

CABINET

WEDNESDAY, 11 SEPTEMBER 2013

PRESENT:- Councillors David Renard (Chair), Brian Mattock (Vice-Chair), Russell Holland, Fionuala Foley, Claire Ellis, Dale Heenan, Richard Hurley, Garry Perkins and Keith Williams.

Apology for absence was received from Councillor Mike Bawden.

Councillor Jim Grant attended the meeting in respect of Minutes 39, 41, 42, 45 and 48.

Councillor Stan Pajak attended the meeting in respect of Minutes 39, 40, 44 and 45.

Councillor Andrew Bennett attended the meeting in respect of Minute 39.

Councillor Derique Montaut attended the meeting in respect of Minute 40.

Councillor Cindy Matthews attended the meeting in respect of Minute 40 and 45.

Councillor Bob Wright attended the meeting in respect of Minutes 39, 40 and 44.

Councillor Nadine Watts attended the meeting in respect of Minutes 40, 44 and 45.

35. Declarations of Interest

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

Councillor Fionuala Foley and Councillor Keith Williams made a personal non-prejudicial declaration of interest in respect of Agenda Items 9 (Implementation of the Local Bus Strategy) as they are Council appointed Non-Executive Directors of Thamesdown Transport Ltd.

36. Minutes

Resolved – That the minutes of the meeting held on 24th July 2013, be confirmed and signed as a correct record.

37. Public Question Time

Question

Mr Simon Jenkins, Bishopstone Parish Council submitted questions regarding Agenda Item 9, (Implementation of the Local Bus Strategy) to which the Chair responded.

Question

Mr Brian Cockbill, Stratton St Margaret, Swindon asked questions relating to Agenda item 9 (Implementation of the Local Bus Strategy) and the work being carried out by the Digital City (UK) Ltd Task Group, to which the Chair and Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure responded.

Question

Mr Gary Sumner, Chair of Wanborough Parish Council submitted questions relating to Agenda Item 9 (Implementation of the Bus Strategy) to which the Chair and Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, responded.

Question

Mr Richard Symonds, Shaw, Swindon asked submitted questions relating to Agenda Item 9 (Implementation of the Bus Strategy) to which the Chair and Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, responded.

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

The Chair advised that he intended, in accordance with Section 100B(4)(b) of the Local Government Act 1972, to take an additional urgent item concerning the University Technical College (UTC) Swindon - Design and Build Contract and Council Contribution to Set-up Funding . 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.

39. Implementation of the Local Bus Strategy

The Cabinet Member for Highways, Strategic Transport and Leisure and the Head of Highways and Transport, submitted a joint report concerning the budget to support local bus services financially and setting out the bus routes that will continue to receive funding as well as those that will not have further taxpayer support from a date to be agreed with the contractors Stagecoach and Thamesdown Transport.

The Chair advised that a further proposal was submitted for consideration by Cabinet regarding the bus service to Bishopstone / Wanborough. Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, commented on the report and referred to discussions undertaken with various organisations within Swindon. He commented on savings to be made due to the current financial climate and advised that the reports' implementation would help deliver the Council's strategic priorities of right jobs, right skills, right places and consistently making best use of available resources.

Councillor James Grant, Leader of the Opposition, expressed his concerns regarding the consultation process undertaken and requested that these be reviewed. Councillor Bob Wright, Central Ward Councillor, advised that the report did not include data regarding the consultation, particularly on the present provision of bus services and this prevented making an informed decision. Councillor Stan Pajak, Leader of the Minority Group, expressed his concerns regarding the proposals submitted, particularly to the removal of the No.22 bus service. He referred to the need for wide and in-depth consultation to be undertaken in future to ensure the community was aware of the impact of proposals being submitted.

Councillor Andrew Bennett, Ridgeway Ward Councillor, referred to the decision note circulated to all parish councils and expressed his concerns on the consultation process undertaken. He further referred to discussion undertaken with

Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure regarding the involvement of ward councillors as part of the consultation process. He explained how the proposed changes would affect the local community.

Councillor Dale Heenan, Cabinet Member for Strategic Planning, commented on the complexity of questions submitted at the meeting. He agreed that he would be happy to re-visit the consultation process with regard to planning processes.

Councillor Mattock, Deputy Leader of the Council, Cabinet Member for Health and Adult Social Care thanked Councillor colleagues for taking into account the views on the provision of services in his ward. He welcomed the report as it reflected improvements in bus service provision.

Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure thanked fellow Councillors for their comments but drew attention to the financial constraints faced by the Council. He agreed that closer co-operation between the groups would be beneficial and advised that in view of the issues raised and other comments he had received from Councillor colleagues, he intended to add an additional recommendation to request that further discussions be undertaken with West Berkshire Council.

Resolved – (1) That the Head of Highways and Transport be authorised to fund the bus services as set out in Appendix 1 to this report and to withdraw financial support for those bus services detailed in Appendix 2.

(2) That it be noted that further to (1) above, with the exception of the No.47 Bus Service, the proposed bus service changes to take place from a date to be agreed with the contractors Stagecoach and Thamesdown Transport.

(3) That the bus service proposal from West Berkshire Council be approved at a cost of £5,000 per annum, subject to confirmation from West Berkshire Council that it will pay a proportionate share of the cost of the service.

(4) That consultation processes be reviewed by the Corporate Governance Working Group.

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

40. Children's Centres Re-provision of Services

Councillor Fionuala Foley, Cabinet Member for Children's Services, welcomed the report and explained that the report outlined the need for changes to the provision of Children's Centres following the agreement by Council (21/02/13, Minute 108 refers). She referred to the consultation undertaken on the implementation of changes to the Children's Centres and highlighted the increase in the number of children in Swindon who were in need of protection due to abuse and neglect. She explained why changes were required since the establishment of the first centres and referred the future use of the premises and the impact on staff at the Centres. She also referred to the consultation on the proposals that were developed with the help of senior leaders of Children's Centres including headteachers of primary schools and the voluntary sector.

Councillor Derique Montaut, Liden, Eldene and Park South Ward Councillor expressed his concern regarding the consultation undertaken and the impact the

changes would have on the community. Councillor Cindy Matthews, Lydiard and Freshbrook Ward Councillor, advised that the Children's Centres were set up to support families and was concerned at the proposed new service provision. Councillor Stan Pajak, Leader of the Minority Group, enquired if a review date had been agreed and requested an update be presented to the December 2013 Cabinet meeting. Councillor Nadine Watts, Old Town Ward Councillor referred to the importance of undertaking a robust consultation exercise and enquired on the criteria used. She expressed her concerns on the data presented in the report as this reflected a lack of participation by the community. Councillor Bob Wright, Central Ward Councillor, requested that bus service provision be reviewed to support the plan, ensuring that those who were vulnerable in the community would continue to be supported.

Councillor Foley thanked Councillor colleagues for their comments and responded to their queries. She emphasised that support would be provided to those who were vulnerable in the community. She commented on the responses to the consultation and explained that the Council was committed to working with partners to prevent or reduce vulnerability and health inequalities, to working collaboratively with young people, families and communities and this would be achieved by working flexibly within the available resources.

Resolved – (1) That the responses to the consultation set out in Appendix 3 to the joint report, be noted.

(2) That the criteria for Children's Centres clusters set out in the Consultation document, be approved.

(3) That a need funding formula for Children's Centres with 80% of funding allocated based on the number of vulnerable children and thereby taking into account views expressed by parents during the consultation, be approved.

(4) That the proposals that Children's Centres services be delivered by grouping centres together in clusters, as outlined in Paragraph 3.13 of the report, be approved.

(5) That the Board Director, Commissioning, be authorised to implement the proposals as outlined in the consultation paper from 1st January 2014, taking into account the changes referred to in 2.3 and 2.4 of the report, commencing with a tender for the super-cluster in September 2013.

(6) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Children's Services and the Board Director, Commissioning, agree terms and conditions on which any changes to lease arrangements would be made to protect the Council's interest and ensure continued use of Children's Centre buildings for services for children and families.

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

41. Budget Management 2013/14

The Cabinet Member for Finance and the Board Director Resources submitted a joint report setting out the current forecast outturn position of the Council's Revenue Budget as at the end of July 2013.

Councillor Russell Holland, Cabinet Member for Finance, referred to the report relating to the projected position for the outturn of the Council's Budget, at end of July 2013.

Councillor James Grant, Leader of the Opposition, referred to the Performance Reward Grant capital funding to be “pound swapped” against revenue funded capital schemes.

Stuart McKellar, Board Director Resources, explained that some schemes had been funded from regeneration revenue reserves which created an opportunity to “pound-swap” revenue and capital funding.

