

CABINET

WEDNESDAY, 12 JUNE 2013

PRESENT:- Councillors David Renard (Chair), Mike Bawden, Claire Ellis, Fionuala Foley, Dale Heenan, Richard Hurley, Garry Perkins and Keith Williams.

Apologies for absence were received from Councillors Brian Mattock (Vice-Chair) and Russell Holland.

Councillor Jim Grant attended the meeting in respect of Minutes 7, 9, 11, 13 and 15. Councillor Stan Pajak attended the meeting in respect of Minutes 8, 11, 12 and 13. Councillor Bob (Robert) Wright attended the meeting in respect of Minutes 7, 8, 11, 12, 14 and 16.

1. Councillor Rex Barnett

The Chair advised that Councillor Rex Barnett, former Mayor of the Borough, 2010/2011 and his fellow Haydon Wick Ward Councillor, had sadly recently died. He expressed his and the Council's condolences to Councillor Barnett's family.

The Cabinet held a Minutes Silence in memory of Councillor Barnett.

2. Welcome to Cabinet

The Chair welcomed those attending the Cabinet meeting and commented that this was his first meeting as Leader of the Council and Chair of Cabinet.

The Chair welcomed and congratulated Councillor Claire Ellis, Cabinet Member for Customer Support and Corporate Services, and Councillor Richard Hurley, Cabinet Member for Public Protection, Housing and Streetsmart (Delivery), who were joining the Cabinet for the first time, and Councillor Mike Bawden, Cabinet Member for Strategic Projects and Transformation, who was re-joining the Cabinet.

3. Declarations of Interest

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

Councillors Fionuala Foley and Keith Williams made personal declarations of interest in respect of Agenda Item 11 (Towards a Local Bus Strategy) as they were Council appointed Non-Executive Directors of Thamesdown Transport Ltd.

4. Minutes

Resolved –That the minutes of the meeting held on 20th March 2013 be confirmed and signed as a correct record.

5. Public Question Time

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

Questioner

Ms Hannah Parry, Director and Acting Chair of Swindon Viewpoint.

Question

Further to Agenda Item 13: Leisure and Culture Change Programme – Create Studios -

Question 1 - The Board of Swindon Viewpoint wish to ask the Council why we have not been included in any consultation process over the last year and more for the future of Create Studios, or included in the list of options in the Cabinet report?

Question 2 - We would assert that the current proposal does not meet the objectives of this One Swindon strategy and would ask whether the Cabinet would agree that further exploration of options for the future of the Create Studios service is required to better serve the interests of the public and the One Swindon objectives?

Question 3 - Given the above questions (and the comments made regarding them and at the Cabinet Open Forum prior to this meeting), would the Council consider postponing the discussion on Create Studios to a future Cabinet meeting so that all options can be fully considered?

Response

The Chair thanked Ms Parry for her questions and comments and advised that a response had been prepared and circulated at the meeting.

The Chair and Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture, responded at the meeting to the questions.

Questioner

Mr Brian Cockbill, Stratton St Margaret, Swindon

Questions

Can the Leader of the Council advise whether he enjoyed the recent concert he had attended at Stratton St Margaret Community Centre that had been arranged by Stratton St Margaret Parish Council? Did he believe that this concert offered good value for money? Would he and Cabinet colleagues be attending the Stratton Festival events in early July that aimed to bring all parts of the local community together, and would he actively encourage his colleagues and Ward Councilors to attend?

Response

The Chair thanked Mr Cockbill for his questions and comments and responded at the meeting to the questions.

Mr Cockbill advised that he had a series of further questions for the Cabinet relating to Bus Services, in particular to Bus Service 21, and to the operation of Thamesdown Transport Ltd. However, he noted that certain Cabinet Members were not in attendance at the meeting to whom some of the questions were directed. In view of this and of the fact that Cabinet Members had not had the opportunity to see these questions in advance he was happy to receive a written response to these

matters.

Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, thanked Mr Cockbill for his questions and confirmed that he would provide Mr Cockbill with a written response on behalf of the Cabinet.

Questioner

Mrs Martha Parry, Swindon Civic Voice.

Questions

Further to Agenda Item 14: The Role of Forward Swindon Ltd Shareholder Commissioning Panel -

Question 1 - Could the Cabinet explain why it was considered necessary for Forward Swindon Ltd. to be established as an “arm-length” company and not part of the Council and what the benefits are of this?

