

CABINET

WEDNESDAY, 12 DECEMBER 2012

PRESENT:- Councillors Roderick Bluh (Chair), David Renard (Vice-Chair), Mark Edwards, Fionuala Foley, Dale Heenan, Russell Holland, Brian Mattock, Garry Perkins, Vera Tomlinson and Keith Williams.

Councillor Wayne Crabbe attended the meeting in respect of Minute 83.

61. Section 100(4)(b) of the Local Government Act 1972 / Section 11 Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations) 2012

The Chair advised that he intended, in accordance with Section 11 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and Section 100 B(4) of the Local Government Act 1972, to take an additional urgent item concerning Swindon's Waste Management Strategy. The reason for the urgency was because a decision on the matter was required prior to the next scheduled meeting of the Cabinet and in order to avoid delays in the procurement process. The urgent item contained exempt information, and in accordance with Section 100A(4) of the Local Government Act 1972, the public would be excluded during the discussion of the matter on the grounds that it involved the likely disclosure of exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A of the Act (Information relating to the financial or business affairs of any particular person, including the authority holding that information). (Minute 84 refers.)

62. Declarations of Interest

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

The Chair advised that the Council's Standard Committee, had under Section 33 of the Localism Act 2011, granted dispensations to Councillors Roderick Bluh, Mark Edwards, Fionuala Foley, Brian Mattock, Garry Perkins, Vera Tomlinson and Keith Williams in respect of any discussions on any matters which had a bearing on the setting of the discounts and exemptions for Council Tax (Agenda item 8) and to Councillors Roderick Bluh, Mark Edwards, Fionuala Foley, Brian Mattock, Garry Perkins and Vera Tomlinson in respect of any discussions on the Council Tax Support Scheme (Agenda Item 9).

Councillor Dale Heenan made a personal declaration of interest in respect of Agenda Item 12 (Reduced Car Parking Tariff for Businesses) as he was the employee of a Swindon Town Centre based employer.

Councillors Keith Williams and Fionuala Foley made personal declarations of interest in respect of Agenda Item 13 (Towards a Local Bus Strategy) as they were Council appointed Non-Executive Directors of Thamesdown Transport Ltd.

Councillor Russell Holland made a personal declaration of interest in respect

of Agenda Item 16 (Higher Education in Swindon) as he served on the Governing Body of Swindon New College.

Councillor Garry Perkins made a personal declaration of interest in respect of the Additional Agenda Item (24) (Swindon's Waste Management Strategy Update) as he was a Council appointed Non-Executive Director of Swindon Commercial Services Ltd.

63. Minutes

Resolved – That the minutes of the meeting held on 31st October 2012 be confirmed and signed as a correct record.

64. Public Question Time

The following question was asked in accordance with Standing Order 28 –
Questioner
Ms Olwen Kelly, Director, Swindon Women's Aid.

Question

Are the Cabinet and Council aware of the move of Swindon's Domestic Violence Refuge to new premises and of the service that is provided by Swindon Women's Aid and the Refuge to many vulnerable people? Is the Cabinet aware of the implications for the level of service that can be provided at the Refuge if the new premises are no longer classified as exempt from Council Tax?

Response

The Chair thanked Ms Kelly for her question and comments and reiterated the Council's commitment to preventing Domestic Violence and supporting its victims. The Chair and Councillor Mark Edwards, Cabinet Member for Finance, responded at the meeting to the question.

65. 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. 23 of the Notice of the Meeting and the Additional Urgent Agenda Item on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 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. (Minutes 83 and 84 refer.)

66. Budget Management 2012/13 and Draft Budget 2013/14

The Cabinet Member for Finance and the Board Director, Finance, Revenues, Benefits and Property submitted a joint report setting out (a) the current forecast outturn position of the Council's Revenue Budget as at the end of October 2012, (b) issues impacting on the Council's finances and the context for the Council's Medium Term Financial Plan, and (c) draft Budget proposals for 2013/14 for consultation with residents and stakeholders.

Councillor Mark Edwards, Cabinet Member for Finance, introduced the report

and highlighted the projected position for the outturn of the Council's Budget. He commented on the continuing challenges facing the Council and on the work that was underway that he was confident would achieve a balanced budget at the end of the Financial Year. He referred to the impact of on-going budget pressures and to the significant risks and uncertainties associated with the Budget for the next Financial Year. He commented on the national economic outlook and the likely on-going reduction in Government funding for local authorities for the foreseeable future. He explained the context in which the Council had to undertake its medium term financial planning and the preparation of the Budget for 2013/14. He referred to the impact of the Government's welfare reforms for Council Tax and Budget planning. He explained the background to the Budget proposals for 2013/14 and commented on the key proposals. He highlighted that these proposals were put forward for consultation and no decisions had yet been made. He reiterated that information was still awaited from the Government that would directly impact on the determination of the Council's Budget in February 2013 and on the savings that would be required.

