

COUNCIL

THURSDAY, 21 JANUARY 2016

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, Ray Ballman, Alan Bishop, Michael Bray, Emma Bushell, Wayne Crabbe, Paul Dixon, Oliver Donachie, Mark Edwards, Toby Elliott, Claire Ellis, Stephanie Exell, Emma Famarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Fay Howard, Richard Hurley, Mary Martin, Nick Martin, Cathy Martyn, Brian Mattock, Gemma McCracken, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Eric Shaw, Carol Shelley, Kevin Small, Timothy Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, David Wood, Julie Wright and Robert Wright.

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

In accordance with Section 100B(4)(b) of the Local Government Act 1972, the Mayor determined that an additional item concerning “a Motion on the recent planning decision relating to Land at Berkley Farm, Wroughton, Swindon” be considered as a matter of urgency in order to allow Council to consider this matter which had been announced following the dispatch of the Notice of Meeting. (Minute 64 refers.)

55. Apologies for Absence

Apologies for absence were received from Councillors Paul Baker, Ray Ballman, Colin Lovell and Keith Williams.

56. Communications

The Interim Chief Executive reported that correspondence had been received from Andrew Jones MP (Parliamentary Under Secretary of State – Department for Transport) regarding Travel Concessions in response to a Motion at Council (Minute 34 refers).

57. Minutes

Resolved – That the minutes of the meeting held on 12th November 2015, be confirmed and signed.

58. Declarations of Interest

In accordance with the Code of Conduct Councillors Toby Elliott and Jim Robbins made personal declarations of interests in respect of Agenda Item 7 (a) (Motion – Lydiard Park and House) as they had been had been appointed to a Charitable Trust seeking to manage Lydiard Park and House on behalf of the Council.

In accordance with the Code of Conduct Councillor Steve Allsopp made a non-prejudicial declaration of interest in respect of Agenda Item 7 (b) (Motion – Children’s Nursery) as he was a Director of the Mid Counties Nursery.

In accordance with the Code of Conduct Councillor Bob Wright made a non-prejudicial declaration of interest in respect of Agenda Item 7 (d) (Motion – Land at Berkley Farm) because he worked as a consultant to a company sourcing produce from the farm.

59. Public Question Time

Ms Jo Heavens submitted written questions in respect of the tented market site in the town centre, particularly concerning its future, legal agreements and lease arrangements pertaining to the site. The Cabinet Member for the Economy Regeneration and Skills tabled a written response.

A representative of Ms Heavens asked supplemental questions regarding (a) re-housing tenants of the tented market and (b) protecting the heritage of the site. The Cabinet Member for the Economy Regeneration and Skills responded at the meeting.

Mr Tony Hillier submitted a written question regarding the establishment of an independent scrutiny body to oversee Lydiard Park and House. The Cabinet Member for the Economy Regeneration and Skills tabled a written response.

Mr Hillier asked a supplemental question regarding public involvement in the scrutiny process for Lydiard House and Park. The Cabinet Member for the Economy Regeneration and Skills responded at the meeting.

Ms Kareen Boyd asked that all votes relating to Lydiard House and Park during the meeting should be recorded. The Mayor advised Ms Boyd this was a matter for Members to determine.

Ms Boyd asked a supplemental question regarding recorded voting in relation to Lydiard House and Park during the meeting. The Mayor responded at the meeting.

Ms Georgina Akers asked a question regarding covenants in place on the use of Lydiard House and Park. The Cabinet Member for the Economy Regeneration and Skills responded at the meeting.

Ms Akers asked a supplemental question seeking written clarification of the covenant position from the Council. The Cabinet Member for the Economy Regeneration and Skills responded at the meeting.

60. Minutes for Confirmation

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

“That Minute 49(1) of the Cabinet (Changes to Swindon Borough Council’s Fostering Agency Foster Panel Membership) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

(2) Councillor Vera Tomlinson moved and Councillor David Renard seconded:

“That Minute 31(2) of the Licensing Committee (Statement of Licensing Policy) be confirmed and adopted.”

The Motion was put to the vote and declared carried.

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

“That Minute 50(2) of the Cabinet (Response to Council Motion on Refugees) be noted subject to it being amended to read:

That Council:

(1) Notes and endorses the extent of the work the Council has already taken in accommodating those seeking asylum within the Borough.

(2) Requests that the Board Director, Commissioning continue to work closely with the Home Office and South West Councils to assist the current refugee crisis to accommodate refugees within the parameters set out in paragraph 3.9 of the Cabinet Report, 9th December 2015.”

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

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

61. Motion - Lydiard Park and House

Councillor David Renard moved and Councillor Brian Mattock seconded and Council unanimously agreed that, in acknowledgement of an online petition of over 8,000 signatures and the significant public interest in this matter, the petition organiser, or another representative of the petitioners, be permitted to address the meeting for up to 5 minutes regarding the petition's concerns.

Mr Mike Bowden addressed the Council setting out the concerns of petitioners concerns regarding the future of Lydiard House and Park and suggested the possibility of a charitable trust being created to prepare a business case to run Lydiard House and Park on behalf of the Council.

Councillor Garry Perkins moved and Councillor Tim Swinyard seconded:

“This Council notes the online petition signed by over 8,300 people, saying: “We the undersigned oppose Swindon Borough Council's plans to hand over Lydiard House and Park to the commercial sector.”

