

COUNCIL

THURSDAY, 8 NOVEMBER 2012

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, Paul Baker, John Ballman, Ray Ballman, Rex Barnett, Mike Bawden, Andrew Bennett, Alan Bishop, Roderick Bluh, Wayne Crabbe, Mark Dempsey, Michael Dickinson, Mark Edwards, Toby Elliott, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Peter Heaton-Jones, Neil Heavens, Dale Heenan, Russell Holland, Fay Howard, Richard Hurley, Colin Lovell, Nick Martin, Cindy Matthews, Brian Mattock, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Maureen Penny, Garry Perkins, Julian Price, David Renard, Ann Richards, James Robbins, Rochelle Russell, Kevin Small, Vera Tomlinson, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Keith Williams, Robert Wright and Julie Wright.

54. Minutes Silence

The Mayor reported that Councillor Doreen Dart had sadly died on 5th October 2012. The Council held a Minutes Silence in respect of Councillor Doreen Dart.

55. Apologies for Absence

Apologies for absence were received from Councillors Nicky Sewell and Dave Wood.

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

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Mayor determined that an additional item concerning “a request for a Leave of Absence from Council Business for a period exceeding six months” be considered as a matter of urgency in order to allow the request to be considered by the Council prior to the expiry of the six month period. (Minute 70 refers.)

57. Communications

The Chief Executive reported that no communications had been received.

58. Minutes

Resolved – That, subject to the removal of the name of Councillor Stan Pajak from those voting against the Motion in Minute 45, the minutes of the meeting held on 20th September 2012 be confirmed and signed.

59. Declarations of Interest

Councillor Cindy Matthews made a personal declaration of interest in respect of Agenda Item 9 as she was a Trustee of the Swindon Branch of the Citizen’s Advice Bureau.

60. Public Question Time

Mr. Barrie Thompson asked a public question regarding the time allocated to care workers to visit elderly patients, and whether this was sufficient to provide a meaningful service to users.

The Cabinet Member for Health and Adult Social Care responded at the meeting.

Mr. Barrie Thompson asked a supplementary question relating to the provision and funding of future Adult Social Care services.

The Cabinet Member for Health and Adult Social Care responded at the meeting.

Mr. Martin Wicks submitted public questions relating to (a) Council ownership of Thamesdown Transport Ltd., (b) the social and environment role of local bus services, (c) the meaning of the use of “key principle” in the Council’s Transport Strategy, (d) Government grant funding of free bus passes, and (e) the continuation of free bus passes for pensioners.

Written responses were tabled.

Mr. Martin Wicks asked a supplemental question seeking clarification on the consultations referred in answer 4 of the tabled responses.

The Cabinet Member for Leisure and Strategic Transport responded at the meeting.

Mr. Martin Wicks asked a supplemental question on the current funding of free bus passes for pensioners.

The Cabinet Member for Leisure and Strategic Transport responded at the meeting.

Mr. Tim French asked the Leader of the Council a public question regarding the siting of circuses in Swindon.

The Leader of the Council responded at the meeting.

Mr. Brian Cockbill asked public questions relating to (a) Digital City (UK) Ltd, (b) the legal position relating to surcharging Councillors, and (c) whether there were any Ultra Vires decisions in respect of Digital City (UK) Ltd.

The Leader of the Council indicated that written responses would be provided to these questions.

Mr. Brian Cockbill tabled three public questions in respect of (a) arrangements with Clear Channel for the provision of bus shelters, (b) bus shelter provision at Greenbridge Retail Estate under Section 106 Planning Agreements, and (c) signage on Drakes Way, Swindon.

The Leader of the Council indicated that written responses would be provided to these questions.

61.

Minute for Confirmation

Councillor Dale Heenan moved and Councillor Roderick Bluh seconded:

“That Minute 51 of the Cabinet (Swindon Borough Local Plan – Pre-Submission Draft) as amended by the Cabinet be confirmed and adopted.”

The Motion was put to the vote and unanimously carried.

62.

Motion - Section 106 Funding

Councillor Bob Wright moved and Councillor Peter Watts seconded:

“This Council recognises the need for Section 106 money from developers to both mitigate the effects of development on local communities and to assist local authorities in addressing future affordable housing, transport and education demand. Furthermore with substantial Government funding cuts already taking place which has significantly reduced the Council’s ability to commit to significant capital projects without increasing its borrowing levels, this Council is committed to negotiating Section 106 agreements with developers that get the best deal for local residents.

This Council is concerned about recent government announcements, including from the Prime Minister, which have encouraged local authorities to renegotiate existing Section 106 agreements with developers in order to stimulate the economy. Indeed this Council is worried that measures are already taking place which could be reducing Section 106 income from developers.

This Council does not think that renegotiating existing Section 106 agreements with developers will have any impact on the local economy and should the administration be considering renegotiating existing Section 106 agreements, requests that this be done in the most open, democratic and transparent way. With this in mind Council requests the Lead Member for Strategic Planning to bring forward a report to the next Cabinet Meeting detailing which Section 106 agreements are currently in the process of being renegotiated and why they are being renegotiated.”

