

MINUTES FOR CONFIRMATION

CABINET

WEDNESDAY, 20 MARCH 2013

115. Community Governance Review 2013 - Reference from Corporate Governance Review Working Group

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report setting out (a) the contents of a report on the Community Governance Review of Swindon submitted to the Corporate Governance Review Working Group on 7th March 2013, attached as Appendix 1 to the joint report, (b) the recommendations arising from the meeting of the Corporate Governance Review Working Group on 7th March 2013, as set out in Appendix 2, circulated at the meeting, and (c) the draft proposals in relation to the Community Governance Review of Swindon, as set out in Appendix 3 to the joint report.

The Chair and the Director of Law and Democratic Services commented on the submissions received and on the draft proposals.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability submitted a petition containing the signatures of local Nythe residents that called for the establishment of a Nythe Parish Council.

The Chair advised that in view of this further information in support of an earlier proposal considered by the Working Group, a further meeting of the Corporate Governance Review Working Group should be held to consider the matter prior to the Council meeting on 11th April 2013. He confirmed that others who had previously commented on the proposal for Nythe would be provided with the opportunity to provide their further views to the Working Group in respect of the petition and proposal.

Councillor Jim Grant, Leader of the Opposition, expressed concern at the receipt of the petition at such a late stage in the process. He believed this was inappropriate, particularly as it followed the closing date for final submissions and the Working Group's consideration of the proposals received.

Councillor Michael Dickinson referred to the proposals put forward by the Working Group and his concerns regarding the establishment of polling districts that contained no electors.

The Director of Law and Democratic Services advised that the Boundary Commission would be asked to review existing boundaries so polling districts with no voters could be avoided. He reminded the Cabinet that a proposal had previously been put forward for a Nythe parish and had been included in the submissions to the Council.

Resolved – (1) That the report on the Community Governance Review of Swindon submitted to the Corporate Governance Review Working Group on 7th March 2013, as set out in Appendix 1 to the joint report, be noted.

(2) That the recommendations of the Corporate Governance Review Working Group on 7th March 2013, as set out in Appendix 2, to the joint report be noted and endorsed.

(3) That the draft proposals in relation to the Community Governance Review of Swindon, as set out in Appendix 3 to the joint report, be noted.

(4) That the petition presented at the Cabinet meeting in further support of the creation of a separate Nythe parish, be noted, and (a) the petition be referred to the Corporate Governance Review Working Group and it be asked to convene as a matter of urgency to consider the petition and advise the Council at its meeting on 11th April 2013 as whether it wishes to change its recommendation that a separate Nythe parish not be created; and (b) the Director of Law and Democratic Services be requested to inform those parties who have already made representations on this issue, of the receipt of the petition in order that any comments can be taken into account by the Corporate Governance Review Working Group.

(5) That, following the Corporate Governance Review Working Group meeting, the Director of Law and Democratic Services, in consultation with the Leader of the Council, be authorised to prepare the draft Scheme and consequential draft Parish Changes Order resulting from the Community Governance Review of Swindon, for submission to Council on 11th April 2013.

CORPORATE GOVERNANCE REVIEW WORKING GROUP

THURSDAY, 7 MARCH 2013

28.

Governance Issues

The Director of Law and Democratic Services submitted a report concerning various issues relating to the Council's governance arrangements. In particular (a) the Borough Council's future political management arrangements, (b) the Council Minute Book, (c) Motions at Council meetings, and (d) The 14th Report of the Committee on Standards in Public Life.

The Director of Law and Democratic Services presented the report and highlighted those issues where a steer from the Working Group was welcomed. In respect of governance arrangements, the views of Members were sought on whether they would wish to see the Council return to a Committee based political management structure.

It was agreed that the Political Group Leaders would seek the views of their Groups on whether they would wish to see the Director of Law and Democratic Services develop a political management system based on Committees.

The Leaders of the Labour Group and Liberal Democrat Group advised that they were confident that the views of their Groups would reflect support for a return to some form of Committee based system.

The Working Group agreed that any change in political management arrangements should not be implemented prior to the 2014/15 Municipal Year.

The Working Group was supportive of the inclusion within the Council's Minute Book of the minutes of the Town Twinning Network, the One Swindon Partnership and the Swindon and Wiltshire Police and Crime Panel. It was agreed that any other

requests for the inclusion of minutes within the Minute Book should be the subject of approval by this Working Group.