Resolved – (1) That the current projected Revenue Budget Outturn for 2013/14, as set out in Table 1 and Appendices 1 and 2 of the joint report, be noted.

(2) That the virements as set out in Appendix 3 of the report, be approved.

(3) That, it be noted that, in relation to the Council Motion regarding the Groundwell Park and Ride site (Council Minute 112, 2012/13 refers), the Cabinet Member for Finance continued to investigate future uses for that site in consultation with ward members and that a report be brought to a future meeting of Cabinet in 2013.

(4) That the Board Director, Resources, in consultation with the Leader of the Council, be authorised to agree amendments to the waste disposal contract with Hills Waste Solutions Limited (“Hills”), and that the Director of Law and Democratic Services, be authorised to enter into any necessary documentation on such terms as considered necessary to protect the interests of the Council.

(5) That the release of up to £1.75m of one-off specific reserves set aside to Cash Flow Future Budget savings to fund costs associated with the Landfill contract with Hills to release on-going revenue funding, be approved.

(6) That, it be authorised, that the £515k of unspent Performance Reward Grant (PRG) capital funding be “pound-swapped” against recent revenue funded capital schemes to enable a wider range of projects to be initiated through the One Swindon Board.

(7) That the Head of Strategy and Research, in consultation with the Leader of the Council and the Chief Executive, allocate the One Swindon Performance Reward Grant (PRG) funding of £515k on schemes or projects in Swindon which fit with the Council’s over-arching corporate priorities, and as recommended by the One Swindon Board.

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

42. Capital Programme Monitoring First Quarter 2013/14

The Cabinet Member for Finance and the Board Director Resources submitted a joint report setting out the 2013/14 Capital Programme position as at the end of June 2013.

Councillor Russell Holland, Cabinet Member for Finance, referred to the report reflecting the projected outturn position of the Council’s Capital Budget for 2013/14 and the proposed changes to the current Capital Programme.

Councillor James Grant, Leader of the Opposition, enquired on the remaining balance of the Wichelstowe compensation reserves. He welcomed the financial support provided to the Uplands Educational Trust and enquired on the percentage rate of the loan.

Stuart McKellar, Board Director Resources, advised that the balance of the Wichelstowe compensation reserves was in the region of £7 million and advised that the rate was appropriate for the loan.

The Chair and Councillor James Grant expressed their support to Jackie Smith, Head of Uplands School for her work.

Resolved – (1) That the 2013/14 Capital Programme position as detailed at paragraphs 3.1 to 3.6 of the report, be noted.

(2) That the changes to the Council's Capital Programme detailed at paragraphs 3.7 to 3.13 of the report, be approved.

(3) That the decision of the Cabinet Members for Finance, Children Services, and Health and Adults Social Care, to authorise a loan of £230,000 to the Uplands Educational Trust as detailed at paragraphs 3.14 to 3.16 of the report, be noted.

(4) That the capital programme prioritisation principles detailed at paragraphs 3.17 to 3.23 of the report, be approved and be applied to the prioritisation of new infrastructure approvals to be included in the 3 year capital programme 2014/15 to 2016/17.

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

43. Debt Management

The Cabinet Member for Finance, the Board Director, Resources and the Head of Revenues and Benefits submitted a joint report concerning (a) the performance by the Council and its partners in relation to debt management in the Council and (b) concerning proposed amendments to the Council's Debt Management and fair Debt Policy.

Resolved – (1) That, it be noted that, in regard to Debt Management, Council Tax, Overpaid Benefits and Car Parking Penalty Charge Notice, collections were improved in 2012/13.

(2) That a slight reduction in the Collection of Business rates and Housing rents and in collection of Business Improvement District Charges, be noted.

(3) That it be noted that collection rates remain either top quartile or above average compared to other Unitary Authorities.

(4) That, it be noted that, as shown in Appendix 1 of the report, over £287 million of invoiced income was collected by the Council in 2012/13.

(5) That the updated Debt Management and Fair Debt Policies as shown in Appendix 5 and 6 of the report be approved and that the Board Director, Resources be authorised to implement them.