Councillor Dale Heenan moved and Councillor Brian Ford seconded that the Motion be amended to read:

“This Council recognises the need for Section 106 money from developers to both mitigate the effects of development on local communities and to assist local authorities in addressing future affordable housing, transport and education demand. Furthermore with substantial Government funding cuts already taking place which has significantly reduced the Council’s ability to commit to significant capital projects without increasing its borrowing levels, this Council is committed to negotiating Section 106 agreements with developers that get the best deal for local residents.

This Council believes that the cross party Planning Committee continues to be the most open, democratic and transparent way to deal with Section 106 agreements in a transparent and public way.

This Council notes that:

- The Planning Committee receives its next regular report on Section 106 agreements in December 2012.
- No Councillor is involved with negotiating Section 106 agreements with developers.
- Any Council officer who negotiates on Section 106 agreements ensures that developers are required to pay all contributions, which can be obtained within the law.”

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

With the agreement of the mover and seconder of the new Substantive Motion it was amended to read:

“This Council recognises the need for Section 106 money from developers to both mitigate the effects of development on local communities and to assist local authorities in addressing future affordable housing, transport and education demand. Furthermore with substantial Government funding cuts already taking place which has significantly reduced the Council’s ability to commit to significant capital projects without increasing its borrowing levels, this Council is committed to negotiating Section 106 agreements with developers that get the best deal for local residents.

This Council believes that the cross party Planning Committee continues to be the most open, democratic and transparent way to deal with Section 106 agreements in a transparent and public way.

This Council notes that:

- The Planning Committee receives its next regular report on Section 106 agreements in December 2012.
- No Councillor is involved with negotiating Section 106 agreements with developers *but officers should consult with local Members*.
- Any Council officer who negotiates on Section 106 agreements ensures that developers are required to pay all contributions, which can be obtained within the law.”

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

63. Motion - Use of Bailiffs

Councillor Des Moffatt moved and Councillor Stan Pajak seconded:

“This Council recognises the fact that bailiffs need to be used by Swindon Borough Council in order to help the Council claw back as much money from those in arrears of Council-Tax, as possible. However, Council believes that the bailiffs acting on its behalf should fully comply with the law and its intent and is concerned by allegations that this isn’t always happening.

Furthermore, with recent proposals to make full council-tax benefit recipients pay 20% of their council-tax bill and the government's housing benefit changes, this Council is concerned that such unseemly practices will become more widespread.

With this in mind, this Council instructs its Director of Finance, Revenues, Benefits and Property to present a report to Cabinet detailing ways the Council can ensure bailiffs who are acting on behalf of the Council fully comply with the law and its intent."

With the agreement of the mover and seconder the Motion was amended to read:

"This Council recognises the need to collect promptly and efficiently Council tax and other payments and recognises that bailiffs may be used for the recovery of monies owed. This Council however wishes to ensure that any bailiff acting on behalf of the Council operates in a way that is fair and lawful, particularly having regard to the Council's function as a Public Authority, including due regard to any of its functions under the Equality Act 2010 and Human Rights Act 1998.

This Council therefore requests that the Cabinet Member for Finance prepare a report to Cabinet outlining the circumstances in which bailiffs may be used and the measures that are being taken to ensure that bailiffs are acting appropriately and lawfully."

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

64. Motion - Development

Councillor Stan Pajak moved and Councillor Ann Richards seconded:

"This Council wishes the Secretary of State for Communities and Local Government to note the following:

Swindon Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make:

This Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they may be concerned with.

- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications.

This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA:

This Council however welcomes other parts of the stimulus package including:

- £300 million to provide 15,000 affordable homes across the country
- An extension of the refurbishment programme to bring an extra 5,000 empty homes back into use
- £280m for FirstBuy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes
- Up to £10bn of guarantees to housing associations, property management companies and developers which will be able to use the guarantees to secure lower borrowing costs. This will lead to hundreds of thousands of extra rental homes being built.

With the agreement of the mover and seconder the Motion was amended to read:

“In the spirit of the Coalition Government’s commitment to localism, this Council wishes the Secretary of State for Communities and Local Government to note that:

- Swindon Borough Council believes that local people, through their democratically elected Local Authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make.

This Council asks the Secretary of State to:

- Consider actively how to make the Planning Inspectorate accountable to local residents, instead of all decisions being made by un-elected Inspectors;
- Work with top performing Planning Authorities like Swindon to enable them to have greater freedom and abilities to make local decisions; and
- Urges the Government to listen to the concerns being expressed by the cross-party Local Government Association.

However, this Council welcomes other parts of the stimulus package including:

- An extension of the refurbishment programme to bring 5,000 empty homes back into use;
- £280million for FirstBuy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes;

- Up to £10 Billion of guarantees to housing associations, property management companies and developers, which will be able to use the guarantees to secure lower borrowing costs.

This Council requests that the Leader of the Council write to the Secretary of State to convey its concerns.