This Council requests that the Board Director, Service Delivery ensures that the report scheduled to go to Cabinet in February sets out a timetable allowing a further

three months for all proposals to be developed more fully so as to reflect the Council's goal of securing a sustainable future for Lydiard House and Park."

Councillor James Robbins (mover) and Councillor Jim Grant (seconder advised Council that the Motion set out in Agenda Item 7(a)(ii) had been withdrawn.

Councillor James Robbins moved and Councillor Jim Grant seconded that the Motion be amended to read:

"This Council:

- Notes the online petition signed by over 8,400 people, which states "We the undersigned oppose Swindon Borough Council's plans to hand over Lydiard House and Park to the Commercial sector.
- Requests that the Board Director, Service Delivery reports to Cabinet in February setting out how the process of outsourcing Lydiard House and Park can be halted for a minimum period of 3 months, and the implications of this.
- Requests the Lead Cabinet Member to meet with the Friends of Lydiard and Swindon Heritage to discuss how a staff-led independent charitable trust (or similar not for profit community based legal entity) could take over the day to day running and management of Lydiard House and Park or should this option be unviable, continue to manage the day to day running of the Lydiard House and Park by the Council."

The amendment 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, Steve Allsopp, Abdul Amin, John Ballman, Emma Bushell, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Des Moffatt, Derique Montaut, Teresa Page, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Dave Wood, Julie Wright and Robert Wright.

Members voting against the motion were Councillors Andrew Bennett, Alan Bishop, Michael Bray, Wayne Crabbe, Oliver Donachie, Mark Edwards, Toby Elliot, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Richard Hurley, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Brian Mattock, Gemma McCracken, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Tim Swinyard, Caryl Ann Sydney-Smith, Vera Tomlinson and Steve Weisinger.

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

(In accordance with the Code of Conduct, Councillors Toby Elliott and Jim Robbins made personal declarations of interest in respect of the above item on the grounds they had been appointed to a Charitable Trust seeking to run Lydiard Park and House on behalf of the Council.)

62.

Motion - Children's Nursery

Councillor Paul Dixon moved and Councillor Carol Shelley seconded:

"This Council:

Notes Cabinet's proposal to close the Euclid Street Children's Nursery.

- Notes that this nursery is providing an income to the Council of £74,000 this year.
- Notes that Cabinet are proposing to invest £175,000 on the maintenance backlog of the Highworth Recreational Centre in order to transfer the centre to another operator, yet are not proposing to make similar capital investment on the Children's Nursery.
- Requests the Cabinet Member for Children's Services take note of the views of parents and local people who feel the Council should retain the nursery and the income the nursery generates."

The Motion was put to the vote and declared lost.

(In accordance with the Code of Conduct, Councillor Steve Allsopp made a non-prejudicial declaration of interest in respect of this item as he was a Director of the Mid-Counties Nursery.)

63.

Motion - Living Wage

Councillor Kevin Small moved and Councillor Chris Watts seconded:

"This Council welcomes the Government's announcement of a National Minimum Wage and their recent adoption of the principle that every worker is entitled to a wage they can live on. This Council supports the Government adopting this principle. This Council requests the Cabinet Member for Finance, People and Performance to bring a report to Cabinet on how the Council can include paying its staff a Living Wage as part of the Council's 2016/17 Budget."

Councillor Russell Holland moved and Councillor David Renard seconded that the Motion be amended to read:

"This Council welcomes the Government's announcement of a National Living Wage. This Council supports the Government in adopting this principle. This Council requests the Cabinet Member for Finance, People and Performance to bring a report to Cabinet on how the Council would include paying its staff the National Living Wage as part of the Council's 2016/17 Budget."

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

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

64. Motion - Land at Berkley Farm, Swindon

Councillor Toby Elliott moved and Councillor Brian Ford seconded:

“That the Leader of the Council and the Cabinet Member for Strategic Planning and Communities write to the Secretary of State for Communities and Local Government and the Minister for Housing and Planning expressing the Borough Council’s commitment to being pro-housing and pro-growth and setting out their concerns as to the implications of the recent Inspector’s Decision in relation to Land at Berkeley Farm which puts at risk the implementation of the Borough Council’s Local Plan, developing Neighbourhood Plans and undermines local democracy.”

The Motion was put to the vote and declared carried.

(In accordance with the Code of Conduct, Councillor Robert Wright made a non-prejudicial declaration of interest in respect of Agenda Item 7 (d) (Motion – Land at Berkley Farm) because the farm sourced produce for his employer.)

(In accordance with the Code of Conduct, Councillor Cathy Martyn made a personal declaration of interest in respect of this item as she had a predetermined position on the application. Councillor Martyn left the room during the discussion of the item.)

65. Minutes of Cabinet and Decisions Delegated to Cabinet Members

The Council considered (a) the minutes of the meeting of the Cabinet held on 9th December 2015, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

66. 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 relating to the work of their Committees and other bodies and answers received.

67. Councillors Question Time

The Director of Law and Democratic Services reported that Standing Order 15 questions had been received from Councillor Des Moffatt.

Councillor Des Moffatt asked a supplementary question regarding expected budget savings from the libraries budget up to 2020. The Cabinet Member for the Economy, Regeneration and Skills responded at the meeting.