Question 2 - Could the Cabinet explain why Forward Swindon Ltd appeared reluctant to engage with community organisations such as Swindon Civic Voice on issues relating to the future regeneration of Swindon?

Response

The Chair thanked Mrs Parry for her questions and comments. Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture, responded at the meeting to the questions.

6. 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. 15 of the Notice of the Meeting on the grounds that it involves 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. (Minute 16 refers.)

7. Discretionary Housing Payments - Housing Revenue Account (HRA)

The Cabinet Member for Finance, the Cabinet Member for Public Protection, Housing and Streetsmart (Delivery) and the Board Director, Service Delivery submitted a joint report concerning a proposed Discretionary Housing Payments Policy funded by the Housing Revenue Account to support those facing hardships as a result of the impact of recent welfare reforms, particularly, those tenants with caring responsibilities, disabilities or where there were exceptional circumstances.

Councillor Richard Hurley, Cabinet Member for Public Protection, Housing and Streetsmart (Delivery), explained that the Secretary of State had made a Special Direction that enabled the Council to allocate approximately £420,000 from the Housing Revenue Account in 2013/14 to add to the existing funding available from the General Fund to provide up to £702,000 of “Discretionary Housing Payments” to support vulnerable residents and those facing real hardship. He emphasised that the funding allocated from the Housing Revenue Account would be

used to support Housing tenants.

Councillor Jim Grant, Leader of the Opposition, expressed his concern at the use of Housing Revenue Account funding to support General Fund issues. He believed such funding would be better spent for its intended purpose of supporting the provision of additional Council housing. He asked whether the Cabinet believed that the funds would be sufficient to meet the demand for discretionary payments. Where had the £420,000 been identified from and would this sum be available for use in future years? Would this level of funding be sufficient in future years?

Councillor Bob Wright, Central Ward Councillor, referred to the impact of the welfare reforms and the resulting hardships for many residents. He noted the opposition to the proposal that had been forthcoming when it was discussed by the Housing Advisory Forum. He enquired how many Council houses could have been built should the funding have been used for that purpose.

The Chair and Councillor Hurley responded at the meeting referring to the current demand for and take up of discretionary payments. It was confirmed that the level of funding being provided would have supported the building of four Council houses.

The Chair commented that it was currently too early to predict what the demand would be for support and therefore what level of funding would be required or available in future years. He noted that the involvement of Housing Revenue Account funding in Discretionary Housing Payments had been a Swindon initiative that the Government had supported and that it was now being pursued by other local authorities, including large Labour councils such as Birmingham City Council.

Resolved – (1) That the Head of Revenues and Benefits, in consultation with the Head of Housing, be authorised to determine applications for discretionary housing payments and administer an extended Discretionary Housing Payments budget that includes £420,000 of Housing Revenue Account Funding for the benefit of Council tenants only, in addition to the £281,000 available from the General Fund, the financial implications of which are set out in paragraphs 6.1 and 6.2 of the joint report.

(2) That the proposed Discretionary Housing Payments Policy as referred to in the joint report be noted and endorsed.

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

8. Adult Community Learning Plan (Minute for Confirmation)

The Cabinet Member for Children's Services and the Board Director Commissioning submitted a joint report concerning the proposed Adult Community Learning Plan for the Academic Year 2013/14, and setting out the outcomes for Adult Community Learning in 2011/12 and the work undertaken to date in 2012/13 (September 2012 to August 2013).

Councillor Fionuala Foley, Cabinet Member for Children's Services, welcomed the report and highlighted the work undertaken to promote community learning and the proposed Community Learning Plan for 2013/14. She explained how the Adult Community Learning was focused on targeting those residents who

would most benefit, particularly, in using learning as a route to employment. She also referred to the developing partnership approach to ensure the most effective use of resources across the area.

Councillor Stan Pajak, Leader of the Council's Minority Opposition Group, expressed his support for the report and the benefits of Adult Learning. He noted how Swindon was ahead of national standards in some areas and he hoped that Adult Community Learning would aspire to achieve a "good" rating in its next Ofsted review. He referred to the ways of encouraging people to engage in adult learning and enquired how take-up was monitored.

Councillor Bob Wright, Central Ward Councillor, expressed his support for Adult Community Learning and emphasised the need to make the best use of local people to avoid the necessity of recruiting to jobs in Swindon from elsewhere in the country and in the world.

