

CABINET

WEDNESDAY, 7 SEPTEMBER 2016

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

Councillor Jim Grant attended the meeting in respect of Minute Nos. 42, 43 and 45. Councillor Stan Pajak attended the meeting in respect of Minute 42. Councillors Derique Montaut and Des Moffatt attended the meeting in respect of Minute 45. Councillor Chris Watts attended the meeting in respect of Minute 47.

39. 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 respect of agenda item 5 (Budget Management 2016-17 and 2016 - 2020 Efficiency Statement) as he is employed by Network Rail.

40. Minutes.

Resolved – That the minutes of the meeting held on 17th August 2016 be confirmed and signed as a correct record.

41. Public Question Time.

Mr Brian Cockbill, a local resident, had submitted a written question regarding the data used to calculate bus passenger usage. The Chair thanked Mr Cockbill for his question and advised that a written answer had been provided and that this had been circulated at the meeting.

Mr Cockbill asked a supplementary question regarding the calculations. Councillor Dale Heenan, the Cabinet Member for Sustainability, Highways, and Transport, responded at the meeting. Mr Cockbill, asked a further question relating to correspondence he had sent to Council officers about the bus strategy consultation. Councillor Heenan responded at the meeting and also confirmed that, in accordance with the Council's practice, a written response to Mr Cockbill's correspondence with officers would be provided within ten working days of the date of the receipt of that correspondence.

Mr Paul Sunners, representing the Swindon Equality Group, asked a question about measuring the effects of current council policies on the people of Swindon. The Chair thanked Mr Sunners for his question and advised that a written answer had been provided and that this had been circulated at the meeting.

42. Budget Management 2016-17 and 2016 - 2020 Efficiency Statement

Councillor Russell Holland, Deputy Leader of the Council and the Cabinet Member

for Finance and Corporate Services, and the Corporate Director, Resources, submitted a joint report setting out the 2016-17 revenue forecast out-turn at the end of July 2016, the first quarter's monitoring position for the capital programme and the updated four-year financial plan to 2020 that councils are required to submit to the Government by 14th October 2016. The report also included details of proposed changes to the Council's Capital Programme.

Councillor Holland introduced the report, drawing members' attention to the ongoing work to ensure the budget would be balanced by the end of the year. He outlined proposals to generate new income through small-scale housing developments on council-owned land and summarised the current understanding of what the Council hoped to gain in future funding from submitting an Efficiency Statement to the government. Councillor Holland also referred to the current Swindon Business Improvement District (BID) renewal process.

Following his introduction of the report, Councillor Holland, with Councillor David Renard, the Chair of Cabinet, and Councillors Oliver Donachie, the Cabinet Member for Housing and Homelessness, and Toby Elliott, the Cabinet Member for Strategic Planning, responded to questions put by Councillors Jim Grant (JG), Stan Pajak (SP) and Dale Heenan (DH), on the following matters:

- a) The proposed delivery of housing by the Council and the process for the identification of the initial seven sites for new housing development (JG).
- b) The Cabinet Member's confirmation that the new housing development proposal did not include the establishment of a Swindon Housing Company (JG).
- c) The reasons for progressing the housing development initiative at this time (JG).
- d) The Inswindon Business Improvement District (BID) and the current position with regard to the proposal that local businesses be asked to contribute towards town centre cleaning costs (JG).
- e) The availability of previously drafted proposals for the provision of housing in an area between Euclid Street and Beckhampton Street (SP).
- f) The anticipated revenue income for the Council from the proposed new housing development (DH).

Resolved – (1) That the projected Revenue Budget out-turn position for 2016-17, as set out in Table 1 and Appendices 1 and 2 to the report, be noted.

(2) That the revenue virements set out in Appendix 3 to the report be approved.

(3) That an action plan set to help manage the projected in-year revenue overspend including the proposed service changes to deliver in-year savings be presented to the Cabinet meeting in October.