Councillor David Renard, Cabinet Member for Children's Services, referred to the on-going service pressures facing Children's Services and reiterated the Council's commitment to safeguarding Swindon's children. He referred to the discussions that had taken place at the "Open Forum" held prior to the Cabinet meeting on Children's Centres. He advised that he would be seeking to amend the proposal that appeared in Appendix 4 to the joint report (page 37).

Councillor Brian Mattock, Cabinet Member for Health and Adult Social Care, referred to the efforts being made across Adult Care Services to respond to pressures and reduce costs whilst continuing to deliver quality services to vulnerable residents.

Resolved – (1) That the Cabinet notes –

- the projected in-year General Fund overspend of £773,000;
- that officers expect to be able to manage such a level of service overspend from within the Council's Contingency Fund and one-off resources available to support the 2012/13 Budget, and that there is no requirement to make an allowance in the 2013/14 Budget to replenish General Reserves;
- the in-year financial forecasts for the Housing Revenue Account and Dedicated Schools Grant.

(2) That the proposed use of £145,000 from Housing Revenue Account reserves to fund Housing improvements, as set out in paragraph 3.15 to 3.18 of the joint report, be approved.

(3) That ICT funding of £348,000 from one-off resources be allocated to reduce individual IT workstation costs, delay the need to replace 40% of workstations and allow a Windows 8 upgrade in the next 4 years.

(4) That, subject to the proposed solution being aligned to the Council's wider ICT Strategy, up to £315,000 of one-off resources be earmarked to fund work being initiated under the Adults Demand Management project to assist service users to access more sustainable forms of support, noting that this platform will then be available to include other services at a later date.

(5) That the proposed budget virements as set out in Appendix 2 of the joint report, be approved.

(6) That, in respect of the 2013/14 Budget, the Cabinet notes –

- the significant amount of uncertainty on the level of funding available for 2013/14, due to the detailed arrangements for the Government's proposed

- new funding system for local government not yet having been confirmed;
- the current gap between the assumed funding levels for 2013/14 and the current proposed cost of services, as set out in Table 5 of the joint report, and that work is continuing to identify further options to close this gap for consideration by Members once actual funding levels are confirmed and before the final Budget is agreed in February 2013;
- the impact on parish and town councils of the changes to the annual tax base calculations linked to the forthcoming changes to the Council Tax Support Scheme and the need to liaise with parishes around this issue;
- that the current draft proposals assume a level of contingency of £2m and that the Council will need to take a view on the level of contingency it needs to hold to support the 2013/14 Budget in February 2012, based on the advice of the Section 151 Officer at that point;
- that severance payments in line with existing policy will be made to those individuals affected by the Budget proposals and that these will include payments to partner organisations where the payments will result in on-going savings for the Council;
- that the impact on minority groups had been considered for all savings proposals and a full Diversity Impact Assessment had been undertaken where an impact was perceived;
- the work that is progressing on the 2013/14 Budgets for the Housing Revenue Account and the Dedicated Schools Grant.

(7) That, subject to the proposal regarding Children's Centres being amended to read "Work with the 14 Children's Centres to identify the most effective arrangements to reduce staffing costs in order to minimise reduction of services to vulnerable families" the draft proposals contained in Appendix 4 to this joint report be used as the basis for consultation with the Council's stakeholders.

(8) That the proposed 2013/14 Recreation Charges, as set out in Appendix 5 to the joint report, be approved.

(9) That any required consultation on increases to non-Recreation Fees and Charges for 2013 be undertaken by the relevant Cabinet Member through the Cabinet Member Decision Note process, and that the results be reported back to the Cabinet as part of the final proposals to be included in the February 2013 Budget report.

(10) That, at this stage, the minimum level of General Reserves be maintained at £5m, acknowledging that a decision on the level to be held to support the 2013/14 Budget will be taken in February 2013 with full knowledge of the details of the Local Government Finance Settlement and known risks at that time.

(11) That the updated strategy for the use of the New Homes Bonus Grant, as set out under paragraph 6.21 to 6.26 of the joint report, be approved.

(12) That officers continue to implement, as soon as practicable, those proposals for the 2013/14 Budget that represent efficiency measures.

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

67. Capital Programme Monitoring Second Quarter 2012/13

The Cabinet Member for Finance and the Board Director, Finance, Revenues, Benefits and Property submitted a joint report concerning (a) the projected outturn position of the Council's Capital Budget for 2012/13 as at the end of September 2012, (b) proposed minor changes to the Council's Capital

Programme for 2012/13, and (c) the Council's mid-year Treasury Management performance for 2012/13.

The Head of Leisure, Libraries, Culture and Traded Services, the Cabinet Member for Leisure and Strategic Transport and the Cabinet Member for Finance submitted a supplementary report concerning a project to replace the ice rink plant and equipment and associated works at the Link Centre.

