

## **COUNCIL**

**THURSDAY, 18 JULY 2013**

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

### **13. Minutes Silence**

The Mayor reported the recent death of Mr Ashley Roberts (the fifth Mayor of the Borough of Thamesdown) and Councillor Rex Barnett a serving Member of the Council and former Mayor of the Borough of Swindon. The Council held a Minute of Silence in respect of Ashley Roberts and Rex Barnett.

### **14. Apologies for Absence**

Apologies for absence were received from Councillors Mike Bawden, Michael Dickinson, Stan Pajak, Rochelle Russell, Kevin Small and Dave Wood.

### **15. Communications**

The Chief Executive reported that no communications had been received.

### **16. Minutes**

Resolved – That, subject to the inclusion of Councillors Kevin Small and Steve Wakefield in the list of attendees, the minutes of the meeting held on 17<sup>th</sup> May 2013, be confirmed and signed.

### **17. Declarations of Interest**

(Councillors John Ballman and Ray Ballman made Personal declarations of interest in respect of Agenda Item 9 (Community Governance Review Working Group Minute 28(5) – Corporate Governance Review) as they lived in the area affected.)

(Councillor Julie Wright made a Personal declaration of interest in respect of Agenda Item 8(e) (Motion – Women's Aid) as she was Chair of the charity Advocacy After Fatal Domestic Abuse.)

(Councillor Bob Wright made a Personal declaration of interest in respect of Agenda Item 8(e) (Motion – Women's Aid) as he was a trustee of the charity Advocacy After Fatal Domestic Abuse.)

**18.**

**Public Question Time**

Mr Brian Cockbill asked a public question relating to the current Risk Assessment for the use of the Public Gallery in the Council Chamber.

The Leader of the Council indicated the Chief Executive would arrange for the Risk Assessment currently in place to be reviewed.

Mr Brian Cockbill tabled written questions relating to the Community Governance Review and the Leader of the Council indicated that written responses would be provided. The Worshipful The Mayor congratulated Mr Cockbill on becoming a member of Stratton St. Margaret Parish Council.

**19.**

**Minutes for Confirmation**

(1) Councillor Fionuala Foley moved and Councillor David Renard seconded:

“That Minute 8(1) of the Cabinet (Adult Learning Plan) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(2) Councillor Russell Holland moved and Councillor David Renard seconded:

“That Minute 10(2) of the Cabinet (Treasury and Capital Update) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(3) Councillor Fionuala Foley moved and Councillor David Renard seconded:

“That Minute 4(1) of the Swindon Children’s Trust Board (Children and Young People’s Early Support Strategy 2013/16) be confirmed and adopted

The Motion was put to the vote and declared carried

(4) Councillor Andrew Bennett moved and Councillor David Renard seconded:

“That Minute 12(2) of the Licensing Committee (The Establishment of Markets in Swindon Town Centre) be confirmed and adopted.

Councillor Mark Dempsey moved and Councillor Jim Robbins seconded that the Motion be amended to read:

“That the Cabinet Member for Public Protection, Housing and Streetsmart (Delivery) and the Chair of the Licensing Committee be requested to work, on behalf of the Council, with InSwindon to take action to create a regular calendar of specialist markets; and ensure a Christmas Market is delivered for 2013. Further, if InSwindon is unable to deliver such a market, the Cabinet Member should work with partners in Swindon to deliver a people’s market which reflects the unique character of Swindon.”

The Amendment was put to the vote and declared lost.

The Motion was put to the vote and declared carried.

## **20. Council Petition Scheme**

The Council considered a report of the Director of Law and Democratic Services concerning the receipt of a petition containing 374 signatures concerning the Queensfield Experimental Traffic Order and requesting that the access route from Cricklade Road into Queensfield should not be closed during rush-hours.

The Council received the comments of Mr Ray Vickery, on behalf of petitioners, introducing the petition and debated the way in which the Council could most appropriately respond to the concerns raised.

Councillor Keith Williams moved and Councillor Dale Heenan seconded:

"This Council:

- (1) Thanks the petitioner for submitting this petition.
- (2) Notes that the local community is clearly split on the issue of the Queensfield Traffic Regulation Order and has generated petitions for and against it.
- (3) Asks the Cabinet Member for Highways, Strategic Transport and Leisure to accept the recommendation of the three ward councillors, following a public consultation, on whether" the Traffic Regulation Order in Queensfield, Upper Stratton should be continued or not continued.
- (4) Notes the opportunity that future development in Swindon as set out in the Local Plan could provide the means to open up Arkwright Road as a long-term solution.