(4) That the latest forecast position on the capital programme, set out in Table 2 and Appendix 5 to the report, be noted.

(5) That, as part of the Council's commercialisation workstream to help generate new income to support its medium term resourcing plan, a rolling capital fund of up to £15m, funded from the Council's cash balances and / or Prudential Borrowing, be made available to fund small scale housing development by the Council on Council-owned land, to generate a new income stream estimated at around £5m per year to help fund services, as detailed in the report.

(6) That the additions and virements to the capital programme, detailed in section 8 of the report, be approved.

(7) That the Leader of the Council continue to work with fellow leaders across the

country and the Local Government Association to attempt to broker a consistent sector response to the offer of a 4 year settlement and agree Swindon's response within this context, recognising that it provides helpful certainty but provides an insufficient level of resources to respond to the demands on local authority services.

(8) That, subject to (7) above, it be agreed that a 2016 – 2020 Efficiency Statement, reflecting the Council's four year financial plan, be submitted to the Government before the deadline of 14th October 2016 and that the Corporate Director Resources, in consultation with the Cabinet Member for Finance and Corporate Services and the Leader of the Council, be authorised to finalise the draft version set out in Appendix 4 to the report, prior to submission.

(9) That the Corporate Director Resources be authorised to agree with the BID company the financial contribution from business towards services provided in the BID area and any change to the Council's contribution to the company within an overall smaller financial envelope and for the impact of those discussions to be reflected in the Council's medium-term resourcing plan.

(10) That the Director of Law and Democratic Services be authorised to undertake the work necessary to allow the renewal and continuation of the BID Company in accordance with the Business Improvement Districts (England) Regulations 2004.

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

43. Apprenticeships and the Apprenticeship Levy

Councillor Russell Holland, Deputy Leader of the Council and the Cabinet Member for Finance and Corporate Services, and the Head of Performance, People and Engagement, submitted a joint report outlining the Council's proposed response to the Government's introduction of the Apprenticeship Levy in April 2017.

In response to a question put by Councillor Jim Grant, the Council's Head of Performance, People and Engagement, advised the meeting on the funding arrangements for the scheme.

Resolved – (1) That the target number of apprentices that the Council will seek to employ in 2017-2018 be set at 58.

(2) That the Head of Performance, People and Engagement be authorised to implement the approach outlined in the report.

(3) That the Cabinet Member for Resources and Corporate Services provide regular reports to Cabinet and Scrutiny on progress towards achieving the target of introducing 58 apprentices.

(4) That the opportunities that the Apprenticeship Levy offers for the Council be noted.

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

44. A Smokefree Bus Station

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, and the Director of Public Health, submitted a joint report seeking Cabinet's approval to making Swindon's town centre Bus Station a voluntary smokefree zone, but with the provision of a dedicated smoking area, from October 2016. It was noted that a

previously conducted survey indicated that 75% of bus station service users support the implementation of a smokefree bus station with a dedicated smoking area. It was further noted that smoking is the biggest preventable cause of death, killing half of all smokers prematurely, and is also the leading cause of health inequalities, being responsible for half the difference in life expectancy between rich and poor.

Resolved – (1) That the proposal to make Swindon Bus Station a smokefree zone, with a dedicated smoking area, be approved.

(2) That the Director of Public Health be authorised to facilitate implementation and to communicate the message to local residents and other interested parties and stakeholders that the bus station will be smokefree from October 2016.

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

45. Local Bus Services and Strategy Review

Councillor Dale Heenan, the Cabinet Member for Sustainability, Highways and Transport, and the Head of Highways and Transport, submitted a joint report informing Cabinet of the results of the public consultation on bus service revisions and reductions proposed in line with the proposed revised draft Local Bus Strategy. It was noted that these changes were required to meet the Council's ongoing revenue budget pressures. The report also sought Cabinet's support for the revised bus strategy and advised of the two year extension of the Dial A Ride Contract provided by Swindon Dial A Ride.