Councillor Foley explained how the Council carefully monitored the take-up in adult learning and the different popularity of courses and training being provided in order that resources could be allocated in the best way possible. She emphasised that the service always aspired to do better and would hope to always improve on both user take-up and inspection outcomes. The report highlighted how the Council was committed to work with partners to build the skills of local residents to better equip them to participate in the local economy.

Resolved – (1) That the Adult Community Learning Plan for the Academic Year 2013/14, as set out in Appendix 1 to the joint report, be recommended for approval by the Council at its meeting on 18th July 2013.

(2) That the contents of the joint report be noted, and the Board Director, Commissioning be authorised to commission and arrange the delivery of the Adult Community Learning Programmes as detailed in the Adult Community Learning Plan for the Academic Year 2013/14.

(3) That the Cabinet notes the -

- Adult Community Learning Performance for 2011/12;
- Learning programmes being delivered in 2012/13 to meet the priorities agreed by the Council on 29th March 2012 (Council Minute 129, 2011/12 refers);
- Update on funding, confirming that £466,283 will be available in 2013/14; and
- National policy on minimum contract levels, which means that the Skills Funding Agency will continue to contract with Swindon Borough Council.

(4) That the principle of the development of a Community Learning Trust be supported and the actions being taken by the Board Director, Commissioning to establish a Swindon Adult Community Learning Trust be endorsed.

(5) That the Cabinet Member for Children's Services be requested to advise Adult Community Learning and its partners in the delivery of the Adult Community Learning Plan of the Cabinet's appreciation for their work and on-going commitment to building skills in Swindon.

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

9.

Budget Management 2012/13

The Cabinet Member for Finance and the Board Director, Resources submitted a joint report setting out (a) the out-turn position of the Council's Revenue Budget for the 2012/13 Financial Year, (b) issues impacting on the Council's finances and on the final out-turn position, (c) the out-turn position of the Housing Revenue Account and the Dedicated Schools Grant, and (d) details of requests for the proposed "carry-forward" of funding supported by the Council's Corporate Board.

In the absence of the Cabinet Member for Finance, the Board Director, Resources, commented on the report and highlighted the out-turn position achieved for the Council's Budget. He explained a proposed carry-forward of underspends to assist the Council to respond to the significant budget challenges it would face in this Financial Year.

Councillor Jim Grant, Leader of the Opposition, referred to the shortfall in anticipated income from car parking and to the Council's decision to invest £15m in a new car park at a time when there were many surplus and un-used car parking spaces in Swindon Town Centre.

Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture, referred to the increase in "footfall" experienced by the Brunel Centre and the Town Centre generally as a result of the Council's decision on car parking tariffs. He referred to the Council's Car Parking Strategy and the on-going Town Centre car parking rationalisation programme that had previously been reported to Cabinet. This aimed to remove surplus spaces and time-expired parking provision and replace this with facilities that were fit for purpose for 2013 and for the future, and that would meet the requirements of users, Town Centre businesses and potential future employers.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, reminded Councillor colleagues that it should be noted that the Council still made a profit from its car parking operations that helped to support wider provision of Council services.

Resolved – (1) That the out-turn position for the Revenue Budget for 2012/13, as set out in Table 1 and Appendices 1 and 2 of the joint report, be noted.

(2) That the funding "carry-forward" requests, as set out in Table 2, and supported by Corporate Board under the terms set in paragraph 3.4 and in Table 2 of the joint report, be approved.

(3) That the Cabinet express its appreciation to all those in the Council's officer team involved in the delivery of a balanced budget for the 2012/13 Financial Year.

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

10.

Treasury and Capital Update (Minute for Confirmation)

The Cabinet Member for Finance and the Board Director Resources submitted a joint report providing an update on Capital spending and Treasury Management activity and performance in 2012/13, and setting out proposed

changes to the Council's Prudential Indicators.

In the absence of the Cabinet Member for Finance, the Board Director, Resources referred to the Council's treasury performance and to a required change to Prudential Indicators.

Resolved – (1) That the Council's Treasury Management performance and Prudential Indicators for 2012/13, be noted.

(2) That the changes to the Council's Prudential Indicators, as detailed at paragraph 3.15 of the joint report, be endorsed, and recommended to the Council for adoption at its meeting on 18th July 2013.