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

44. Draft Swindon Sports Strategy 2013-2017

The Cabinet Member for Highways, Strategic Transport and Leisure and the Board Director, Service Delivery, submitted a joint report concerning the draft Swindon Sports Strategy 2013-17 aimed to provide a link between the Sport England Strategy 2012-2017 and the One Swindon partner priorities; to offer support to Swindon sports clubs; and to act as a catalyst to stimulate and secure

external investment.

Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, referred to the overarching aim of the Strategy, giving the community an opportunity to break down barriers and enabling them to access sports. He referred to the important role of the third sector, in particular, Sports Forum, that played a crucial role in developing sports in Swindon and explained the alignment of the Sports Strategy to the Council's One Swindon goals. He explained that consultation would be undertaken in the autumn and a report be submitted to Cabinet in March 2014.

Councillor Nadine Watts, Old Town Ward Councillor enquired on the retention of the Swindon Card. Councillor Stan Pajak, Leader of the Minority Group welcomed the report and commented on the benefits of a Sports Strategy. He referred to the difficulty in obtaining information on the Sports Forum. Councillor Bob Wright, Central Ward Councillor referred to the excellent value provided by schools for disabled pupils and advised that land was available at Robert Le Kyng School for the provision of sports facilities. He enquired if the "invest to save" programme could be utilised as a means of progressing the strategy.

Councillor Keith Williams, Cabinet Member for Highways, Strategic Transport and Leisure, responded by commenting on the excellent sports facilities available in Swindon and advised that the aim was to bring all sports facilities up to the same high standard of excellence across the borough.

Resolved – (1) That, the draft Swindon Sports Strategy, be approved.

(2) That the Board Director, Service Delivery, in consultation with the Cabinet Member for Highways, Strategic Transport and Leisure, be authorised to undertake consultation to seek the views of the public and those interested in sport on the draft Strategy, this to be undertaken in partnership with the Swindon Sports Forum and the Wiltshire and Swindon Sports Partnership.

(3) That the Board Director, Service Delivery be requested to report back to Cabinet on the outcome of the findings of the consultation by no later than its meeting on 19th March 2014.

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

45. Options Appraisal Leisure and Culture Commissioning - Theatre Provision

The Cabinet Member for the Economy, Regeneration and Culture and the Board Director, Service Delivery, submitted a joint report concerning the proposed implementation of the next stage of the Leisure and Culture Commissioning change programme in respect of the Council's theatre provision that would ensure the most viable option for continued provision of a sustainable culture offer within the Borough and to help continue to link with and remain relevant to the One Swindon Delivery Plan priorities.

Councillor Garry Perkins, Cabinet Members for Economy, Regeneration and Culture, commented on the report and its implications. He explained that officers would undertake consultation with current Arts Centre and Wyvern Theatre users to ensure feedback and views were considered.

Councillor James Grant, Leader of the Opposition, welcomed the opportunity to consult but expressed his concerns regarding the importance of maintaining the artistic diversity offered by the Arts Centre and Wyvern Theatre and enquired on the related cost savings from these establishments.

Councillor Garry Perkins explained the breakdown of cost savings and affirmed that the contract would continue to ensure the individuality of both venues.

Councillor Stan Pajak, Leader of the Minority Group, expressed his concerns on the future of the Arts Centre but welcomed Councillor Perkins positive comments regarding the continued presence of the Arts Centre. Councillor Cindy Matthews, Lydiard and Freshbrook Ward Councillor commented on the excellent programmes presented at the Arts Centre and referred to the support provided by Old Town residents. Councillor Nadine Watts, Old Town Ward Councillor enquired if information was available on the research conducted by officers into the regional theatre market. Councillor Garry Perkins advised that extensive research was undertaken and information was available from officers.

Resolved – (1) That the Board Director, Service Delivery, in consultation with the Cabinet Member for Economy, Regeneration and Culture and the Director of Law and Democratic Services, be authorised to enter into and conclude negotiations with the current provider of theatre provision to the Council, for the extension of the existing contract to include both the Wyvern Theatre and the Arts Centre, which would ensure that theatre provision within the Council's portfolio remains sustainable, provide best value and a reduced net cost.

(2) That, the Director of Law and Democratic Services, in the event that negotiations were successful, authorise an extension to the current Wyvern Theatre contract in accordance with Contracts Standing Order 21.1(a) and authorise agreed appropriate amendments to the contract documentation.

