

## **CABINET**

**WEDNESDAY, 19 OCTOBER 2016**

**PRESENT:-** Councillors David Renard (Chair), Russell Holland, Oliver Donachie, Toby Elliott, Fionuala Foley, Brian Ford, Dale Heenan, Mary Martin, Keith Williams and Garry Perkins

Councillor Bob Wright attended the meeting in respect of Minute Nos. 57, 58 and 61, Councillors Cathy Martyn, Stan Pajak, Maureen Penny and Chris Watts attended the meeting in respect of Minute Nos. 57 and 58, and Councillors John Ballman, Gemma McCracken, Jane Milner-Barry, Des Moffatt, Jim Robbins, Vera Tomlinson, Peter Watts and Steve Weisinger attended the meeting in respect of Minute 58.

### **52. Declarations of Interest.**

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

Councillor Toby Elliott made a personal, non-prejudicial declaration of interest in relation to agenda item 10 (Swindon Town Centre Property Acquisition and Disposal) in his capacity as an employee of the company referred to in the report.

Councillor Dale Heenan made a personal, non-prejudicial declaration of interest in relation to agenda item 7 (Community Governance Review) in his capacity as chair of Nythe Parish Council.

Councillor Mary Martin a personal, non-prejudicial declaration of interest in relation to agenda 8 (Free Schools Bid Update) in her capacity as chair of the Great Western Academy.

Councillor Garry Perkins declared a personal and prejudicial interest in relation to agenda item 9 (Chapel Farm and other Swindon Solar Schemes) as a property owner in the area that might be affected by the proposals.

### **53. Stuart McKellar - Corporate Director, Resources**

Councillor David Renard, the Leader of the Council, advised the meeting that Stuart McKellar, the Council's Corporate Director, Resources, was leaving the Council to take up a new post with a different Authority. On behalf of the Cabinet, and all members of the Council, Councillor Renard thanked Stuart for his years of service and wished him every success in the future.

### **54. Minutes.**

Resolved – That the minutes of the meeting held on 7<sup>th</sup> September 2016 be confirmed and signed as a correct record.

### **55. 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 the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Item No.	Paragraph No.	Minute No.
10	3	61

## **56. Public Question Time.**

Mr Edward Glennie of Swindon Climate Action Network asked questions about the solar sound barrier proposals. Councillor Dale Heenan, Cabinet Member for Sustainability, Highways and Transport, responded to the questions at the meeting.

Ms Geraldine Fernandez asked questions about business contributions to cleaning Swindon Town Centre and Old Town. Councillor Mary Martin, Cabinet Member for Communities, responded to the questions at the meeting.

Mr Colin Doubleday asked questions about the Council Tax yield and Cabinet Members' views about creating parishes. Councillors David Renard, Chair of Cabinet, Mary Martin, Cabinet Member for Communities, and Brian Ford, Cabinet Member for Adults' Health and Social Care, responded to the questions at the meeting.

Ms Alison Bolton, Wichelstowe Residents' Association, asked questions about how the Community Governance Review proposals would reflect Wichelstowe's community interests. Councillor David Renard, Chair of Cabinet, and Councillor Mary Martin, Cabinet Member for Communities, responded to the questions at the meeting.

Mr Tony Robson, a local resident, asked questions about how the Community Governance Review reflected government guidance. Councillor Mary Martin, Cabinet Member for Communities responded to the questions at the meeting.

Mr Roy Worman, Haydon View Community Association, asked questions about the transfer of services to parishes. Councillor Mary Martin, Cabinet Member for Communities, responded to the questions at the meeting.

Mr Mike Bawden, a local resident, asked a question about the democratic benefits of parishes. Councillor David Renard, Chair of Cabinet, responded to the question at the meeting.

Ms Kareen Boyd asked questions about the outcome of the community governance review and whether parishes might be subsequently absorbed into Wiltshire Council. Councillor David Renard, Chair of Cabinet, responded to the question at the meeting.

## **57. 2016-17 Budget Management, 2017-18 Draft Budget and Medium Term Resourcing Plan**

Councillor Russell Holland, the Cabinet Member for Finance and Corporate Services, and the Corporate Director, Resources, submitted a joint report setting out a strategic context and framing for the direction of travel of the organisation to deliver the Vision for Swindon over the next four years, within the expected financial context. The report provided an update on the 2016-17 latest Budget Management position and provided an introduction to the draft budget proposals for 2017-18, which had been considered and developed within this overall context.