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

11. Secondary School Places

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 increasing forecast demand for secondary school places in Swindon in the period up to 2026 and detailing (a) a number of options available to the Council for meeting the forecast demand for school places, (b) the financial implications for the Council of responding to the requirement for additional places, and (c) proposals to carry out a wide consultation with a range of stakeholders on the issue and on the options to respond to the forecast demand.

Councillor Fionuala Foley, Cabinet Member for Children's Services, commented on the historic pressures on primary school places, particularly in the north of Swindon and the inevitable "knock-on" effect of this for secondary school places. She referred to the differences between primary and secondary school place provision and to the implications for the Council of responding to the increasing forecast demand for secondary school places. She commented on the range of options available to the Council to respond to this demand and on the potential impact on Council finances. She explained that the intention was to undertake a wide-ranging consultation on all available options to enable the most effective and value for money solutions to be identified.

Councillor Jim Grant, Leader of the Opposition, referred to the importance of school place planning to the local authority and welcomed the undertaking on a wide-ranging consultation. He wondered if it might be an appropriate time to seek to identify potential new school sites in Wichelstowe and in north Swindon.

Councillor Foley recognised the benefits of identifying potential school sites early but highlighted that new school provision was only one of the options that would be subject to consultation. She would not wish to prejudice the outcome of that exercise.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability advised that the Planning department would shortly be commencing a strategic land assessment exercise that would seek to identify potential school sites across the Borough. This was a similar exercise to the Strategic Housing Land Assessment.

Councillor Bob Wright, Central Ward Council, commented on the issue of secondary place provision and referred to the situation in his own ward and to the pressures for increased secondary place provision for Catholic students.

The Chair commented that the proposed consultation exercise would give the opportunity for Councillors, stakeholders and the public to make their views known on all the options that were available.

Councillor Stan Pajak, Leader of the Minority Opposition Group on the Council, welcomed the proposed consultation exercise and hoped that it would be as open and wide-ranging as possible. He believed that to avoid unnecessary concerns it would be useful to identify potential new sites at the earliest possible stage.

Councillor Foley reiterated her comments regarding the Council not pre-empting the outcome of the consultation.

Councillor Mike Bawden, Cabinet Member for Strategic Projects and Transformation, referred to the importance of education to the future of Swindon and to the Council being able to deliver its priorities. School place planning was challenging but it was important that the Council did identify effective solutions.

The Chair reiterated Councillor Bawden's comments and referred to the Council's excellent record in secondary school place planning.

Resolved – (1) That the Board Director, Commissioning be authorised to conduct a wide consultation with a range of stakeholders on the various options set out in the joint report for meeting the forecast demand for secondary school places in Swindon in the period up to 2026, including the possibility of promoting a Free School as a new secondary school option.

(2) That the Cabinet Member for Children's Services and the Board Director, Commissioning be authorised to request the Members of Parliament representing Swindon to lobby the Government to provide additional capital funding to meet the forecast demand for secondary school places in Swindon.

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

12. Towards A Local Bus Strategy

The Cabinet Member for Highways, Strategic Transport and Leisure and the Board Director Service Delivery, submitted a joint report concerning the proposed Local Bus Strategy for Swindon and detailing (a) the results of a consultation exercise involving local stakeholder organisations and the public on the draft principles to underpin a revised Bus Strategy for Swindon, (b) a proposed revised strategy for adoption and implementation.

Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, referred to the wide-ranging consultation that had taken place around the emerging revised Bus Strategy for Swindon. He reiterated the reasons why a revised strategy was required and expressed his support for the proposed strategy which he believed reflected the best interests of the Council, the bus operators, the travelling public and Council Tax payers. He highlighted that the majority of bus

services in Swindon were run on a commercial basis and that the Council's primary role was to provide funding to ensure that only the most essential non-commercial services were retained given the limitations on the amount of funding available. He referred to the problems created by attempting to spread limited financial resources too widely rather than in concentrating such resources on the most essential needs. He highlighted the issue of subsidised funding of rural versus urban services and of the use of Section 106 funding for services that in the longer term were unlikely to be commercially viable.

Councillor Bob Wright, Central Ward Councillor, referred to the necessity for the provision of services to the most vulnerable that they could actually use. He referred to bus routes in his own ward and highlighted problems that resulted from buses travelling through the Railway Village area.

Councillor Williams noted Councillor Wright's concerns regarding buses in the Railway Village and advised that he would be happy to discuss these with Councillor Wright outside of the meeting.