Following discussion it was agreed that the Council should be requested to amend Standing Order 4 (k) in order that notices of motion would not be considered at the Annual Meeting of the Council. There was no agreement reached on whether this should be extended to also cover Extraordinary Meetings of the Council.

The Working Group concluded that it would be impractical for political groups to provide 24 hours' notice to all other Councillors of any proposed amendments to Council Motions. It was suggested that Group Leaders should seek to encourage the giving of as much notice as possible of proposed amendments. Where this was not possible consideration could be given to introducing the position, either by way amending Standing Orders, or by developing a "local convention", whereby a short adjournment of the Council meeting take place to enable consideration of any proposed amendment. It was agreed that this suggestion be considered further at the next meeting of the political group leaders.

The Working Group noted concerns expressed regarding recent notices of Motion which appeared to pre-empt decisions to be taken in the near future by the Council. Whilst the political nature of many Motions had to be recognised it was agreed that the Director of Law and Democratic Services be asked to report back to a future meeting of this Working Group with suggestions on how such Motions can be avoided.

The Working Group confirmed its support for the view that Council officers should not provide details of Notices of Motion received for the Council meeting until such time that the wording was confirmed by the Director of Law and Democratic Services and published with the Council Agenda.

The Director of Law and Democratic Services referred to the 14th Report of the Committee on Standards in Public Life and to the revised "Seven Principles of Public Life". This current "principles" formed part of the preamble to the Council's Code of Conduct. He believed it would be appropriate to update the current preamble to reflect the revised "principles".

Resolved – (1) That the contents of the report be noted.

(2) That the Political Group Leaders report back to the next meeting of this Working Group to enable further consideration to be given to the development, if required, by the Director of Law and Democratic Services, of revised governance and political management arrangements for Swindon Borough Council for implementation not before the 2014/15 Municipal Year.

(3) That the Director of Law and Democratic Services be authorised to make the necessary arrangements to include the minutes of the Town Twinning Network, the One Swindon Partnership and the Swindon and Wiltshire Police and Crime Panel within the Council's Minute Book, and that any other requests for the inclusion of minutes within the Minute Book be the subject to consultation with this Working Group.

(4) That the Director of Law and Democratic Services submit a further report to this Working Group to enable further consideration to be given to (a) the procedure and practice to be adopted for the consideration of proposed amendments to Council Motions, and (b) suggestions on how problematical motions such as those highlighted in the report to the Working Group can be avoided or mitigated.

(5) That the Director of Law and Democratic Services be requested to submit a report to the Council meeting on 11th April 2013, proposing -

(a) the amendment of Standing Order 4 to read –

(k) To consider notices of motion in the order in which notice has been received, (with the exception of at the Annual Meeting of Council); and

(b) the inclusion in the Preamble to the Members Code of Conduct of the new definition of the 7 Principles of Public Life set out in the 14th Report of the Committee on Standards in Public Life which was published in January 2013.

122. Statement of Community Involvement in the Planning Process (Minute for Confirmation)

The Cabinet Member for Sustainability and Strategic Planning and the Head of Planning submitted a joint report setting out a revised Statement of Community Involvement in the Planning Process prepared following a public consultation exercise undertaken between November 2012 and January 2013.

Councillor Dale Heenan, Cabinet Member for Sustainability and Strategic Planning, commented on the consultation outcomes and on the main features of the revised Statement.

Councillor Jim Grant, Leader of the Opposition, commented that it would be useful to engage people earlier in the planning process. He suggested that it would be useful for the Council to produce a guide to how people could oppose a planning development earlier in the process and prior to the planning application stage.

Councillor Dale Heenan advised that it was intended to publish a “Plain English” guide to the Local Plan that should assist residents in understanding the planning process.

Resolved – (1) That the Council be recommended to adopt the ‘Swindon Borough Statement of Community Involvement in the Planning Process’, as set out in Appendix 1 to the joint report, and to authorise the Head of Planning to make it available in accordance with the arrangements detailed in paragraph 4.1 of the joint 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 Statement of Community Involvement in the Planning Process, in consultation with the Cabinet Member for Strategic Planning and Sustainability and the Cabinet Member for One Swindon, Localities and Housing, prior to publication.