Following his introduction of the report, Councillor Holland, with Councillors Oliver Donachie, Cabinet Member for Housing and Homelessness, Brian Ford, Cabinet Member for Adults' Health and Social Care, Dale Heenan, Cabinet Member for Sustainability, Highways, and Transport, Garry Perkins, Cabinet Member for the Economy, Regeneration, and Skills, and Keith Williams, Cabinet Member for Streetsmart, responded to questions put by Councillors Cathy Martyn, Stan Pajak, Maureen Penny, Chris Watts and Bob Wright, on the following issues:

- Toilets and parking charges at Barbury Castle.
- Future funding for Public Power Solutions (PPS)
- The cost of changes to the bus station and prosecution of fly-tippers in the town centre.
- The implications of the financial constraints on statutory services

Resolved – (1) That the medium term context of the Council be noted and it be agreed that the contents of this report be used to engage and consult with residents, stakeholders and service users on the organisational strategic response.

(2) That the in-year forecast out-turn position for 2016-17 and responding action plan to manage the projected year-end overspend be noted.

(3) That the 2016-17 budget virements, set out in appendix 3 to the report, be agreed.

(4) That the feedback from the Public Power Solutions (PPS) Board, around progress in mitigating the cost pressure arising on the Waste Solutions Plant, be noted and that it be agreed that repayment of the Company's existing working capital loan facility be deferred, subject to a further review of its financial position in 12 months' time.

(5) That, in relation to the 2017-18 Draft Budget proposals, the key assumptions underpinning the draft budget proposals be endorsed and specifically that:-

- a) While the Council has accepted the Government's offer of a 4 year financial settlement, there remains uncertainty around public finances in general and this will be the case at least until the Autumn Statement is announced in late November and the provisional Local Government Finance Settlement for 2017-18 is published in December;
- b) The funding assumptions within the report assume that Council Tax will be increased by 3.99% in 2017-18 representing a 1.99% rise for general services plus a 2% uplift specifically to contribute towards the increasing demand for adult social care services;
- c) There is currently a gap between the assumed funding levels for 2017-18 and the current proposed cost of services as set out in Table Three in the report, and that work will continue to identify further options to close this gap for consideration by Members in December 2016 and February 2017;
- d) The impact on minority groups has been considered for all savings proposals and a full Diversity Impact Assessment has been undertaken where an impact was perceived; and
- e) The budget assumptions are based on estimated tax base and Collection

Fund balances and these will need to be updated and agreed in the December report.

- (6) That, in relation to the 2017-18 Draft Budget proposals, it be agreed that:-
- a) Consultation commences for Budget proposals affecting front-line services with the outcome of that consultation being reported to Cabinet in December 2016 to inform final decisions;
  - b) Fees and charges should be uplifted by 5%, or a rounded price close to 5%, except where alternative proposals are recommended, as set out in appendix 4 to the report, and that all changes should be implemented from 1st December 2016 or as soon as practicable thereafter;
  - c) All Heads of Service, in consultation with the relevant Cabinet Member and the Interim Corporate Director Resources, be authorised to increase fees and charges by greater than 5% where circumstances permit and subject to legal constraints, and to introduce new fees and charges where the market situation permits;
  - d) The Local Council Tax Support (reduction) scheme in 2016-17 be unchanged from that for 2015-16, apart from the annual increases in allowances, applicable amounts and non-dependant deductions, which will be increased in line with the national scheme;
  - e) Consultation be commenced with landlords, and others who may own empty domestic properties, on ending of the current three month Empty and Unfurnished discount of 50% and on reducing the Structural Alterations Discount to 25 % for a maximum of three months with effect from 1st April 2017;
  - f) Further detail around the opportunities to appropriate assets between the General Fund and Housing Revenue Account be brought to the December Cabinet meeting to support the proposed transfer of housing garages into the General Fund due to the majority now being let privately;
  - g) One-off funding of £3.8m is earmarked to support the implementation and cashflowing of the 2017-18 Budget proposals as set out in Table Six in the report; and
  - h) Those new Budget proposals that do not directly affect front-line services can be implemented by officers at the earliest opportunity, including undertaking consultation with staff where appropriate.
- (7) That the expansion of the ex-Penhill Children Centre building, which has recently opened as the new Family Service Centre, be approved, to enable the North Locality Team to relocate from their existing premises of The Limes to free up this property for disposal in accordance with the Council's development plan and that a proportion of the capital receipt from the disposal of The Limes be ring-fenced to fund works which are essential to enable the relocation.
- The reasons for the decision and alternative options are as set out in the report to the meeting.