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

46. Swindon's Energy Future - Solar Barrier Along A419 - Motion at Council. (Oral)

Councillor Dale Heenan, Cabinet Member for Strategic Planning and Sustainability gave an oral update regarding Swindon's energy future. This related to the solar barrier along the A419. He referred to the Council meeting on 18th July 2013 that approved a Motion supporting the idea of a "Swindon Solar Strategy" and the idea of a Solar Sound Barrier" along the A419 (Minute 22 of the Council refers). He advised that in terms of progress, the first meeting of the working group proposed as part of the Motion, which involved representatives from the Highways Agency and Swindon Commercial Services Ltd, was currently being set up for early October 2013.

Resolved: (1) That the oral report of the Head of Commissioning, Economy and Attainment, be noted.

(2) That further to Minute 22 of the Council meeting held on the 18th July 2013, the formation of cross party working group be set up without delay.

47. Local Government Ombudsman Review 2013

The Leader of the Council and the Director of Law and Democratic Services submitted a joint report setting out the Local Government Ombudsman's Annual Review for Swindon for 2012/13.

The Chair welcomed the contents of the Local Government Ombudsman's Annual Review, and highlighted the key achievements and areas for review referred to in paragraph 3.3 and 3.6 of the joint report. He highlighted that there had again been a reduction in the total number of complaints investigated and that there had been no cases of maladministration found by the Ombudsman involving the Council in 2012/13.

Resolved – That the Council be recommended to –

- Note and welcome the Local Government Ombudsman's Annual Review for 2012/13.
- Request that Group Directors and Directors take steps to ensure that officers within their Directorate provide an urgent, appropriate and comprehensive response to any Ombudsman investigation and that steps are taken to ensure that all officers are aware of the timescale required for responding to the Local Government Ombudsman.
- Note the changes with regard to Housing Landlord Complaints.

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

48. Wichelstowe Development - Joint Venture Strategy

The Cabinet Member for Strategic Planning and Sustainability and the Board Director, Resources submitted a joint report concerning the proposed structure of a Wichelstowe Joint Venture.

Councillor Brian Mattock, Cabinet Member for Health and Adult Social Care, in the absence of Councillor Mike Bawden, Cabinet Member for Strategic Projects and Transformation, commented on the report and explained that Wichelstowe had been identified as one of the Council's strategic programmes and that the proposed Joint Venture would be a partnership between the Council and a private sector developer, or consortium of developers, to deliver development on the Council's land in Middle Wichel and West Wichel over the next twenty years. He explained that the completed development would contribute towards all of the Council's Strategic objectives but was most closely aligned to making the best use of Swindon's resources inside and outside the Council.

Councillor Brian Mattock advised that the venture would be structured in a way that allowed the Council to achieve its ambitions, maximised the benefits from risk sharing and the commercial acumen and capacity of an experienced private developer. He referred to the report stating that it provided details of the Council's aspirations and the potential structure of the venture.

Resolved – (1) That the proposed objectives for the site set out in paragraph 3.13 that will form the basis for the detailed joint venture evaluation criteria, be approved.

(2) That the Board Director, Resources in consultation with the Cabinet Member for Strategic Projects and Transformation, and the Director of Law and

Democratic Services, be authorised to develop the detailed structure for the Joint Venture, finalise the procurement documentation and publish a notice in the Official Journal of the European Union.

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

49. UTC Swindon (Design and Build Contract and Council Contribution to Set-up Funding)

The Leader of the Council and the Board Director, Commissioning submitted a joint report setting out funding arrangements for the Design and Build grant in time for consent for a start of the build programme in order to meet the Swindon University Technical College (UTC)'s deadline opening date of 1st September 2014.

The Chair outlined the reason for the late submission of the report and advised that it was necessary as contractors were on site and committed to meeting the September 2014 deadline for the first UTC intake. He referred to the financial penalty that may have occurred if deadlines were not met and explained the Department of Education's involvement in the project.

Councillor James Grant, Leader of the Opposition, enquired regarding financial penalties for late delivery or budget overrun of the project. The Chair explained that the project costs were capped at the contribution made by Central Government.

Resolved – That the Director of Law and Democratic Services, be authorised to complete the procured Design and Build contract with BAM Construction at an overall cost of £9,984,595 for the Swindon University Technical College (UTC Swindon) on the basis of acceptance of availability of funding through a letter of approval from the Education Funding Agency, acting on behalf of the Secretary of State for Education, which will follow submission of a final business case.