Councillor Mark Edwards, Cabinet Member for Finance, introduced the report and highlighted the projected outturn position of the Council's Capital Budget. He commented on the use of Council borrowing to fund Capital works and on the implications of this. He noted the consequences of Council borrowing for the Revenue Budget and stressed the importance of the Council continuing to invest in and develop the infrastructure that was required and essential to a growing Borough. He referred to the Council's Treasury Management performance and the impact of this for the Council's overall finances.

Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, explained the reasons why it was felt both appropriate and necessary to replace the ice rink plant at the Link Centre at this time.

Resolved – (1) That the 2012/13 Capital Programme position and mid-year Treasury Management performance, as set out in the joint report, be noted.

(2) That the changes to the Capital Programme schemes, as set out in paragraphs 4.1 to 4.5 of the joint report, be approved.

(3) That, taking into account the risks and benefits identified in the supplementary joint report, the Head of Leisure, Libraries, Culture and Traded Services be authorised to proceed with the replacement of the ice rink plant and associated works at the Link Centre in summer 2013, on the basis referred to in the supplementary report and that this work be funded as described in paragraph 5.1 of the supplementary report.

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

68. Council Tax Discounts and Exemptions (Minute for Confirmation)

The Cabinet Member for Finance and the Head of Revenues and Benefits submitted a joint report concerning proposed changes to Council Tax discounts and exemptions in order to encourage empty homes to be used, and a proposal to provide an exemption from Council Tax for the Swindon Woman's Refuge, as part of the Council's commitment to supporting victims of domestic abuse.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the Government's welfare reforms and to the impact of these on the Council's finances. He explained that the Local Government Finance Act 2012 and related Regulations gave local authorities further discretion to amend discounts and exemptions on empty properties. He commented on the background to the proposals highlighted in the report and on a related proposal to exempt Swindon's Woman's Aid Refuge from Council Tax.

Resolved – (1) That the Council be recommended that the following changes to Council Tax discounts be implemented and come into effect from 1st April 2013:

- Unoccupied and unfurnished properties (Class C). That the 6 month exemption is ended. A charge of 50% will be levied for 3 months followed by a 100% charge thereafter.
- Charge 150% Council Tax on empty and unfurnished properties that have been empty for 2 years.
- Second Homes. Currently the Council awards a 10% discount to owners of second homes (or empty furnished properties). This to reduce to 0% from 1st April 2013.
- Properties requiring structural repair (Class A). That the 12 month exemption is ended and a charge of 50% levied for the 12 months.
- Charge mortgage companies in possession of empty homes (Class L). Remove the current exemption and charge 100% Council Tax. Effective from 1st April 2013.

(2) That the Council award a 100% discount for the self-contained units occupied or owned by the Swindon's Women's Aid Refuge in accordance with section 13A of the Local Government Finance Act 1992.

(3) That the Head of Revenues and Benefits, in consultation with the Cabinet Member for Finance, be authorised to make any alterations that are necessary to the proposals that are required by Statutory Guidelines or Regulations prior to implementation.

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

69. Council Tax Support Scheme (Minute for Confirmation)

The Cabinet Member for Finance and the Head of Revenues and Benefits submitted a joint report concerning the proposed introduction of a Council Tax Support Scheme for Swindon.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the changes to Council Tax and Housing Benefits being brought about as a result of the implementation of the Government's welfare reform proposals. He drew attention to the background to the reforms and the impact of the changes for local people and the Council. He highlighted the effect on Swindon's Council Tax Benefit Subsidy and the reduction in funding provided by the Government. He referred to the public controversy and confusion that surrounded the changes and which staff and Councillors would face as the changes were implemented and many people would be required to pay Council Tax for the first time. He explained that it was a requirement that all local authorities had a Council Tax Support Scheme in place by 31st January 2013. He commented on the main aspects of the proposed Swindon Scheme and their implications. He referred to the outcome of the public consultation that had been undertaken on the scheme. He noted the relatively low response rates and this was perhaps a reflection of a lack of understanding of the likely impact of the proposed changes. He thanked the Head of Revenues and Benefits and his team, including the Council's partners, for their hard work on developing the scheme and preparing for the changes.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, referred to the reasons behind the Government's welfare reforms and the changes that would be brought about. He referred to the support that would be

available from the Council to help local people and, in particular, the most vulnerable, through the changes and in paying their Council Tax.

Resolved - That the Council be recommended that, having considered the responses from the public consultation on the draft Council Tax Support Scheme, the proposed scheme for Council Tax Support, as set out in Appendix 2 of the joint report, be adopted, and the Board Director Finance, Revenues, Benefits and Property be authorised to implement it from 1st April 2013

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

70. Additional School Places - Town Centre and North Swindon

The Cabinet Member for Children's Services, the Board Director, Commissioning and the Head of Commissioning, Economy and Attainment submitted a joint report concerning the outcome of the consultations on proposals to provide additional school places in the Town Centre and North Swindon and on the preferred options on how to provide these places (Minute 42 refers).