## **58. Community Governance Review (Minute For Confirmation)**

Councillors David Renard, the Leader of the Council, Russell Holland, Deputy Leader of the Council and Cabinet Member for Finance and Corporate Services, Keith Williams, Cabinet Member for Streetsmart, Mary Martin, Cabinet Member for Communities, and the Chief Executive, Corporate Director Resources, and Director of Law and Democratic Services, submitted a joint report the outcomes of Stage 3 of the Community Governance Review (CGR) and inviting Cabinet to consider the summarised feedback from the Stage 3 consultation, including submissions made

by Blunsdon St Andrew Parish Council and Haydon Wick Parish Council (set out in an update to the Cabinet report), and recommend a final proposal to Council.

Councillor Mary Martin, the Cabinet Member for Communities, introduced the report, initially taking members through the various recommendations and then expanding on the detail of the report by responding to members' questions and observations on (i) specific aspects of the Council's proposed response to the formal consultation undertaken by the Council on proposals to entirely parish the Borough through the creation of four new parish councils, extending the Nythe Parish Council area and the amendment of some other existing parish council boundaries, and (ii) the recommendations proposed to be made to Council, as set out in Appendix 5 to the report, as amended in the supplementary papers published before the meeting and tabled at the meeting, and including submissions made by Blunsdon St Andrew Parish Council and Haydon Wick Parish Council.

Councillor Martin, with Councillors David Renard, the Leader of the Council and Chair of Cabinet, Toby Elliott, Cabinet Member for Strategic Planning, Brian Ford Cabinet Member Adults' Health and Social Care and Dale Heenan, Cabinet Member for Sustainability, Highways, and Transport, responded at the meeting to questions put by Councillors John Ballman, Gemma McCracken, Cathy Martyn, Jane Milner-Barry, Des Moffatt, Stan Pajak, Maureen Penny, Jim Robbins, Vera Tomlinson, Chris Watts, Peter Watts, Steve Weisinger and Bob Wright on the following issues:

- The position on conducting a Referendum to assess Swindon residents' opinion on the parishing of the entire borough area.
- The ratios for the appointment of councillors to each Parish and the principles that supported those calculations.
- The validation and transparency of the Review process and opportunity to make changes to the recommendations to be made to Council.
- The shortfall in funding made available to the Council from Central Government and the motivation for the Review.
- The suggestion that public engagement with the Review has been limited and that the recommendations have been influenced by only a minority of residents.
- The ratio of the electorate to the number of parish councils proposed to be created and the effect on those ratios of residents who are not on the electoral register.
- The extent of consultation with existing parished areas and the role of Shadow Parish Councils.
- The inclusion of polling district SAD in the new St Andrew Parish.
- The viability of the recommended parishes.
- Practicalities associated with the current positioning of the Haydon Wick Parish and Blunsdon St Andrew boundary through the Abbey Meads Village centre.
- The comment received from Highworth Town Council that the Highworth boundary be amended to include "Supermarine".
- The proposed warding arrangements in respect of Nythe, Eldene and Liden and the effect of those arrangements on the position of existing Nythe Councillors.
- The principles supporting the recommendation that areas within the WAA polling district be added to Wroughton parish.

- The correlation between parish boundaries and size and the precepts that might be levied to ensure the future sustainability of services.

The Director of Law and Democratic Services also responded to questions on the timing and scope of new elections and confirmed that Council could amend recommendations put forward by the Cabinet, providing there was an adequate rationale that met the statutory requirements for the community governance review.

Councillor Martin advised that, in response to issues raised by members and by the public during public question time, she would, on request, convene her Community Governance Cabinet Member Advisory Group to consider Parish Ward arrangements. Councillor Martin also invited Councillors from Haydon Wick and St Andrews to come forward before the scheduled Council meeting in November to discuss the proposed changes to the boundary through the Abbey Meads Village centre.

