

## **COUNCIL**

**THURSDAY, 26 SEPTEMBER 2013**

**PRESENT:-** The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, Paul Baker, John Ballman, Ray Ballman, Mike Bawden, Andrew Bennett, Alan Bishop, Roderick Bluh, Michael Bray, Wayne Crabbe, Mark Dempsey, Michael Dickinson, Oliver Donachie, 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, Colin Lovell, Cindy Matthews, Brian Mattock, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Maureen Penny, Garry Perkins, Julian Price, David Renard, Ann Richards, James Robbins, Rochelle Russell, Nicky Sewell, Kevin Small, Vera Tomlinson, Joe Tray, Steve Wakefield, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams, Robert Wright and Julie Wright.

### **34. Apologies for Absence**

Apologies for absence were received from Councillors Richard Hurley and Councillor David Wood.

### **35. Communications**

The Chief Executive reported that no communications had been received.

### **36. Minutes**

Resolved – That the minutes of the meeting held on 18<sup>th</sup> July 2013, be confirmed and signed.

### **37. Declarations of Interest**

In accordance with the Code of Conduct Councillors Junab Ali, 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, Jim Robbins, Kevin Small, Joe Tray, Steve Wakefield, Peter Watts, Bob Wright and Julie Wright made personal and prejudicial declarations of interest in respect of Agenda Item 9(c) (Motion - Trade Unions) as members of a Trade Union and the Labour Party.

In accordance with the Code of Conduct Councillor Nadine Watts made personal and prejudicial declaration of interest in respect of Agenda Item 9(c) (Motion - Trade Unions) as a member of a Trade Union and the Labour Party, and an employee of a Trade Union.

In accordance with the Code of Conduct Councillor Abdul Amin made a personal and prejudicial declaration of interest in respect of Agenda Item 9(c) (Motion - Trade Unions) as a member of the Labour Party.

In accordance with the Code of Conduct Councillors Michael Dickinson, Brian Mattock, Stan Pajak, Nicky Sewell and Steve Weisinger made personal declarations

of interest in respect of Agenda Item 9(c) (Motion - Trade Unions) as members of a Trade Union.

In accordance with the Code of Conduct Councillors Andrew Bennett, John Ballman, Brian Ford, Teresa Page and Peter Watts made a personal declarations of interest in respect of Agenda Items 9(g) (Motion – Forward Swindon) as a member of the Planning Committee.

In accordance with the Code of Conduct Councillors Fionuala Foley and Ann Richards made personal declarations of interest in respect of Agenda Item 9(f) (Motion – Thames Water) as customers of Thames Water.

### **38. Public Question Time**

Mr Paul Sanders asked for a major commercial planning application on an industrial estate what is the standard area around the development that would be sent the standard neighbour notification cards? Would nearby residents to the trading estate be notified? How far away they would have to be to still be notified?

The Chair of the Planning Committee responded at the meeting and indicated that a detailed written response would be provided to to Mr Saunders.

Mr Brian Cockbill submitted written Public Questions in respect of (a) the display of parish council vacancy notices on the Swindon Borough Council Notice Board, (b) the advertisement of legal notices for the removal of the pedestrian crossings at the intersection of Euclid Street and Theatre Square, (c) the adoption of traffic signals at Whale Bridge, (d) the Special Expenses Rate for parish councils and additional responsibilities being undertaken by parish councils and (e) the Scrutiny Committee Working Group investigating Digital City. Written answers were provided at the meeting.

Mr Brian Cockbill asked supplemental questions in respect of his written questions (a) (b)(d) and (e) and the Leader of the Council responded at the meeting.

Mr Brian Cockbill asked the Worshipful The Mayor if he was aware of any Council member or Officer had been interviewed by the Police in respect of the Wi-Fi project. The Worshipful the Mayor responded at the meeting.

### **39. Minutes for Confirmation**

(1) Councillor David Renard moved and Councillor Brian Mattock seconded:

“That Minute 27(1) of the Cabinet (Swindon Borough Council Tenancy Strategy) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(2) Councillor David Renard moved and Councillor Jim Grant seconded:

“That Minute 47 of the Cabinet (Local Government Ombudsman Review 2013) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(3) Councillor Michael Dickinson moved and Councillor Andrew Bennett seconded:

“That Minute 17(5) of the Licensing Committee (The Establishment of Street Markets in Swindon Town Centre) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(4) Councillor Michael Dickinson moved and Councillor Andrew Bennett seconded:

“That Minute 21 of the Licensing Committee (Review of Scheme of Delegation of Functions under the Licensing Act 2003) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(5) Councillor Michael Dickinson moved and Councillor Andrew Bennett seconded:

“That Minute 22(1) of the Licensing Committee (Provision of the Scrap Metal Dealers Act 2013 and Fees) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

#### **40. Motion - Affordable Council Tax**

Councillor Mike Bawden moved and Councillor Michael Dickinson seconded:

“This Council notes and welcomes the decision of residents of Haydon Wick to elect Oliver Donachie, and the positive vision he offered residents based on the Administration’s sound financial policies and record of improving and changing services without affecting the frontline delivery to residents.