Councillor David Renard, Cabinet Member for Children's Services, commented on the background to the proposals and to the outcome of the consultation exercise that had been undertaken. He explained that the outcome of the consultation had been inconclusive in terms of a preferred Town Centre location, but that the St Joseph's Catholic College site option presented a more cost effective and time-achievable solution for the Council. He advised that an error in the description of a possible site in North Swindon had been identified and that this had impacted on the consultation exercise. It was therefore intended to undertake the consultation again with a technically more accurate description of the Mouldon Hill site.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, asked that the consultation documentation clarify the use of the Country Park Car Park as an access point to the potential school site. Councillor Renard advised he would request the officers to clarify this issue as part of the consultation exercise.

Resolved – (1) That the outcome of the consultation on proposals to provide additional school places in the Swindon Town Centre, as set out in Appendix 1 to the joint report, be noted.

(2) That St Joseph's Catholic College be the preferred location for two forms of entry of additional school places in the Swindon Town Centre from September 2014.

- (3) That the Board Director, Commissioning be authorised to -
- commence a statutory consultation on the permanent expansion of Orchid Vale Primary School from one form of entry to two forms of entry from September 2014;
 - seek public opinion on the option to provide a school within the boundary of Mouldon Hill Country Park through consultation in January/February 2013.

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

**71. Economic Strategy for Swindon Consultation and Adoption
(Minute for Confirmation)**

The Cabinet Member for Regeneration and Culture and the Head of Commissioning, Economy and Attainment submitted a joint report concerning the outcome of the consultation undertaken on the Council's proposed "An Economic Strategy for Swindon 2012-26". (Minute 50 refers.)

Councillor Garry Perkins, Cabinet Member for Regeneration and Culture, referred to the significance of the Council's proposed Economic Strategy to the future of Swindon. He highlighted the comments received from the consultation exercise and the officer's response to these comments and drew attention to the suggested changes to the draft strategy to reflect the consultation responses. He thanked all the businesses and individuals who had contributed to the exercise.

The Chair welcomed the strategy and the favourable comments received in respect of its contents. He believed its adoption would provide a good framework for moving Swindon forward.

Resolved – (1) That the positive reception the proposed Economic Strategy for Swindon has received, and the constructive comments received in response to the consultation, be acknowledged and welcomed.

(2) That the Head of Commissioning, Economy and Attainment, in consultation with Cabinet Member for Regeneration and Culture, be authorised to agree officer responses to received comments.

(3) That the revised "Economic Strategy for Swindon 2012-26" be endorsed and the Council be requested to formally adopt it at its meeting on 17th January 2013.

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

72. Reduced Car Parking Tariff for Businesses

The Cabinet Member for Leisure and Strategic Transport, the Cabinet Member for Regeneration and Culture and the Head of Highways and Transport submitted a joint report concerning a proposal to reduce car parking tariffs to support existing business customers and inward investment in Swindon Town Centre, in response to concerns raised by landlords and agents about the difficulties of letting office space in the current economic climate.

Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, and Councillor Garry Perkins, Cabinet Member for Regeneration and Culture referred to the introduction of proposed car parking tariff changes to support businesses and inward investment in Swindon Town Centre. They welcomed the proposal and referred to the likely wider long term benefits of the proposal to Swindon's economic sustainability.

The Chair referred to the financial implications of the proposals and noted that, whilst in times of severe financial pressures such decisions were extremely difficult to make, he remained convinced that this proposal was the correct thing to do in order to support existing businesses and drive economic growth.

Resolved – That the Head of Highways and Transport be authorised to take all necessary steps to implement a reduced car-parking tariff for new and existing businesses in Swindon Town Centre for bulk purchases, (That is for purchase of 50 season tickets or more, at a cost of £650 excluding VAT Monday to Friday unreserved), for a trial period of 12 months, from such date in January 2013 as he shall determine.

(Councillor Dale Heenan made a personal declaration of interest in respect of the above item, as he was an employee of a Swindon Town Centre employer.)

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

73. Towards a Local Bus Strategy

The Cabinet Member for Leisure and Strategic Transport and the Board Director, Service Delivery submitted a joint report concerning the progress made in developing revised Local Bus Strategy principles, and the outcome of consultation with local bus operators and other interested suppliers on the draft principles to underpin the revised strategy (Minute 53 refers).

Councillor Keith Williams, Cabinet Member for Leisure and Strategic Transport, referred to the feedback received from bus operators and interested parties on a future revised Local Bus Strategy. He advised that in his view any future strategy needed to provide for the sustainability of bus services. He could see little advantage in the Council investing the limited funds it had available on non-essential services which would never be commercially viable or well-used. It would be more appropriate to invest in measures such as bus gates and other solutions that could increase timetable reliability and require the provision of fewer buses on scheduled routes to provide the service. If one less bus was required on a route this could save up to £100,000 and make a marginal service commercially viable. He highlighted the next steps to be taken to develop the Strategy.

