transport and Landscape Schemes to Swindon Commercial Services Limited

Resolved - That Minute 112 of the Cabinet be noted.

113. References from Other Council Bodies - Corporate Governance Review Working Group

Resolved - That Minute 113 of the Cabinet be noted.

114. Sale of Site at Gorse Hill, Swindon

Councillor Rod Bluh, the Leader of the Council, supported by the Council's Director of Law and Democratic Services, responded to questions put by members of the Scrutiny Committee, and by Councillors John Ballman and Rochelle Russell, on the following issues. :

- the advice and information made available to members regarding the process of land disposals prior to their consideration of this proposal
- the Council's achievement of best value for money in relation to this disposal
- the acquisition of land necessary to accommodate the proposed access to the site
- the independent valuation of the land and the processes around the sale of the land to the developer and the subsequent reinvestment of that receipt in the local community and environment through works the developer would be asked to carry out as part of the development contract
- the statement in the report to Cabinet on 15 February that the reinvestment of the "surplus value" was necessary to ensure that "the new development's sales and rental values assumptions remain valid (and hence the overall financial viability) by providing an attractive environment in which to set the new homes"
- the precise area of the proposed land disposal and the inclusion in the agreement between the Council and the developer of areas identified in the report to Cabinet on 15 February as "adjoining" and "adjacent" open space
- the legal definition of public open space and the process for the disposal of public open space by local authorities
- the implications for this disposal of provisions within the Local Government Act 1972 and the Localism Act 2011 concerning the disposal of public open space and, in particular, any moratorium that the Secretary of State might have introduced restricting open space disposals
- the alleged risk of the project becoming financially unviable if there is delay in concluding an agreement for disposal and the risk of potential compensation in the event of a change in the Political Administration of the Council following the May 2012 Elections and the new Administration terminating the agreement
- the financial implications for the project of outstanding technical surveys, including ecology, flood and transport assessments

- the detail of, and parties to, the “agreement” referred to in the response from Haboakus, attached as Appendix 1 to the Cabinet report

Councillor Moffatt moved a motion that the Cabinet decision to instruct officers to proceed to agreement for the disposal of the site be referred back for further consideration on the grounds that provisions within the Local Government Act 1972 and the Localism Act 2011 concerning the advertising and subsequent implementation of such decision had not been met. The motion was voted on and declared lost. Councillors Moffatt and Small asked that their votes in support of the motion be recorded in the minutes.

It was agreed that information requested by individual members during the course of the Committee’s consideration of this item should be forwarded to the Committee Clerk for distribution to Scrutiny Committee members.

Resolved – (1) That it be noted that, with the agreement of the Leader of the Council, as Chair of Cabinet, Minute 114 of the Cabinet, presented to the meeting in draft form, would be amended to read that the Director of Law and Democratic Services be “instructed” to take the necessary action.

(2) That Minute 114 of the Cabinet be noted.

151. Swindon PFI Schools - Update & Progress

The Committee received a report of the Director, Access and Provision, on the subject of the Swindon Schools Private Finance Initiative project.

The Director, Access and Provision, introduced the report, advising that, in response to the requirement of Promise 28, the project had successfully delivered the opening of seven schools, ahead of schedule, that had replaced poor existing accommodation and had helped to meet the identified demand for additional school places in the north of borough. He remarked on the Council’s successful working with schools and with the PFI provider and the confirmation from a recent internal audit report that the Council’s management of the PFI contract was operating satisfactorily. He continued, outlining the major challenges that had been addressed in the initial years of the contract, particularly in relation to the equipping of schools to ensure delivery of the national curriculum and to address health and safety issues, and expanded on continuing work to address outstanding concerns. The Director concluded his presentation of the report by briefly outlining the changes to be made to the management of the contract under the Council’s new “Stronger Together” organisational arrangements.