Councillor Stan Pajak, Leader of the Minority Opposition Group on the Council welcomed the Bus Strategy and indicated his support for any proposal that could ensure consistency of funding over a number of years. He referred to the importance of Thamesdown Transport Ltd. and that he hoped that consideration would not be given to its disposal. He referred to the operation of the Dial-a-Ride service and the inclusion of reference to this within the strategy.

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability, referred to the hoped for continued future operation of Bus Service 21.

Councillor Williams welcomed Councillors comments and expressed his wish to see continuity in the funding available to support the Bus Strategy over more than one year. He commented on the future of Bus Service 21 up until October 2013.

Resolved – (1) That the results of the consultation undertaken with Councillors, members of the public, local organisations and groups on the draft principles to underpin a revised Local Bus Strategy for Swindon Borough Council be noted.

(2) That the revised Local Bus Strategy for Swindon, as set out in Appendix 2 to the joint report, and its implementation on existing public transport contract arrangements and future ones, be approved.

(3) That the Board Director, Service Delivery be authorised to make the necessary arrangements to implement the revised Local Bus Strategy for Swindon.

(4) That it be agreed that, further to Minute 128 (2012/13) of the Cabinet, surplus net revenue generated from introducing the enforcement of Bus lane and Bus gate contraventions should be used for highway maintenance and highway improvement work that benefits buses for a period of three years and reviewed thereafter; rather than just for highway maintenance works.

(5) That the Cabinet Member for Highways, Strategic Transport and Leisure and the Board Director Service Delivery, in consultation with the Board Director Resources, report back to the Cabinet at its meeting on 24th July 2013 on the funding implications of implementing the Local Bus Strategy for Swindon for a three year period.

(Councillors Keith Williams Cabinet Member for Highways, Strategic Transport and Leisure, and Councillor Fionuala Foley, Cabinet Member for Children's Services, made personal declarations of interest in respect of the above item as they were Council appointed Non-Executive Directors on the Board of Thamesdown Transport Ltd.)

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

13. Creation of Third Sector Advice and Information Hub

The Cabinet Member for Health and Adult Social Care, the Cabinet Member for Finance, the Board Director, Commissioning and the Board Director Resources submitted a joint report concerning a proposal to establish a Third Sector Advice and Information Hub for adult health, wellbeing and social care in the Council's former Sanford House premises in Swindon Town Centre.

In the absence of the Cabinet Member for Health and Adult Social Care, Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture referred to the advantages for the Council, Voluntary and Community Sector and for the public of establishing a hub that would provide good access to advice and information for the public as well as enabling the development of a culture across the organisations of sharing skills, expertise, and resources to build capabilities. He referred to the financial implications of the proposal and to the proposed steps to protect the future development potential of the Sanford Street site. He reminded Cabinet that establishment of a Third Sector Advise and Information Hub had previously been included as one of the Council's "50 Promises". At that stage it had not been possible to deliver a scheme. He believed that this proposal provided the opportunity to finally deliver on that "promise."

Councillor Jim Grant, Leader of the Opposition, welcomed the proposal. He wondered if it was likely that more than a £25,000 saving would be achieved. Councillor Perkins explained that it was believed that further significant savings would be achieved over time. However, it was important that savings targets were not set that could damage the success of the project in the early stages.

Councillor Stan Pajak, Leader of the Minority Group on the Council, welcomed the proposal to create a single advice point for the public and to enable the protection of an important historic building in Swindon Town Centre. He hoped that adequate signage would be provided to enable the new hub to be easily accessed by residents.

Resolved – (1) That the principle of establishing a Third Sector Advice and Information Hub in Sanford House, Sanford Street, Swindon, be approved.

(2) That the Board Directors for Commissioning and Resources, in consultation with the Cabinet Members for Finance and Health and Adult Social Care be authorised to pursue detailed negotiations with third sector groups that have expressed an interest in moving to Sanford House.

(3) That the Director of Law and Democratic Services, in consultation with the Cabinet Members for Finance and Health and Adult Social Care, and the Board Directors for Commissioning and Resources, be authorised to agree terms on which the Sanford House building would be let to the groups, based on a ten year lease with a break clause that could be implemented by the Council at any time after the

end of the seventh year, and on such other terms and conditions as may be required by the Director of Law and Democratic Services to protect the Council's interests.