Locally this Council welcomes the on-going improvements to services, Town Centre regeneration and fair and affordable Council Tax. Nationally, this Council welcomes the fall in unemployment, projected economic growth and the willingness of the Coalition Government to tackle important issues such as welfare reform.

This Council requests that the Leader of the Council continues to take all steps to ensure that this Administration continues its record of protecting the vulnerable and providing for fair and affordable Council Tax.”

Councillor Jim Grant moved and Councillor Nadine Watts seconded that the Motion be amended to read:

“This Council notes the decision of residents of Haydon Wick to elect Oliver Donachie and welcomes him to the Council.

This Council requests that the leader of the Council take all steps necessary to ensure that this administration protects the vulnerable and provides a fair and affordable Council Tax.”

The Amendment was put to the vote and declared lost.

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

**41. Motion - Economic Development**

At the request of the Mover and Seconder, and with the agreement of the Council this Motion was withdrawn.

**42. Motion - Trade Unions**

Councillor Toby Elliott moved and Councillor Oliver Donachie seconded:

“The Council notes and welcomes the Labour Leader, Ed Miliband’s, commitment in respect of reforming the relationship between trade union funding and the Labour Party. This Council notes and supports the right of employees to belong to unions and the valuable role that Trades Unions can play.

This Council notes that a consequence of his principled stand, Mr Miliband has been criticised by numerous politicians within his own Party.

This Council invites the leaders of all political Party Groups in Swindon to write to Mr Miliband to encourage him to continue his reforms.”

The Motion was put to the vote and declared carried.

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

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

Members voting against the motion were Councillor Stan Pajak and Ann Richards.

Councillor Nicky Sewell abstained from voting.

(Councillors Junab Ali, 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, Jim Robbins, Kevin Small, Joe Tray, Steve Wakefield, Peter Watts, Bob Wright and Julie Wright made personal and prejudicial declarations of interest in respect of this item as members of a Trade Union and the Labour Party and left the room during the discussion of this item.)

(Councillor Nadine Watts made a personal and prejudicial declaration of interest in respect of this item as a member of a Trade Union and the Labour Party and an employee of a Trade Union and left the room during the discussion of this item.)

(Conduct Councillor Abdul Amin made a personal and prejudicial declaration of interest in respect of this item as a member of the Labour Party and left the room during the discussion of this item.

(Councillors Michael Dickinson, Brian Mattock, Stan Pajak, Nicky Sewell and Steve Weisinger made personal declarations of interest in respect of this item as members of a Trade Union.)

(At this stage the meeting was adjourned for 60 minutes.)

**43. Motion - Pot Holes**

At the request of the mover and seconder and with the agreement of the Council this Motion was withdrawn.

**44. Motion - Adopted Lands**

Councillor Nadine Watts moved and Councillor Des Moffatt seconded:

“This Council:

- Notes with regret that residents living in the Angel Ridge estate as with other new areas of the Borough, have been left confused by Swindon Council over the ownership of a plot of land in their neighbourhood.
- Notes that since 2010 the Council’s grounds maintenance contractor had been maintaining gardens between Mistletoe and Rowan Courts in Angel Ridge, yet in recent months the management company of the aforementioned apartment blocks have maintained the gardens and have informed its apartment owners that they will bill them for the work.
- Is concerned that the Council has either been maintaining grounds that it does not own or that a property management company have been maintaining gardens on Council land and charging the apartment owners for the work.
- Affirms its commitment to properly identify and address land that has undesignated ownership at the earliest possible opportunity.

This Council therefore resolves to establish a cross-party working group to look at and make recommendations to Cabinet on how the Council can more quickly identify and address land that has undesignated ownership within the Borough, therefore making it clearer for local residents on land ownership.

This working group is also requested to report to Cabinet on whether there are any actions the Council can take to better protect residents living in new developments from being exploited due to uncertainty over land ownership.”

Councillor Nadine Watts moved and Councillor Brian mattock seconded that the Motion be amended to read:

“This Council:

- Recognises that since Swindon became a Unitary Authority area in 1997 this Council like other local authorities across the country, have found it challenging to quickly identify and address land that has undesignated ownership within the Borough.
- Notes with regret that residents living in the Angel Ridge estate as with other new areas of the Borough, have been left confused over the ownership and responsibility of a plot of land in their neighbourhood.
- Affirms its commitment to properly identify and address land that has undesignated ownership at the earliest possible opportunity.

This Council therefore resolves to establish a Cabinet Member Advisory Group with cross party membership to look at and make recommendations to Cabinet on how the Council can more quickly identify and address land that has undesignated ownership within the Borough, therefore making it clearer for local residents on land ownership.

The Cabinet Member is, therefore, requested to consider in a report to Cabinet whether there are any actions the Council can take to better protect resident living in new developments so that residents are clear over land ownership and management responsibilities.”

With the agreement of the Council the amendment was accepted becoming the Substantive Motion.