Resolved – That the Head of Highways and Transport be authorised to consult with stakeholders in December 2012 and January 2013 on the draft principles to underpin a revised local bus strategy.

(Councillor Fionuala Foley and Councillor Keith Williams made personal declarations of interest in respect of the above item, as they were Council appointed Non-Executive Directors of Thamesdown Transport Ltd.)

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

74. Swindon Heritage Strategy

The Cabinet Member for Regeneration and Culture and the Board Director, Commissioning submitted a joint report setting out a proposed Heritage Strategy for Swindon that had been prepared in consultation with the Swindon Heritage Board.

Councillor Garry Perkins, Cabinet Member for Regeneration and Culture, referred to the overarching principles, priorities and actions of the Swindon Heritage Strategy and to the intention to undertake a wide public consultation on these to

ensure a robust strategy that would contribute to One Swindon outcomes and form part of the evidence base for the emerging Swindon Local Plan. He commented on the important role that both heritage and culture played in the success of Swindon and in determining how it was viewed by both residents and visitors.

The Chair referred to the important role that the Swindon Heritage Board, a partnership body involved in delivering One Swindon goals, had to play in the development and implementation of the strategy.

Resolved – (1) That the draft Swindon Heritage Strategy, as set out in Appendix 1 to the joint report, be approved for the purposes of public consultation.

(2) That the Board Director, Commissioning, in consultation with the Cabinet Member for Regeneration and Culture, be authorised to finalise and undertake the consultation process on the draft Swindon Heritage Strategy in partnership with the members of the Heritage Board.

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

75. Mechanics Advisory Group

The Chair of the Economic, Environmental and Sustainability Overview and Scrutiny Committee and the Director of Law and Democratic Services submitted a report setting out the findings and recommendations of the Mechanics Advisory Group which had been endorsed by the Economic, Environmental and Sustainability Overview and Scrutiny Committee.

Councillor Peter Heaton Jones, Chair of the Economic, Environmental and Sustainability Overview and Scrutiny Committee, presented the report of the Mechanics Advisory Group and highlighted its findings and recommendations.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, commented on the Advisory Group's report and welcomed the development of partner involvement. He queried the status of some of the dates appearing in the report and in its recommendations.

Councillor Heaton Jones provided an update on the recent activities of the Advisory Group and its encouragement of other stakeholders and partners' involvement. He confirmed the correct dates from the report and that a number of dates within the recommendations were in reality targets for action rather than dates for completion.

Resolved – (1) That the report of the Mechanics Advisory Group be noted, and the report and its recommendations be referred to the Swindon Heritage Board for its consideration and views and that these be considered by the Cabinet Member for Regeneration and Culture who be asked to report back to a future meeting of the Cabinet with a detailed response to the Advisory Group's report, findings and recommendations.

(2) That the Mechanics Advisory Group and its Chair be thanked for their work in producing the detailed report.

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

76.

Higher Education in Swindon

The Cabinet Member for Children's Services, the Cabinet Member for Strategic Planning and Sustainability and the Board Director, Commissioning submitted a joint report concerning proposals for the future of higher education provision in Swindon.

Councillor David Renard, Cabinet Member for Children's Services, commented on the report and its recommendations. He believed that the proposals restated the Council's ambition and commitment to developing further higher education provision in Swindon. However, the Council was realistic at the challenges if faced to achieve this and the likely timescales involved. The proposed approach marked the commencement of work on expanding capacity for higher education provision in the Borough as part of a longer term plan to meet the ambition of establishing a university in Swindon by the middle of the next decade.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, welcomed the report, and in particular the data and statistical evidence it provided. He commented that higher education opportunities already existed within Swindon and that the intention was to build on that existing successful, if limited, provision.

Resolved – (1) That the Cabinet reaffirms the Council's ambition to establish a university in Swindon.

(2) That the Board Director, Commissioning be authorised, in consultation with the Forward Swindon Ltd. Shareholder Commissioning Panel, to commission Forward Swindon Ltd. to:

- establish a business oriented Swindon higher education partnership;
- manage the partnership from its inception, ensuring that local businesses play a central role;
- identify a location and means of funding for a higher education centre in the Borough at which the existing degree awarding providers and any new providers may operate with high quality business oriented courses at level 4 and above, supported by the higher education partnership;
- project manage a parallel long-term plan to establish an independent higher education institution by 2026, subject to the Government policy framework; as part of this planning, consider the feasibility of digital based provision as an alternative to a campus base.

(Councillor Russell Holland made a personal declaration of interest in respect of the above item, as he served on the Governing Body of Swindon New College.)

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

77.

Swindon Capita Partnership: Progress, Achievements, Challenges 2011 - 2013

The Cabinet Member for Streetsmart and Corporate Services and the Board Director Commissioning submitted a joint report concerning a review of the operation of the Swindon Capita partnership since July 2011, setting out the progress, performance, significant achievements and the key challenges that had been faced and managed by the parties, together with details of the focus for the

coming year.