Councillor Heenan introduced the report and drew members' attention to the changes that had been made in response to the consultation as well as how the proposals made use of the Bus Operators' Support Grant to minimise the effects of proposed changes.

Following his introduction of the report, Councillor Heenan, responded to questions put by Councillors Derique Montaut (DM), Jim Grant (JG), Des Moffatt (DMo) and Keith Williams (KW) on the following matters:

- a) The likely impact of the proposed service changes on rural areas (DM)
- b) New residential development providing contributions towards community transport operation through section 106 funding and options for providing (DM).
- c) The receipt of a petition for the Council's continuing support for the Dial A Ride service and the debate of this petition at the next Full Council meeting (DM).
- d) The view that changes to the Dial A Ride Service and other bus services would have the most significant impact on the most vulnerable and least mobile in the community (JG).
- e) Cross Party working and the Cabinet Member's commitment to engaging with the opposition parties to facilitate joint responses to concerns regarding proposed bus service revisions and reductions and ensuring that priority is afforded in the strategy to those areas of greatest deprivation (JG and DMo).
- f) The Cabinet Member's views of the effect of the concessionary bus pass scheme on the sustainability of some bus services (KW).

Resolved – (1) That the results of the public consultation concerning proposed bus service revisions and reductions being proposed, in line with the proposed revised draft Local Bus Strategy, as set out in Appendix 1, and its implications for local bus services, as set out in Appendix 2, and the proposed service revision and its implications for Dial A Ride and Community Transport, be noted.

(2) That the revised Bus Strategy, as summarised in the body of the report and set out in full at Appendix 1 to the report, be adopted.

(3) That the Head of Highways and Transport, in consultation with the Cabinet Member for Sustainability, Highways and Transport, be authorised to implement bus service revisions, as set out in Appendix 2 to the report, including consultation concerns that funding be retained for some evening bus services as well as to implement the mitigation measures set out in the body of the report.

(4) That it be noted that the Council will continue to subsidise bus services through the use of the £176,000 Bus Service Operators Grant.

(5) That the receipt of a petition about the withdrawal of evening bus services to Chiseldon signed by 648 residents be noted.

(6) That it be noted that the Dial A Ride Contract provided by Swindon Dial A Ride has been extended for two years from 1st September 2016 to 31st August 2018 at a cost of £146k per annum.

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

46. School Place Planning Update 2016

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services, submitted a joint report seeking Cabinet's approval of the study that identifies the number of school places required to meet Swindon's long-term educational place planning needs until 2026. The report included demographic projections and details of proposed housing development areas, and commented on the need to support attainment and opportunities for young people across the Town and Borough. It was noted that the report also brought together information from a range of sources, setting out the issues the Borough will face in meeting its statutory duties for providing school places until 2026, and that the strategy included present and predicted future pupil numbers on roll, together with information about birth rates, school capacity and new housing.

Councillor Foley introduced the joint report and drew members' attention to those sections setting out the anticipated demand to which the Council would have to respond.

Councillor Toby Elliott, the Cabinet Member for Strategic Planning, asked that Councillor Foley and her officers continue to monitor the New Eastern Villages as its construction rate would affect demand for school places.

Resolved – That the School Place Planning Study Update 2016 be approved.

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

47. Swindon Education Improvement Strategy

Councillor Fionuala Foley, the Cabinet Member for Children's Services, and the Head of Education Services submitted a joint report on the proposed Education Improvement Strategy to continue to improve education outcomes in Swindon. It was noted that the strategy document outlined the legal framework and duties of the Council relating to school improvement, and how it proposes to carry out these duties, and that Cabinet approval was required for the adoption of the strategy.

Councillor Foley introduced the report and invited the Head of Education Services to elaborate on its content and the leadership role the Council was now undertaking to assist schools to raise attainment levels.

In response to a question put by Councillor Chris Watts, about whether the gap between the best and worst performing schools was increasing, the Head of Education Services responded at the meeting that this was not the case although the Council was still awaiting national comparable data.