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

65. Motion - Future Cities

Councillor Dale Heenan moved and Councillor Mark Dempsey seconded:

“This Council notes the recent successful bid of £50k from the Technology Strategy Board to help towns and cities evaluate the potential benefits of integrating their city systems around energy, transport and ICT and to develop a full proposal for a large scale demonstrator project.

This Council notes that Swindon’s study will build on already innovative projects in the Borough and investigate the potential benefits of an integrated “smart” energy, data and transport system, and the wider economic benefits this could bring to Swindon.

This Council resolves in principle to support the Future Cities Demonstrator project to be undertaken if Swindon is the preferred proposal and is awarded the £24m to implement this project.

Council notes that the Leader of the Council along with the Leaders of the Opposition and Minority Groups will sign a joint letter to the Technology Strategy Board in support of the bid.”

The Motion was put to the vote and unanimously carried.

66. Motion - Street Market

This Motion was withdrawn at the request of the mover and seconder.

67. Corporate Strategy

The Board Director Commissioning submitted a report regarding the adoption of a Council Corporate Strategy.

Councillor Roderick Bluh moved and Councillor David Renard seconded:

“(1) That the Corporate Strategy, as set out in Appendix 1 to the report of the Board Director of Commissioning, be adopted for the period up to and including 2015.

(2) That the Board Director Commissioning, in consultation with the leaders of the Council’s political groups, be authorized to make minor amendments to the content and presentation of the Corporate Strategy, if required, prior to publication.

(3) That the Board Director Commissioning, in consultation with the Leader of the Council, be authorized to develop and implement a system for embedding the

approved Corporate Strategy into commissioning, financial and business plans, other key strategies and the Council's corporate performance management framework."

The Motion was put to the vote and declared carried.

68. WG Little Trust Fund Properties

The Cabinet Member for Finance and the Board Director of Finance, Revenues, Benefits and Property submitted a joint report seeking approval to dispose of property assets held within the WG Little Fund to gain a better financial return for the Trust Fund.

Councillor Mark Edwards moved and Councillor Roderick Bluh second:

"(1) That the properties at 1 and 3 Faringdon Road, Swindon, be disposed of and their sale proceeds be invested for the continued benefit of the WG Little Trust Fund.

(2) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Finance and the Board Director of Finance, Revenues, Benefits and Property, be authorised to complete the sale of 1 and 3 Faringdon Road, Swindon, on such terms and conditions as he considers reasonable in order to protect the interests of the Council ."

The Motion was put to the vote and declared carried.

(Councillor Cindy Matthews made a personal declaration of interest in respect of this item as she was a Trustee of the Swindon Branch of the Citizen's Advice Bureau.)

69. Standards Committee Annual Report

The Council considered (a) the Council's Standards Committee's Annual Report for the period June 2011 to June 2012, and (b) an oral report on the work of the Standards Committee during this period, by its current Vice-Chair, Councillor Richard Hurley, including his and the Chair's thanks and appreciation to (i) the co-opted representatives serving on the Standards Committee, (ii) Mr. Keith Carby (Chair for this period), (iii) Mr. Trevor Davies (Vice-Chair for this period), (iv) the Monitoring Officer (Mr. Stephen Taylor) and (v) Committee Officer (Ms. Sarah Lawrence).

Councillor Roderick Bluh moved and Councillor Jim Grant seconded:

"That the Standards Committee Annual Report for the period June 2011 to June 2012 be welcomed and endorsed."

70. Request for Leave of Absence from Council Business

The Director of Law and Democratic Services tabled a report setting out a request from Councillor Nicky Sewell, for a leave of absence from Council Business for a period of more than six months on the grounds of ill health.

Councillor Stan Pajak moved and Councillor Ann Richards seconded:

“That approval be given, under section 85(1) of the Local Government Act 1972, for the absence, because of illness, of Councillor Nicky Sewell from all Council meetings until 18th January 2013.”

The Motion was put to the vote and declared carried.

71. Minutes of Cabinet and Decisions Delegated to Cabinet Members

The Council considered (a) the minutes of the meetings of the Cabinet held on 17th October 2012, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

72. Minutes of other Council Bodies

The Council (a) received the Minutes set out in the “Minutes of Other Council Bodies” circulated with the Agenda, and (b) considered questions to Chairs regarding the work of their Committees and other bodies and answers received.

73. Councillors Question Time

The Director of Law and Democratic Services reported that Standing Order 15 Questions have been received from Councillors Steve Allsopp, Mark Dempsey, Cindy Matthews and Dave Wood. Details of the questions and responses provided were tabled.

Councillor Steve Allsopp asked the Leader of the Council for clarification on the timescales for the investigation referred to in his answer.

The Leader of the Council indicated the investigation would be carried out as soon as possible.

Councillor Mark Dempsey asked if the Cabinet Member’s response would be reflected in the Minutes

The Cabinet Member for Strategic Planning and Sustainability indicated that the answer was on public record and would be available on the Council’s website.