Councillor Fionuala Foley, Cabinet Member for Streetsmart and Corporate Services, referred to the continuing successful operation of the partnership and highlighted some of the key performance areas. She introduced Hayley Dickinson, who had recently been appointed as Capita's Partnership Operations Director for Swindon. She replaced Steph Coward who had moved to another position within Capita.

Cabinet Members expressed their appreciation for the work undertaken by Steph Coward and wished her success in her new appointment. The Cabinet also welcomed Hayley Dickinson to the meeting and to the Council.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the successes of the Capita Benefits team and the challenges they would face as a result of the forthcoming Benefits changes. He wished to record the Cabinet's appreciation for their hard work and for the standard of service they delivered, often in difficult circumstances.

Resolved – That the contents of the joint report and the successes of the partnership since the last update in July 2011, be noted, in particular:

- The continued maturity of the Swindon Capita Partnership with particular recognition for the strong working relationships between both parties and Capita's response to helping the Council reduce cost from the fixed price contract, whilst working to give more flexibility to help deliver the right outcomes and value for money.
- The achievement of £885,000 annual savings with a target to deliver the remaining £115,000 during 2013/14;
- The discussions that are underway with Capita to achieve a further £250,000 annual savings in 2013/14;
- Customer Services had collected an award from the South West Contact Centre Awards for the third year running with Contact Centre Manager of the Year (under 100 employees) 2012; and was shortlisted for Best Outsourced Partnership which the Swindon Capita Partnership had previously won in 2010 and 2011. The competition for these awards came from both the public and private sector.
- The Contact Centre had achieved external Contact Centre Accreditation for the fourth year running.
- The Housing and Council Tax Benefits service continued to perform at the highest levels and received the highest score possible for the second year running by Internal Audit for claims processing in 2012/12.
- The maintaining of the 98.75% success rate against the 92 Key Performance Indicators (including critical success factors) that are used as performance measures for the services currently delivered by the Partnership.

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

78. Assets of Community Value - Right to Bid

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report concerning the Community Right to Bid that was one of a number of new rights for communities introduced by the Localism Act 2011, and

setting out proposals for the administration of the scheme within the Council.

The Chair advised that the scheme gave communities the opportunity to nominate land and buildings for listing as “assets of community value” with the aim that if a listed asset was put up for sale, community groups were given time to raise finance and bid for it. The Council was required to administer the scheme and as a land owner may have its own assets listed. The report detailed the procedures that the Council was required to implement to comply with the statutory obligations and the proposed arrangements for administering the scheme.

Resolved – (1) That the Council’s obligations under the Localism Act 2011 in relation to Assets of Community Value and the Community Right to Bid, be noted, and the proposed arrangements, as set out in the joint report, for administering these new duties, be approved.

(2) That the Head of Property Assets be authorised to maintain the List of Assets of Community Value and take all necessary steps to promote and implement the proposed arrangements.

(3) That the Board Director Finance, Revenues Benefits and Property, in consultation with the Cabinet Member for Finance or such other Cabinet Member as may be nominated by the Leader of the Council, be authorised, by way of the Cabinet Member Briefing Note process, to determine any application under the Localism Act 2011 to list any building and/or other land as an asset of community value, and/or any claim for compensation arising from an asset being listed.

(4) That the Chief Executive (or his nominee), in consultation with the Leader of the Council, be authorised by way of the Cabinet Member Briefing Note process, to determine any review of such decision of the Board Director Finance, Revenues, Benefit and Property, as referred to in the decision in (3) above.

(5) That the Director of Law and Democratic Services be authorised to make the necessary changes to the Council’s Constitution to reflect the decisions in (1) to (4) above.

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

79. Independent Remuneration Panel on Councillors' Allowances - Recommendations 2012/13 (Minute for Confirmation)

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report setting out recommendations arising from a meeting of the Independent Remuneration Panel on Councillors’ Allowances.

The Chair advised that the Cabinet was required to consider recommendations arising from a meeting of the Independent Remuneration Panel on Councillors’ Allowances and to make appropriate recommendations to the Council. He highlighted the key recommendations of the Panel in particular that there should be no increase in the level of Councillors’ Basic Allowance, and the recommendations relating to the Standards Committee and the new joint Police and Crime Panel.

Resolved – (1) That the Council be recommended to adopt the recommendations arising from the meeting of the Independent Remuneration Panel on Councillors’ Allowances held on 25th September 2012, as set out in Appendix 1 to the joint report.

(2) That the proposal of the Independent Remuneration Panel on Councillors’

Allowances that there should be no change in the level of Councillors' Basic Allowances for the 2013/14 Municipal Year, be noted.

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

80. Houses in Multiple Occupation

The Cabinet Member for Strategic Planning and Sustainability and the Head of Planning submitted a joint report setting out a detailed response to a Council motion on Houses in Multiple Occupation (HMO) that had been referred to the Cabinet and the Planning Committee by the Council on 22nd November 2011.