## **21. Motion - Swindon Heritage**

Councillor Nicky Sewell moved and Councillor Ann Richards seconded:

"This Council Notes:

- The need for an expanding town like Swindon to encourage links between new developments and the history and heritage of the Borough.
- Successful attempts by other authorities (such as Eastleigh Borough Council) to encourage developers to name streets inspired by the history and heritage of the area, and that signs carry brief explanations of the origin of the street name.
- That such efforts do not cost Council taxpayers any money and that the cost to developers is negligible.

This Council Resolves:

- To actively encourage all new housing to be named after Swindon's history and heritage.
- To actively encourage all street name signs in new developments to carry a short

explanation as to the name of the street.

- To ensure this scheme does not cost Council taxpayers money and that the cost to developers is negligible.”

The Motion was put to the vote and declared carried.

## **22. Motion - Solar Barrier along A419**

Councillor Dale Heenan moved and Councillor Richard Hurley seconded:

“This Council supports the idea of a "Solar Sound Barrier" along the A419 to improve and extend the existing barrier, and believes that the Council should investigate a pilot scheme so that it can implement a barrier within two years, if practicable.

This Council requests that:

- The Cabinet Member for Highways, Strategic Transport and Leisure establishes a working group of Councillors, supported by officers, to develop an outline business case in relation to a pilot scheme, and
- The Leader of the Council and Chief Executive invite key stakeholders to become partners, for example, Swindon Commercial Services and the Highways Agency.

The working group should:

- Approach local businesses to be involved in the working group to provide expertise and knowledge, and include any companies interested in purchasing the electricity,
- Consider how the scheme can be self-funded, or financed through a cooperative, loans or a mixture of approaches,
- Expect no grant from the Highways Authority and Swindon Borough Council to implement a scheme,
- Provide a progress update to the September Cabinet, and

Recommend a proposal to Cabinet if it identifies a viable business case for a pilot scheme.”

With the agreement of the Council the Motion was amended to read:

“This Council supports a Swindon Solar Strategy enabling residents to benefit from the generation of low cost green energy, and notes that Cabinet will be approving one in September, which includes proposals for solar farms.

This Council supports the idea of a ‘Solar Sound Barrier’ along the A419 to improve and extend the existing barrier, and believes that the Council should investigate a pilot scheme within two years, if practicable.

If the A419 scheme is successful then work should establish the feasibility of including the M4 and the railway corridor, and implement them at the earliest opportunity

This Council requests that:

- The Cabinet Member for Highways, Strategic Transport and Leisure and the Cabinet Member for Strategic Planning and Sustainability together establish a cross-party working group of Councillors, supported by officers, to develop an outline business case in relation to a pilot A419 scheme, and
- The Leader of the Council and the Chief Executive invite key stakeholders to become partners, for example Swindon Commercial Services and the Highways Agency.

The working group should:

- Approach local businesses to be involved in the working group to provide expertise and knowledge, and include any companies interested in purchasing the electricity.
- Consider how the solar barrier scheme and wider strategy can be self-funded, financed through a cooperative, loans and any other approach with the community.
- Expect no grant from the Highways Authority and Swindon Borough Council to implement a scheme,"

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

## **23. Motion - Disposal of Chewing Gum**

Councillor Derique Montaut moved and Councillor Anne Richards seconded:

"That this Council:

- Believes that spitting and the disposal of chewing gum on our streets is an antisocial, unpleasant and unhealthy practice.
- Believes that spitting and the disposal of chewing gum on the ground in the Town Centre and public places should be banned.
- Believes that such by-laws should be effectively enforced and there needs to be more severe penalties to deter residents from breaching these by-laws and statutory provisions relating to littering.
- Requests the Director of Law and Democratic Services to report back to the Council on the 26<sup>th</sup> September as to whether a ban on spitting and the disposal of chewing gum on the ground in the Town Centre and public places is possible and, if so, with details of how this could be implemented with timescales, costs and options for delivery.
- Instructs the Cabinet Member for Public Protection, Housing and Streetsmart (Delivery) to explore ways of ensuring that producers of chewing gum products subscribe to the cost incurred of cleaning and repairing areas damaged by their products."

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

"That this Council believes that:

- spitting and the disposal of chewing gum on our streets is an antisocial,

- unpleasant and unhealthy practice.
- spitting and the disposal of chewing gum on the ground in the Town Centre and public places should be banned.
- such by-laws should be effectively enforced and there needs to be more severe penalties to deter residents from breaching these by-laws and statutory provisions relating to littering.
- It should be explored whether chewing gum producers can subscribe to the cost of cleaning and repairing areas damaged by their products

Requests that the Safer and Stronger Overview and Scrutiny Committee investigates this matter and reports back to Cabinet and Council as soon as possible on the range of enforcement and education options available as well as the cost implications.”