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

126. The Swindon Health and Wellbeing Board (Minute for Confirmation)

The Leader of the Council, the Cabinet Member for Health and Adult Social Care and the Director of Public Health submitted a joint report concerning the proposed composition and terms of reference of the Health and Wellbeing Board that was to move from “shadow” status to become a formal “committee” of the Council from April 2013.

Councillor Brian Mattock, Cabinet Member for Health and Adult Social Care explained that the Health and Wellbeing Board was the forum where key leaders from the Health and Care-System worked together to improve the health and wellbeing of their local population and reduce health inequalities. The change of status was necessary under the provisions of the Health and Social Care Act 2012 and the proposed terms of reference had been discussed by the Shadow Health and Wellbeing Board and had been supported.

Councillor Mattock commented on the transfer of the Public Health function and staff to the Council from 1st April 2013.

Councillor Jim Grant, Leader of the Opposition, and Councillor Stan Pajak, Leader of the Council's Minority Group suggested that in view of the importance of the new "committee" it would be appropriate for the leaders of the Council's opposition groups to also serve on the Board.

The Chair advised that he would arrange for this suggestion to be considered at the new Board's first meeting and for an appropriate recommendation to be made to the Annual Council meeting on 17th May 2013.

Resolved – (1) That the Council be recommended to adopt the draft Terms of Reference for the Health and Wellbeing Board, as set out in Appendix One to the joint report.

(2) That the Council be formally requested to approve the appointment of the Health and Wellbeing Board as a Committee of the Council and agree the terms of reference as referred to in (1) above, and authorise the Director of Law and Democratic Services to make any necessary changes to the Council's Constitution.

(3) That it be noted that 15 Public Health staff will be transferring from NHS Swindon to Swindon Borough Council under TUPE on 1st April 2013 and that those staff have already physically relocated to Wat Tyler West.

(4) That the Director of Law and Democratic Services be authorised to complete any necessary documentation to ensure the successful implementation of the transfer of Public Health accountabilities to Swindon Borough Council.

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

133. Wiltshire and Swindon Aggregate Minerals Site Allocations Local 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 proposed Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, as amended by the changes identified in the Planning Inspector's Report.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, commented on the Plan and that it would now move forward for formal adoption.

Resolved – (1) That the Council be recommended to adopt the Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, as amended by

the changes identified in the Planning 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 Site Allocations Local Plan, if required, prior to publication, in consultation with the Cabinet Member for Strategic Planning and Sustainability, 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.

MINUTES TO NOTE

CABINET

20TH MARCH 2013

116. Motion at Council - Honda Task Force - Summary of Support to Honda

The Cabinet Member for Regeneration and Culture and the Board Director, Commissioning submitted a joint report concerning the response of the Council and its partners to the announcement of redundancies amongst Honda staff and employees of supply chain companies in Swindon.

Councillor Garry Perkins, Cabinet Member for Regeneration and Culture, referred to the Motion at the Council meeting on 17th January 2013 (Minute 94 of the Council refers) concerning the response to the redundancies announced by Honda and highlighted the actions taken by the Council, its partners and the Members of Parliament for Swindon to date.

Councillor Mark Dempsey welcomed the lead that had been shown by the Council in supporting and working with the task force to respond to the impact of the Honda redundancies. He commented on the skills-matching that had taken place, on the numbers affected within supply chain companies and on the need for the future long term development and support of Honda and its supply chain companies.

Councillor Perkins referred to the skill-matching exercise and to how supply chain companies were not always willing to share information on the impact of the Honda decision for their business and workforce. The importance of building the right economic conditions for Honda and similar companies was clearly recognised by the Council and its partners.

Resolved - (1) That the actions taken by the Leader of the Council, the Members of Parliament for Swindon North and Swindon South, One Swindon partners and the Local Enterprise Partnership to support employees of Honda and its supply chain companies affected by the redundancies, be noted.

(2) That the Cabinet Member for Regeneration and Culture be requested to advise the Council of the position and the contents of the joint report at its next scheduled meeting.

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

125. Use of Bailiffs - Motion at Council

The Cabinet Member for Finance and the Head of Revenues and Benefits submitted a joint report responding to a Motion at Council on 8th November 2012 (Minute 63 of the Council refers) concerning the use of Bailiffs and outlining the occasions when Bailiffs were employed in the collection of Council debts and how their use was monitored.

Councillor Mark Edwards, Cabinet Member for Finance, referred to the Council's Code of Conduct for all Bailiffs and how their operation was actively monitored. He emphasised that the Council's aim was always to work to help people to pay their debts and only to use Bailiffs as a last resort.