Mr Andy Brown, Service Manager-Development, Planning, on behalf of Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, who had left the meeting, presented the report and explained that the Motion promoted the use of using a "Direction" under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove the permitted development rights that had been introduced in October 2010, and permitted the change of use of a dwelling into a HMO without the need to obtain planning permission. He referred to Government advice regarding the use of such Directions, experience from other local authority areas, and local evidence regarding HMOs.

Councillor Russell Holland, Cabinet Member for One Swindon Localities and Housing, welcomed the motion and the action of Eastcott Ward Councillors in raising the issue and the concerns of the local community. However, the Council had to take into account Government advice and it appeared that currently the area did not meet the criteria for the use of an Article 4 Direction.

Resolved – (1) That the Leader of the Council and the Cabinet Member for Strategic Planning and Sustainability write to the Secretary of State highlighting the evidence in respect of the Houses in Multiple Occupation situation in Swindon, and the problems attributed to them.

(2) That the Head of Planning be authorised to make a submission under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to the Secretary of State once local evidence indicates that 10% of dwellings in the Ward are classed as Houses in Multiple Occupation. (This submission to request the removal of permitted development rights in Eastcott Ward that currently would allow a dwelling house to be used as a House in Multiple Occupation for occupation by up to six people.)

(3) That it be noted that the proposed planning policy HA4 in the Draft Swindon Borough Local Plan 2026 endorsed by the Cabinet on 17th October 2012 (Minute 51 refers) and by the Council on 8th November 2012 (Minute 61 of Council) is to resist inappropriate levels of Houses in Multiple Occupation within the Borough.

(4) That the Board Director Delivery, be authorised to collate any data / evidence as it becomes available that may provide new or additional support for the preparation of an Article 4 Direction.

(5) That the Head of Planning investigate the feasibility of establishing a public Houses in Multiple Occupation Register to assist in the regulation, control and supervision of small Houses in Multiple Occupation.

(6) That the Council be advised of the contents of the joint report and of the decisions in (1) to (5) above.

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

81. References from the Swindon Children's Trust Board and the Housing Advisory Forum

The Leader of the Council, the Cabinet Member for Children's Services, the Cabinet Member for One Swindon, Localities and Housing and the Director of Law and Democratic Services submitted a joint report concerning recommendations arising from the meetings of the Swindon's Children's Trust Board and the Housing Advisory Forum.

Councillor David Renard, Cabinet Member for Children's Services, referred to the Children Trust Board's support for the Restorative Youth Service Plan 2012/13 and the Youth Offending Team's work.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, referred to the discussions that had taken place at the Housing Advisory Forum and the reasons behind the recommendations that were forthcoming, particularly in relation to Council Tax support. He commented on the robustness and success of the Council's gas servicing arrangements.

Resolved – (1) That, further to Minute 13(3) of the Swindon Children's Trust Board, the Restorative Youth Services Plan 2012/13, as attached as Appendix 1 to the joint report, be approved.

(2) That the decision contained in Minute 27(2) of the Housing Advisory Forum, and the Cabinet's earlier decision on Council Tax Support that will be considered by the full Council on 20th December 2012, be noted.

(3) That, further to Minute 28(2) of the Housing Advisory Forum, the gas servicing improvements for the management of gas safety to Council houses, as set out in paragraph 3.7 of the joint report of the Cabinet Member for One Swindon, Localities and Housing and the Board Director, Service Delivery, be approved.

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

82. Wiltshire and Swindon Waste Sites Allocations Plan- Inspectors Report and Adoption (Minute for Confirmation)

The Cabinet Member for Strategic Planning and Sustainability and the Head of Planning submitted a joint report setting out the Wiltshire and Swindon Waste Site Allocations Local Plan, as amended by the changes identified in the Inspector's Report, to be submitted to the Council for formal adoption.

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, referred to the minor changes to the Plan proposed by the Inspector. He asked whether these minor non-material changes could impact on the Council in the future.

In the absence of the Cabinet Member for Strategic Planning and Sustainability, Mr Andy Brown, Service Manager-Development, Planning, advised that he believed the changes were of a minor technical nature and should not have

any significant implications for this Council. However, he would consult with Planning colleagues on this issue and ensure that any matters of significance be included in the report to be presented to the Council in January 2013.

Resolved – (1) That the Council be recommended to adopt the Wiltshire and Swindon Waste Site Allocations Local Plan, as amended by the changes identified in the Inspector's Report.

(2) That the Head of Planning and the Director of Law and Democratic Services be authorised to make minor changes to the content of the Wiltshire and Swindon Waste Site Allocations Local Plan, if required, prior to publication, in consultation with the Cabinet Member for Sustainability and Strategic Planning, and appropriate representatives of Wiltshire Council where necessary.

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

83. Middle Wichelstowe and District Centre

The Cabinet Member for Finance and the Board Director, Transformation and Strategic Projects, submitted a joint report setting out a proposal to bring forward development in Middle Wichel, the District Centre and deliver a Supermarket, and detailing how the proposal could be funded and the likely return to the Council.