(4) That the Board Director, Commissioning be authorised to make it a contractual requirement of the specific organisations commissioned to provide advice and support services to be based at Sanford House. This to be on the basis that the organisations move to Sanford House to achieve an overall reduction in grant funding of approximately £25,000 a year in addition to the £100,000 savings already committed to as part of the Budget for 2013/14, with this £25,000 being delivered from 2014/15.

(5) That the Head of Design and Architecture be authorised to implement a new capital scheme of up to £350,000 to adapt Sanford House to make it suitable for use as a Third Sector Advice and Information Hub, and this be funded through £175,000 of residual Primary Care Trust capital funding received in March 2013 and £175,000 of capital funding from the Adult Social Care ring fenced capital allocation for 2013/14 (known as the Community Capacity grant).

(6) That it be noted that the proposal set out in (1) to (5) above will, if implemented, enable the disposal of the premises currently occupied by Swindon Citizens Advice Bureau and owned by the WG Little Fund, in accordance with Council Minute 68, 2012/13.

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

14. Leisure and Culture Change Programme - Create Studios

The Cabinet Member for Economy, Regeneration and Culture and the Board Director, Service Delivery, submitted a joint report concerning the Council's Leisure and Culture Change Programme and a proposal to establish Create Studios as an independent company limited by guarantee with charitable status that would ensure that the work of Create Studios continued to link with One Swindon delivery plan and the Council's strategic Corporate objectives.

Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture, referred to the Leisure and Culture Options Appraisal considered by the Cabinet at its 20th March 2013 meeting (Minute 114 2012/13 refers), and to the development of a business case and proposal to enable Create Studios to be established as an independent company limited by guarantee with charitable status to allow it to continue to further develop and to continue to deliver the services it had provided successfully over many years to Swindon's residents as a direct delivery service of the Council. He noted the comments made at the Open Forum held prior to the meeting and during Public Question Time. He emphasised that at this stage the decision was regarding the future direction of Create as an organisation and its place within the Council. It was not about the services it delivered or how these were delivered. This did allow for proposals from other bodies within the community to be considered by the Shadow Board.

Councillor Bob Wright, Central Ward Councillor, referred to the history of Swindon Viewpoint and its connections with the Council and Create. He was disappointed that key organisations like Swindon Viewpoint had not been consulted on the proposals at a much earlier stage. It was possible that these organisations already operating in the local community could offer even more significant savings

for the Council whilst maintaining and developing the services currently provided.

Councillor Perkins emphasised that the discussion was about Create's position within the Council and not about the services that it offered. For that reason there had been no reason to formally consult although opposition Councillors serving on the shadow Board would have been aware of the discussions that had taken place regarding Create's future. He was happy to consider any proposals that would enhance services and reduce costs and he did not think that this was affected by the decision that the Cabinet would make. The opportunity existed in the time up to a final report being submitted for alternatives to be presented and analysed. A similar approach was being followed to that adopted for the successful launch of Swindon Dance as a stand-alone organisation.

Resolved – (1) That on the basis of the outline business plan received from Create Studios, the Council confirms its intention to establish Create Studios as an independent, not-for-profit, company limited by guarantee with charitable status, with a planned date for the transfer of staff to the new company of no later than 1st April 2014.

(2) That the development of a three-year Funding Agreement to be put in place with the proposed new company referred to (1) above, be approved, and preparations for the transfer of the relevant undertaking to the new company be agreed.

(3) That the Board Director, Service Delivery, the Director of Law and Democratic Services and the Board Director, Resources be authorised, in consultation with the Cabinet Member for Economy, Regeneration and Culture, to each progress the necessary legal, human resources and financial steps to ensure

- a successful transition of Create Studios to a stand-alone company,
- the transfer of the relevant undertaking to the new company, and
- the formation of a shadow board.

(4) That, in support of the recommendations in (1) to (3) above, (a) expenditure of up to £20,000 be approved from the one off monies already allocated to the Leisure and Culture Change Programme to support the preparation for transition, and (b) this expenditure be controlled by the Board Director, Resources, in consultation with the Cabinet Member for Economy, Regeneration and Culture, the Board Director, Service Delivery, and the Director of Law and Democratic Services.

(5) That the Board Director, Service Delivery be requested to consult as necessary and bring a final report to the Cabinet by no later than December 2013 setting out the detailed proposed transfer arrangements for Create Studios, including legal and financial agreements.