Resolved – (1) That the summarised feedback received from Stage 3 of the Community Governance Review, as detailed in Appendix 3 to the report and the additional papers circulated after the initial agenda despatch, be noted.

(2) That the proposed arrangements to agree the transfer of property assets from the Borough Council to parish councils, if new parishes are established, as set out in the body of the report, be noted.

(3) That £3m of one-off resources be set aside to fund parish reserves and transitional funding, on the basis set out in the body of the report, and that the Corporate Director Resources, in consultation with the Cabinet Member for Communities, be authorised to agree the exact payment to be made to each parish council within these terms.

(4) That the Corporate Director Resources be authorised to respond to the Government's consultation on 'Council Tax precept referendum criteria for parish councils', to the effect that the Council supports the Government's proposal that should the 'Council Tax increase referendum criteria' be extended to parishes in future, it should not apply where there is a transfer in responsibility for services from a principal authority to a local council.

(5) That Council be recommended that it:

- a) Agrees to the recommendations set out in Appendix 5 to the report, as amended in supplementary papers published before the meeting and tabled at the meeting, including submissions made by Blunsdon St Andrew Parish Council and Haydon Wick Parish Council, and the following additional recommendations, in relation to the parished and currently unparished areas of the Borough, in order to ensure that community governance within the Borough is effective and convenient, and reflective of the identities and interests of communities within the Borough:

Additional Recommendations

- i. St Andrews – to include polling district SAD in the proposed new parish.
- ii. Nythe/Stratton St Margaret – to adjust the border so that the Nythe allotments fall within the current Nythe parish.
- b) Notes that parishing the entire Borough would enable community empowerment at local level consistently throughout the Borough and extend localism to those parts of the Borough that do not currently have a local council and so do not have the full range of options for local service provision;

- c) Agrees that the final proposal map at Appendix Six is approved as the new boundaries of existing and new parishes with effect from the dates to be set out in the Order;
  - d) Adopt and give effect to the recommendations of the Cabinet.
- (6) That, subject to Council approving the recommendation set out in (5) above, Cabinet further recommends that Council:
- a) Authorises the Director of Law and Democratic Services, in consultation with the Cabinet Member for Communities, to:
    - i. Establish Shadow Councils for each of the proposed new parishes with a membership of at least 5 in number made up from the ward members in each area;
    - ii. Determine, in consultation with the Shadow Parishes, the governance arrangements for each new parish;
    - iii. Publish the Council's decision in relation to these recommendations, together with the reasons for making this decision, in accordance with the requirements set out in Section 96 of the Local Government and Public Involvement in Health Act 2007, 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.
  - b) Authorises the Head of StreetSmart to organise the borough council's workforce in such a way as to facilitate any service transfer that may be agreed between the borough council and any new or existing parish or town council.
  - c) Authorises the Director of Law and Democratic Services to:
    - i. prepare, in consultation with the Leader of the Council, a revised scheme and consequential Community Governance Reorganisation Order to include such provisions as he considers appropriate in relation to (inter alia) implementation dates, asset transfers, and warding arrangements;
    - 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.
- (7) That, in furtherance of the resolution of issues raised during the course of Cabinet's consideration of this matter, the Director of Law and Democratic Services be authorised, in consultation with the Leader of the Council and the Cabinet Member for Communities, to make such additional amendments as he may consider necessary to Appendix 5, and the proposal map in Appendix 6, in advance of its submission to the Council meeting in November 2016.

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

## **59. Free School Bids - Update**

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services submitted a report providing an update on the applications for new free schools that were submitted by 28th September 2016, in accordance with the Department for Education's "waves" application process.

Councillor Foley advised that the application submitted by Lydiard Park Academy in respect of Abbey Farm Primary School had been withdrawn.

Resolved – (1) That the applications submitted in wave 12, for education provision opening from September 2018 and later, be noted.

(2) That the Head of Education Services be authorised to support the applications from Great Western Academy (Tadpole Farm), The White Horse Federation (SMEH School), Educate Together (Abbey Farm and Badbury Park), Blue Kite Academy (Badbury Park) and The River Learning Trust (NEV campus).

(3) That the principles that a new free school is supported through the allocation of Section 106 receipts when relevant to the location of new housing, type of school required and in compliance with the terms of the legal agreements, be agreed.