Councillor Garry Perkins, Cabinet Member for Regeneration and Culture, and Councillor Mark Edwards, Cabinet Member for Finance, referred to the proposals and to their funding and the resulting long term benefits for the Council and local residents.

Councillor Wayne Crabbe, Ward Councillor Wroughton and Wichelstowe, commented on the proposals and expressed his support for the proposal to deliver a major supermarket at the District Centre.

Resolved – (1) That the Council enter into a conditional site disposal agreement with the party named in the body of the joint report to build a supermarket at Wichelstowe, subject to the disposal being conditional upon planning consent for supermarket use being obtained and the sale price being established as recommended by an independent valuer.

(2) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Finance, the Board Director of Finance, Revenues, Benefits and Property and the Head of Property Assets, be authorised to enter into the conditional site disposal agreement referred to in the joint report, and subsequent transfer agreement together with any other required agreements, on such terms as he considers necessary to protect the Council's interests.

(3) That the Capital budget for the project, as referred to in the joint report, be approved and funded through the Capital Receipt from the disposal, to progress the infrastructure works, including associated ecological clearance works, which will help enable the early delivery of a supermarket, unlock immediate housing development for around 200 homes and bring forward the Wichelstowe District Centre development as detailed in the body of the joint report.

(4) That an additional Capital budget of £180,000, funded by borrowing, for the costs detailed in the joint report to enable the continuation of the Master Planning process to the end of March 2013, be approved.

The reasons for the decision and alternative options are as set out in the

report to the meeting.

84. Swindon's Waste Management Strategy – Update

The Leader of the Council and the Chief Executive submitted a joint report concerning the Council's Waste Management Strategy and a proposal to offer a loan to Swindon Commercial Services Ltd. at a market rate for a period of 8 years for the procurement of a refuse derived fuel plant.

The Chair, the Chief Executive, the Director of Law and Democratic Services and the Board Director, Finance, Revenues Benefit and Property referred to the proposal, the challenges the Council faced in terms of waste management in future years, and the business plan put forward by Swindon Commercial Services Ltd. In particular, they highlighted the financial implications of the proposal and the risks and benefits for the Council and for Swindon Commercial Services Ltd of proceeding with the procurement and implementation of the business plan. Due to the continuing uncertainty around the price for disposing of the refuse derived fuel product, the Council's client team did not feel able to recommend the proposal to the Cabinet. The Board Director, Finance, Revenues Benefit and Property confirmed that should the loan be made, it would be treated as capital expenditure and funded from prudential borrowing.

Cabinet Members, following discussion, confirmed that they were supportive of the offer of a loan, at a market rate, to Swindon Commercial Services Limited on the basis as previously agreed by the Cabinet (Minute 96 2011/12 refers) to fund the build costs of a refuse-derived fuel plant. Cabinet Members further confirmed that, having regard to the information and business plan projections supplied by Swindon Commercial Services, they were of the view that the potential benefits referred to in the joint report of proceeding with the loan, including the likely continuing future increase in landfill costs should the Council continue to send its refuse to landfill, outweighed the risks highlighted in the joint report.

Resolved – (1) That the Council offer a loan to Swindon Commercial Services Limited at a market rate for a period of 8 years, with a value as set out in the joint report, for the build costs of a refuse-derived fuel plant.

(2) That the Chief Executive be authorised to enter into a contract with Swindon Commercial Services Limited for a period of 8 years with the potential for a two-year extension to convert the Council's municipal waste into a refuse-derived fuel (RDF), in line with the previously agreed strategy, together with such other documentation as may be required including in relation to the loan as referred to in the joint report, and on such terms as are advised by the Director of Law and Democratic Services and the Board Director Finance, Revenues, Benefits and Property in order to protect the Council's interests.

(3) That, further to the decision in (2) above, it be noted that Swindon Commercial Services Limited is currently 'Teckal' compliant and it be agreed that Contract Standing Orders be waived as may be necessary.

(4) That the Director of Law and Democratic Services, in consultation with the Board Director Finance, Revenues, Benefits and Property, be authorised to enter into an 8 year licence or lease, as appropriate, for the relevant part of the Waterside site on which the refuse-derived fuel plant would be located, together with any other documentation as may be required, on such terms as he considers necessary in order to protect the Council's interests.

(5) That the Council's Municipal Waste Strategy be amended as detailed in

paragraph 8.4 of the joint report.

(Councillor Garry Perkins made a personal declaration of interest in respect of the above item, as he was a Council appointed non-executive Director of Swindon Commercial Services Ltd.)

Councillor Fionuala Foley, Cabinet Member for Streetsmart and Corporate Services, requested that her vote against the above decision be recorded.

Councillor Mark Edwards, Cabinet Member for Finance, requested that it be recorded that he had abstained from voting on the above decision.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability had left the meeting prior to this item being considered.

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