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

15. The Role of Forward Swindon Ltd Shareholder Commissioning Panel

The Cabinet Member for Economy, Regeneration and Culture and the Board Director, Commissioning submitted a joint report concerning a proposed change to the governance structure of Forward Swindon Limited (FSL) to enable the Shareholder Panel to become a cross-party Cabinet Member Advisory Group to be renamed the Shareholder Commissioning Panel.

Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture, referred to the reasons for the proposed changes in the governance arrangements for Forward Swindon Limited that aimed to bring governance up to date and to reduce duplication and unnecessary delays in the Council's commissioning of FSL work.

Councillor Jim Grant, Leader of the Opposition, asked for clarity on the reasons for establishing the Shareholder Commissioning Panel as a Cabinet Member Advisory Panel.

The Director of Law and Democratic Services explained why in governance terms it was necessary for the Shareholder Panel to report by way of the Cabinet Member and that the use of the Cabinet Member Decision Note process would help to avoid unnecessary delays in the Council's commissioning of FSL work. Councillor Perkins indicated that it was his intention to seek the views of the Shareholder Commissioning Panel before taking any decision involving the Council's commissioning of FSL work.

Resolved – (1) That the establishment of the Forward Swindon Limited Shareholder Commissioning Panel ('Shareholder Commissioning Panel') as an advisory body to the Cabinet Member for Economy, Regeneration and Culture with a membership of six Members, nominated by the Cabinet Member, on the basis that there will be cross-party representation, be approved.

(2) That the Cabinet Member for Economy, Regeneration and Culture, in consultation with the Shareholder Commissioning Panel, be authorised to approve on behalf of the Council any changes to the Articles of Association of Forward Swindon Limited together with any other matters requiring the consent of the Council.

(3) That it be noted that such decisions as referred to in (2) above of the Cabinet Member will be made via the Cabinet Member Decision Note process.

(4) That the Director of Law and Democratic Services be authorised to take any necessary steps and complete any documentation to implement those changes referred to in (1) to (3) above, including amending the Articles of Association of Forward Swindon Limited as appropriate.

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

16. Development Opportunity for Greenbridge, Swindon

The Cabinet Member for Economy, Regeneration and Culture and the Board Director, Commissioning submitted a joint report concerning discussions that had taken place with a company in Greenbridge, Swindon, and the challenges that the business faced in continuing its operations in Swindon.

The Cabinet Member for Economy, Regeneration and Culture and the Board Director, Commissioning submitted a supplementary report detailing the outcome of discussions with the company and the options and opportunities available to the Council to respond to the situation.

Councillor Garry Perkins, Cabinet Member for Economy, Regeneration and Culture, referred to the significance and implications for Swindon's economy of the

decisions to be taken by and in respect of the business concerned.

Councillor Bob Wright, Central Ward Councillor, referred to plans for an adjacent site and whether this would have implications for the proposal. Councillor Perkins confirmed that the Council and Forward Swindon Ltd. were aware of the proposals for the neighbouring site and the implications of this for the larger area.

The Director of Law and Democratic Services advised that the Head of Property Assets had confirmed that the proposal provided “best consideration” for the Council. He also commented that if the proposal was supported, the contractual arrangements would be prepared in order to best protect the Council’s interests and to safeguard the Council’s investment should the Company decide to withdraw from operations in the Borough.

Resolved – (1) That the outcome of the negotiations and discussions that have taken place with a business in Greenbridge, Swindon, as referred to in the joint and supplementary reports, be noted.

(2) That the Board Director, Resources in consultation with the Director of Law and Democratic Services and the Cabinet Member for Economy, Regeneration and Culture be authorised to –

(a) Accept the surrender of the lease of the company named in the supplementary report, subject to agreement of a contractual arrangement detailing the profit share from the future disposal of the site referred to in the supplementary report.

(b) Undertake a joint marketing initiative with the representatives of the company named in the supplementary report (currently CBRE) to secure a purchaser, subject to receipt of a planning consent for enhanced value uses.

(c) Approve disposal of the site referred to in the supplementary report.

(d) Arrange for the uplift in the value of the site, referred to in the supplementary report, due to enhanced planning consent, to be split 50:50 with the company named in the supplementary report in order to retain its entire facility in Swindon, safeguarding approximately 200 jobs and creating another 50 as the company expands its operations.

(3) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Economy, Regeneration and Culture, the Cabinet Member for Finance and the Board Director, Resources, be authorised to finalise the necessary legal as detailed in the supplementary joint report, on such terms as he deems appropriate to protect the Council’s interests.

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