Councillor Des Moffatt commented that the problem was not the Council's policy and code of practice. It was where individual Bailiffs chose not to follow it. He would like to see greater use made of technology to monitor their activities.

Resolved – (1) That the contents of the joint report and the fact that the number of complaints about Bailiffs represents half of one per cent of the total number of debts referred to Bailiff companies, be noted.

(2) That the Cabinet Member for Finance be requested to advise the Council of the position and the contents of the joint report at its next scheduled meeting.

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

127. Recording and Broadcasting Full Council Meetings - Motion at Council

The Cabinet Member for Strategic Planning and Sustainability, the Chief Executive and the Director of Law and Democratic Services submitted a joint report responding to a Council Motion on 20th December 2012 (Minute 82 of the Council) that requested a report investigating the cost and feasibility of recording and broadcasting Council meetings.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, explained that the report sought to provide an analysis of a range of options available to the Council to record and broadcast Full Council meetings. He commented on the costs associated with the various options and his belief that the cost of recording and broadcasting could not really be justified given the likely potential viewing figures. He believed that funds could be better spent in communicating with residents in other ways and by encouraging and assisting those residents who wished to record meetings at their own cost to do so.

Councillor Mark Dempsey welcomed the range of options presented and commented that he still believed that a cost effective solution could be found that would be welcomed by residents and increase the openness and transparency of the Council's proceedings.

Resolved – (1) That the Cabinet note the –

- contents of the report;

- costs of recording and broadcasting full Council meetings, and that the market leading solution used by 70 other local authorities would cost over £1000 per meeting;
- Council has to date never refused a request by the media or a resident to record a meeting.

(2) That the Director of Law and Democratic Services be requested to work with the Corporate Governance Review Working Group on the development of a Standing Order giving a presumption in favour of recording meetings by residents, and to identify ways that residents who wish to record meetings have the same access to the full Council Chamber as the media.

(3) That the Head of Communication and Insight include social media engagement by Councillors and residents during full Council meetings as part of the Council's emerging new Digital Strategy.

(4) That the Council be advised of the contents of the joint report and the Cabinet's decisions as set out in (1) to (3) above.

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

130. Motion at Council - Housing Market Support

The Cabinet Member for One Swindon, Localities and Housing, the Cabinet Member for Finance and the Head of Commissioning, Economy and Attainment, submitted a joint report concerning a response to a Motion at the Council meeting on 20th September 2012 concerning Housing Market Support (Minute 49 of Council refers).

Councillor Russell Holland, Cabinet Member for One Swindon, Localities and Housing, explained that the report sought to identify strategic housing initiatives that responded to the concerns raised in the Council Motion. He apologised to opposition groups for not advising them in advance of the intention for this report to address only the strategic Housing support issue. He confirmed that a further report would be forthcoming on the Motion regarding Adult Social Care issues.

Councillor Jim Grant, Leader of the Opposition, expressed his support for the development of initiatives to assist families in securing appropriate housing and he welcomed the cross-party discussions that were undertaken on housing related issues in the run up to the setting of the Council's Budget.

Resolved – (1) That the summary of the key issues around families securing appropriate accommodation, as requested by the Council and as highlighted in the joint report, be noted.

(2) That the Board Director, Commissioning be authorised to develop an overarching housing strategy, which will encompass social housing, intermediate and private market housing and include a refined approach to the challenge of vulnerable people facing homelessness, and that this draft strategy be submitted to the Cabinet at the earliest opportunity in 2013.

(3) That it be noted that a conference to address the issues contained within the joint report will form part of the consultation and evidence gathering stage of the proposed Housing Strategy formulation process.

(4) That the Cabinet Member for One Swindon, Localities and Housing be requested to investigate:-

- How the Local Authority Mortgage Scheme could be applied to the Swindon housing market as part of a package of measures in line with the proposed housing strategy, and
- In consultation with a Lead Member Advisory Group, if he considers appropriate, the use of specific Council land assets to deliver new housing including affordable rented homes and a private rented sector offer on terms broadly aligned with those set out in the detail of the joint report.

(5) That the Cabinet Member for One Swindon, Localities and Housing advise the Council, at its next scheduled meeting, of the contents of the joint report progress being made in response to this Motion as referred to in the decision in (1) to (4) above.

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