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

## **60. Chapel Farm and other Swindon Solar Schemes**

Councillor Dale Heenan, the Cabinet Member for Sustainability and Transport, the Chief Executive and the Head of Economy, Skills and Property, submitted a joint report on the method by which the Council would build on the success of the Common Farm Solar Scheme to progress the Chapel Farm Solar Scheme through ownership of a Special Purpose Vehicle (SPV) and enable community investment incorporating a new ISA structure. It was noted that the proposal would create the UK's first ISA-eligible investment offer through a Council owned company.

The report also provided an update on solar schemes proposed on the Barnfield and Mannington sites, also the proposed solar car ports, and the means by which Public Power Solutions Ltd (PPS) should progress this use of the Council land.

Resolved – (1) That the Director of Law and Democratic Services be authorised to take the necessary steps to secure ownership of the Special Purpose Vehicle (SPV) currently owned by PPS so as to enable the Council to become sole shareholder of the SPV.

(2) That the Director of Law and Democratic Services be authorised to approve the formation of a Members' Shareholder Panel to ensure democratic accountability for this and subsequent low carbon SPVs, and the appointment of three Directors to the SPVs who shall be SBC officers.

(3) That the Director of Law and Democratic Services, with the Head of Property Assets, be authorised to grant a lease to PPS to progress the solar schemes at Chapel Farm, Mannington and Barnfield sites.

(4) That the Corporate Director, Resources, be authorised to facilitate, on behalf of the Council as sole shareholder of the SPV, all necessary steps to enable Abundance Investment Ltd to undertake and complete the community investment offer as detailed in this report.

(5) That it be noted that, in the event that the community investment offer is unsuccessful, the Council, in its capacity as sole shareholder of the SPV, would need to make a decision as to how the required investment should be raised.

(6) That the Corporate Director, Resources, in consultation with the Cabinet Member for Finance and Corporate Services, be authorised to invest £3m in the SPV.

(7) That the Corporate Director, Resources, be authorised to allocate annual surplus income from Business Rates, rent and financing costs at Chapel Farm solar farm to support ring fenced funding towards the borrowing costs related to the provision of a noise barrier to the West of the A419 as detailed at paragraphs 3.13 to 3.23.



(8) That it be noted that successful delivery of Chapel Solar Farm will mean the Council has achieved 83.5% of its 2020 target to generate the equivalent low carbon renewable electricity to power every home in Swindon by March 2017, and that the recommendations contained in this report at Barnfield, Mannington and Solar carports add an additional 2%.

(9) That the Interim Director, Economy, Regeneration and Skills, in consultation with the Cabinet Member for Transport and Sustainability, present a report to Cabinet within 12 months on how to achieve the final 29MW to meet the 2020 renewables target, outline what is required to achieve “subsidy free” solar projects, and consider ways to reduce Council electricity costs by at least 20% through measures such as energy performance contracts.

Councillor Garry Perkins made a personal prejudicial interest in relation to this matter, as an owner of property in the area that might be affected by the proposals, and left the room during Cabinet’s consideration of the item.

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

## **61. Swindon Town Centre Property Acquisition and Disposal**

Councillor Garry Perkins, the Cabinet Member for Economy, Regeneration and Skills, and the Interim Head of Economy, Regeneration and Skills, submitted a joint report providing an update on further progress made in relation to the redevelopment of the site identified in the report and seeking authorisation to agree the terms of an asset swap and purchase with the company referred to in the report, for the assets owned by the Council, as identified in the plan attached as Appendix 1 to the report, on the basis that the Council acquires from the company the assets in the plan attached as Appendix 2 to the report.

Councillors Garry Perkins, Cabinet Member for the Economy, Regeneration, and Skills and Toby Elliott, responded to questions put by Councillor Bob Wright about the value of the transfer and the possible effects on the Town Centre Masterplan.

Resolved – That the Director of Law and Democratic Services, in consultation with the Corporate Director Resources and Head of Property Assets, be authorised to dispose of the Council owned assets, identified in the plan attached as Appendix 1 to the report, to the company identified in the report, as detailed in the main body of the report, and, in return, to purchase the asset, identified on the plan attached as Appendix 2 to the report, for the amount identified in the report, to be funded from Council borrowing, and to acquire the other assets owned by the company, as also identified in Appendix 2, on such detailed terms and conditions as he considers necessary to protect the Councils interests.

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