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

## **24. Motion - Women's Aid**

Councillor Julie Wright moved and Councillor Steve Allsopp seconded:

“That this Council:

- Re-affirms its commitment to support the victims of Domestic Abuse.
- Notes that an unintended consequence of the changes in Housing Benefit introduced from 1 April 2013 is to put the concept of publicly funded safe houses for Domestic Abuse victims at risk.
- Supports the campaign by Women’s Aid to exempt any home where victims of Domestic Abuse have been placed for their safety which has an additional bedroom, from being affected by the Government’s recent changes to Housing Benefit.
- Requests the Leader of the Council to write to Swindon Women’s Aid expressing the Council’s support in their campaign.”

The Motion was put to the vote and declared carried.

(Councillors Julie Wright and Bob Wright made Personal declarations of interest in respect of this item as they held positions in the charity Advocacy After Fatal Domestic Abuse.)

## **25. Motion - Living Wage**

Councillor Mark Dempsey moved and Councillor Jim Grant seconded:

“That this Council:

- Believes that working adults should be entitled to a wage that they can live off.
- Welcomes and supports the adoption of the Living Wage by the Mayor of London and 82 councils across England and Wales and believes that by paying its employees a living wage, they encourage other employers to do the same.

- Believes that its employees as well as employees of companies and organisations commissioned to carry out work on its behalf, should be paid the Living Wage, currently set at £7.45 an hour.

That this Council requests:

The Cabinet Member for Customer Support and Corporate Services to bring forward a paper to Cabinet detailing the financial impact on the Council to deliver a living wage to all of its employees as well as employees of companies and organisations commissioned to carry out work on its behalf.”

The Motion was put to the vote and declared lost.

A formal division was requested in accordance with Standing Order 14(2).

Members voting for the motion were Councillors Junab Ali, Abdul Amin, Steve Allsopp, Paul Baker, John Ballman, Ray Ballman, Mark Dempsey, Jim Grant, Neil Heavens, Fay Howard, Cindy Matthews, Des Moffatt, Derique Montaut, Teresa Page, Julian Price, Ann Richards, James Robbins, Nicky Sewell, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Bob Wright and Julie Wright

Members voting against the motion were Councillors Andrew Bennett, Alan Bishop, Roderick Bluh, Mick Bray, Wayne Crabbe, Mark Edwards, Toby Elliot, Claire Ellis, Emma Faramarzi, Fionuala Foley, Mary Friend, Brian Ford, John Haines, Peter Heaton-Jones, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Nick Martin, Brian Mattock, Maureen Penny, Garry Perkins, David Renard, Vera Tomlinson, Steve Weisinger and Keith Williams.

## **26. Community Governance Review**

The Director of Law and Democratic Services submitted a report (a) setting out recommendations of the Corporate Governance Review Working Group following its review on 14<sup>th</sup> May 2103 of the Council resolution made on 11<sup>th</sup> April 2013 regarding the Community Governance Review of Swindon, and (b) seeking authorisation for the necessary Reorganisation Order to be drawn up, to take effect after April 2014 in line with the appropriate parish council electoral cycle.

With the agreement of the Council, Standing Order 10 was suspended during the consideration of this item.

In moving the recommendations of the Corporate Governance Review Working Group, the Leader of the Council reminded Council that it last considered this issue on 11th April 2013. Subsequent to that decision, the matter had been reviewed by the Working Group, and the Working Group had produced fresh recommendations for consideration by full Council. The Leader stated that in order to give conscientious consideration to these fresh recommendations, full Council was requested to ignore the previous decision made on 11th April 2013, and look at the fresh recommendations with an open mind and members should feel free to make a different decision from that made on 11th April or to make the same decision, whichever decision they consider appropriate based on the information put before them at the meeting.

Accordingly, Councillor David Renard moved and Councillor Brian Mattock seconded that:

“(1) The decision of the Council (Minute 125(1) 2012/13 of the Council refers) in relation to the creation of a Nythe Parish with a parish council of 7 parish councillors be confirmed with the Parish Council election taking place in May 2015 to coincide with the scheduled election for Stratton St Margaret Parish Council.

(2) The decision of the Council (Minute 125(1) 2012/13 of the Council refers) in relation to the Headlands Grove area be changed so that there be no alteration to the existing boundary of Stratton St Margaret Parish in the Headlands Grove area, for the reasons set out in the Working Group minutes of the 14<sup>th</sup> May 2013.