Following the introduction of the report, members were invited to put questions to Councillor David Renard, Cabinet Member for Children’s Services, and to the Director, Access and Provision. Issues raised by members included:

- the exact nature of the ongoing challenges to the success of the PFI contract, referred to by the Director in his presentation of the report
- the “community focus” of schools and the better use of PFI schools as community assets
- the potential difficulties and issues associated with a PFI school choosing to pursue Academy status and the likelihood of any primary schools seeking Academy status

- the maintenance contract in relation to PFI schools
- the structuring of the PFI contract and the loan debt and the potential for “refinancing” gains
- the Council’s assessment of the “PFI experience”, school place planning and options for the future delivery of schools
- the Council’s vision that the new facilities would be used by the community outside core hours and the use of contributions from the Haydon Sector Section 106 agreement to provide such community facilities
- the original determination of use of the PS7 site and the subsequent development of the Oakhurst Primary School on that site
- the let of community space at the Isambard School and the pricing structure for lets
- the process for the “PFI Top-Up”, referred to in the report

Resolved – (1) That the report be noted and that the Cabinet Member for Children’s Services and the Director, Access and Provision, and other supporting officers, be thanked for their presentation of the report and for their full and open responses to members’ questions on the issues raised.

(2) That this Committee would wish to continue to monitor the PFI schools project and asks the officers to submit an interim progress report during the course of the 2012/13 Municipal Year with a further performance assessment report to be presented to the Committee in 12 months’ time. That the performance assessment report include feedback from Headteachers on contract issues and the performance of the PFI provider and that a representative of Education Support (Swindon) Ltd (ES(S)L) be invited to attend the meeting at which the performance report is considered.

152. Question and Answer Session - Cabinet Member for Regeneration and Culture

Councillor Garry Perkins, Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, was in attendance. Following a position statement in which he summarised performance in respect of the various service areas within his portfolio of responsibility, including his assessment of what he felt had been done well, what might have been done differently and the challenges facing his portfolio, Councillor Perkins responded to members’ specific questions and observations on the following issues:

- the Post Office’s decision not to pursue the establishment of a Post Office Museum in Swindon and the implications of that decision for the future usage of the listed chain testing workshop building
- the refresh and future of Apsley House and progress towards establishing a new “fit for purpose” art gallery and museum that would be “commensurate with a town the size of Swindon”
- engagement with the Science Museum
- the feasibility of the suggestion put forward by the Mechanics Trust that a museum might be located in Sheperd Street, utilising the old bike sheds and the British Rail Great Western buildings and establishing a connection between the town centre and the other side of the railway line
- the marketing of Swindon’s Cultural Heritage via the Big Arts Day
- the date of the next Big Arts day (14th July 2012)

- the current culture management structure and the proposed new management structure under “Stronger Together”
- the adoption of the “Swindon Has Heritage” Strategy and the level of consultation to be undertaken in support of the strategy
- the role and responsibilities of the National Arts Council
- progress in relation to previous conversations with the Cabinet Member about “the opening of upstairs” at the STEAM Museum and “putting in a “Brief Encounter” café”
- the impact of the completed infrastructure improvements at Whalebridge

It was agreed that information requested by members during the course of the Committee’s consideration of this item be forwarded to members via the Committee Clerk.

Resolved – That Councillor Garry Perkins, Deputy Leader of the Council and Cabinet Member for Regeneration and Culture, be thanked for attending the meeting and for his full and open responses to members' questions on service areas and issues within the Cabinet Member’s portfolio of responsibility.

153. Great Western Franchise Scrutiny Consultation Exercise

Further to Minute 131, the Committee received a report on the outcome of the public consultation exercise initiated by the Scrutiny Committee in support of the Department for Transport’s own consultation in relation to the Great Western franchise replacement.

Resolved – (1) That the report be noted.

(2) That it be further noted that the summary of consultation responses circulated at the meeting would be included in the Council’s formal response to the Department for Transport’s consultation document.