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

#### **45. Motion - Thames Water**

Councillor Mark Dempsey moved and Councillor Julian Price seconded:

“This Council notes that Thames Water posted £549m in profits last year and increased water charges of more than 5%, at a time when both Swindon businesses and residential customers are struggling to pay all bills not just water costs.

Council therefore opposes the idea of Thames Water surcharging all businesses and domestic customers £29 to pay for new Thames Water initiatives and instructs the Chief Executive to write to the Ofwat Regulator to inform them of Council’s opposition to this unfair surcharge.”

Councillor Russell Holland moved and Councillor Colin Lovell seconded that the Motion be amended to read:

“This Council notes:

- Thames Water posted £549m in profits last year and increased water charges of more than 5%.
- The regulator Ofwat sets the limit on the prices water companies can charge and these rules apply for five years. Its last price review in 2009 set limits for the 2010-15 period, and allowed an annual 1.4% above inflation increase.

- Thames Water is the only one of the 18 regulated water companies to have applied to the Regulator for a bill increase in advance of the next pricing review.

This Council welcomes that Ofwat is challenging the proposed bill increase by Thames Water, and that its decision will be published in mid-October.

Council asks the Leader of the Council and the Chief Executive to write to Ofwat to inform them of the Council's support for the Regulator actions."

With the agreement of the Mover and Seconder the amendment was accepted becoming the Substantive Motion.

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

(Councillors Fionuala Foley and Anne Richards made personal declarations of interest in respect of this item as customers of Thames Water.

#### **46. Motion - Forward Swindon**

Councillor Kevin Small moved and Councillor Des Mofatt seconded:

"This Council condemns Forward Swindon Limited's support for the establishment of a scrap wood burning plant on the Cheney Manor Industrial Estate.

This Council demands that the Forward Swindon withdraws its support for this project immediately."

Councillor Gary Perkins moved and Councillor Mike Bawden seconded that the Motion be amended to read:

"The Council reaffirms its commitment to the Corporate Objective of "rights jobs, right skills in the right places."

With the agreement of the Mover and Seconder the amendment was accepted becoming the Substantive Motion.

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

(Councillors Andrew Bennett, John Ballman, Brian Ford, Teresa Page and Peter Watts made personal declarations of interest in respect of this item as members of the Planning Committee.)

#### **47. Appointments to Committees and Other Bodies**

The Director of Law and Democratic Services submitted a setting out proposed changes to the membership of Committees and Other Bodies.

Councillor David Renard moved and Councillor Brian Mattock seconded:

(1) That the following changes be made to Councillor representation on Committees and Other bodies:

Body	Current Councillor	Councillor Appointed
Appeals Committee	Vacancy	Councillor Oliver Donachie
Children and Young People's Overview and Scrutiny Committee	Vacancy	Councillor Alan Bishop
Corporate Parenting Advisory Board	Councillor Colin Lovell	Councillor Alan Bishop
Health Overview and Scrutiny Committee	Vacancy	Councillor Oliver Donachie
Safer and Stronger Overview and Scrutiny Committee	Councillor Alan Bishop	Councillor Oliver Donachie
Scrutiny Committee	Councillor Colin Lovell	Councillor Vera Tomlinson
Standards Committee	Vacancy	Councillor Brian Ford
Standards Committee	Councillor John Haines	Councillor Roderick Bluh
Standards Committee	Councillor Roderick Bluh (Deputy)	Councillor Toby Elliott (Deputy)
Swindon Ocotal Link	Vacancy	Councillor Oliver Donachie
Wiltshire Police and Crime Panel	Vacancy	Councillor Oliver Donachie (Deputy)
Wiltshire Police and Crime Panel	Vacancy	Councillor Maureen Penny (Deputy)
Wiltshire Pension Fund	Vacancy	Councillor Oliver Donachie (Deputy)

(2) That Richard Hailstone and Mike Compton be appointed to serve on the Council's Standards Committee as Parish Council representatives."

The Motion was put to the vote and declared carried.



**48. Scrutiny Committee Annual Report**

Council considered (a) a report of the Chair of Scrutiny and the Director of Law and Democratic Services setting out the Overview and Scrutiny Annual Report 2012/13, and (b) an oral report from the Chair of the Scrutiny Committee on work undertaken by the Council's Overview and Scrutiny Committees during the Municipal Year 2012/13.

Councillor Kevin Small moved and Councillor Michael Dickinson seconded:

“(1) That the Overview and Scrutiny Annual Report 2012/13 be welcomed and approved.

(2) That The Director of Law and Democratic Services be authorised, in consultation with the Chair of the Scrutiny Committee, to make any necessary amendments to the Overview and Scrutiny Annual Report, 2012/13 prior to its publication.”

The Motion was put to the vote and declared carried.

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

The Council considered (a) the minutes of the meetings of the Cabinet held on 24<sup>th</sup> July and 11<sup>th</sup> September 2013, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

**50. 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.

**51. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 Questions had been received from Councillors Jim Grant and Bob Wright.

Councillor Bob Wright asked a supplementary question regarding future support to the Mela event. The Leader of the Council responded at the meeting.