(3) The remaining recommendations of the Corporate Governance Review Working Group as presented to the Council on 11th April 2013 be adopted and given effect by the Council.

(4) In accordance with the requirements set out in Section 96 of the Local Government and Public Involvement in Health Act 2007, the Director of Law and Democratic Services be authorised to update the Scheme to incorporate these recommendations of the Corporate Governance Working Group and publish the Council’s decision in relation to these recommendations together with the reasons for making this decision, and to take such steps as he considers sufficient to secure that persons who may be interested in the Community Governance Review are informed of that decision.

(5) The Director of Law and Democratic Services be authorised to:

- (i) prepare, in consultation with the Leader of the Council, a revised scheme and consequential Community Governance Reorganisation Order;
- (ii) seek the agreement of the Local Government Boundary Commission to any consequential changes to the protected electoral arrangements set out in the Swindon (Electoral Changes) Order 2012, and
- (iii) Make and implement the Reorganisation Order.”

Councillor Jim Grant moved and Councillor Julian Price seconded that the Motion be amended to read:

“That:

(1) Council thanks the members of the Corporate Governance Review Working Group for their recommendations and work on the Community Governance Review.

(2) Paragraph (1) of the Motion be deleted on the basis that Council believes that the Nythe area should remain as part of the Stratton St. Margaret Parish.”

The Amendment was put to the vote and declared lost.

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

(Councillors John Ballman, Ray Ballman, Dale Heenan and Teresa Page made Personal declarations of interest in respect of this item as they lived in the areas affected.)



**27.**

### **Shaw Polling Station Review**

The Electoral Registration Officer and Returning Officer submitted a report setting out recommendations to change the polling places for the Shaw Ward following a polling places review of the Shaw Ward in line with Electoral Commission Guidance.

Councillor David Renard moved and Councillor Brian Mattock seconded that Council adopt changes to the polling station places for Shaw ward as follows:

“(1) That six polling districts SHA – SHF for the Shaw ward, as set out on the map attached as Appendix A to the report be created.

(2) That the following polling stations be created to serve the six Shaw ward polling districts:

SHA – Roughmoor Hall  
SHB – Holy Trinity Church  
SHC – Saltway Centre  
SHD – Shaw Ridge School  
SHE – West Lea School  
SHF – Peatmoor School

(3) That the changes to polling districts and stations set out in (1) and (2) above be implemented from 2<sup>nd</sup> September 2013.

The Motion was put to the vote and declared carried.

**28.**

### **Trust Funds - Update**

The Cabinet Member for Finance and Board Director, Resources submitted a joint report providing an update on the current position of Trust Funds held by the Council and work being undertaken to update the operational basis of the Funds.

Councillor David Renard moved and Councillor Brian Mattock seconded:

(1) That the report be noted.

(2) That the continued process to modernise the Council's Trust Funds be approved.

The Motion was put to the vote and declared carried.

**29.**

### **One Swindon Board Annual Report**

The Head of Strategy and Research submitted a report setting out the One Swindon Annual Report 2012/13 Executive Summary highlighting key issues arising from the work of the One Swindon Board.

Councillor David Renard moved and Councillor Brian Mattock seconded:

That the One Swindon Executive Report and message from the Leader of the Council and Chair of the One Swindon Board be noted.

The Motion was put to the vote and declared carried.

**30. Appointments to Committees and Other Bodies**

Councillor Nicky Sewell will move and Councillor Anne Richards will second that:

“Councillor Stan Pajak replace Councillor David Wood as a Member serving on the Licensing Committee; and.

Councillor Dave Wood replace Councillor Nicky Sewell as a Member serving on the Economic, Environmental and Sustainability Overview and Scrutiny Committee.”

The Motion was put to the vote and declared carried.

**31. Minutes of Cabinet and Decisions Delegated to Cabinet Members**

The Council considered (a) the minutes of the meetings of the Cabinet held on 12<sup>th</sup> and 26<sup>th</sup> June 2013, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

**32. Minutes of other Council Bodies**

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

**33. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 Questions have been received from Councillors Jim Grant, Fay Howard, Julian Price and Cindy Matthews.

Councillor Jim Grant indicated that he didn't feel that his question to the Cabinet Member for Finance had been answered in the response provided.

The Cabinet Member for Finance responded and explained that there was not provision in contracts to provide the information requested.

Councillor Julian Price asked the Cabinet Member for Highways, Strategic Transport and Leisure if he could provide a breakdown of the type of vehicles involved in claims for damage against the Council for the period April 2008 to March 2013.

The Cabinet Member Highways, Strategic Transport and Leisure responded that if he could obtain this information, he would forward it to Councillor Price.