Resolved – (1) That the "Education Improvement Strategy", attached at Appendix One to the report, be agreed.

(2) That the Head of Education Services be authorised to use the approach set out in the Education Improvement Strategy and that he be requested to continue to engage and work in partnership with the Regional Schools Commissioner to address the need to improve school performance.

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

48. Regulation of Investigatory Powers Act 2000 - Inspection report from the Office of Surveillance Commissioners

Councillor David Renard, the Leader of the Council and Chair of Cabinet, and the Director of Law and Democratic Services, submitted a joint report on the Office of Surveillance Commissioners' Inspection Report of Swindon Borough Council 2016.

The Chair introduced the joint report and advised that most of the changes requested by the Inspector had already been implemented.

Resolved – (1) That the report be welcomed and that the Surveillance Inspector's recommendations be accepted.

(2) That the actions taken by officers in response to the Surveillance Inspector's recommendations, as set out in the Inspection report, and as summarised in Paragraph 3.8 of the report, be noted.

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

49. References from other Council Bodies - Health and Wellbeing Board and Community Safety Partnership

Councillor Brian Ford, the Cabinet Member for Adults' Health and Social Care, Councillor Oliver Donachie, the Cabinet Member for Housing and Homelessness,

and the Director of Law and Democratic Services, submitted a joint report concerning the following recommendations from meetings of the Health and Wellbeing Board held on 13th July 2016 and the Swindon Community Safety Partnership Board held on 19th July 2016:

- (a) That Cabinet be recommended to adopt the refreshed Swindon Breastfeeding Strategy for 2016/2020 (Health and Wellbeing Board).
- (b) That the draft (Public Spaces Protection Orders) Guidance be referred to Cabinet to note and to comment on.

Resolved – (1) That, further to Minute 9(1) of the Health and Wellbeing Board meeting held on 13th July 2016, regarding the refresh of the Swindon Breastfeeding Strategy, the refreshed strategy, attached to the report at Appendix 2, be adopted. (2) That, further to Minute 5 of the Swindon Community Safety Partnership Board meeting on 19th July 2016, regarding its review of the statement of procedures that standardise the process of introduction, consultation, variation and discharge of public spaces protection orders (PSPO) across the Council, the Draft Guidance (Appendix 4), be noted.

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

50. Annual Review of Local Ombudsman Complaints

Councillor David Renard, the Leader of the Council and Chair of Cabinet, and the Director of Law and Democratic Services, submitted a joint report on the Local Government Ombudsman's (LGO) Annual Review for 2015/2016, which gave the total number of complaints and enquiries received by the LGO with regard to Swindon Borough Council. The report highlighted the annual summary of statistics on the complaints made to the LGO regarding the Authority for the year ended 31st March 2016.

The Chair introduced the report. He welcomed the low level of complaints and also asked members to note how few complaints Swindon received relative to neighbouring or similar councils, as set out in the report.

Resolved – (1) That the Local Government Ombudsman's Annual Review 2015/16 be noted.

(2) That the Chief Executive, Corporate Directors, Directors and Heads of Service continue to ensure that, where possible, complaints are resolved internally before such matters are referred to the LGO and that requests for information from the LGO are dealt with promptly.

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

51. Wichelstowe District Centre

Councillor Toby Elliott, the Cabinet Member for Strategic Planning, and the Corporate Director Resources, submitted a joint report seeking Cabinet's approval to progress design work in relation to the Wichelstowe District Centre in order to support early delivery in advance of the establishment of the Joint Venture with

BDW Trading Ltd (BDW). It was noted that the Council had received significant interest in the District Centre site from pub/restaurant operators, providers of housing for older people and other retailers and that the Diocese of Bristol had also been successful in securing funding from the Education Funding Agency (EFA) for the delivery of a free school, in respect of which design work had commenced to support an opening in September 2018. Cabinet was advised that, in order to realise these development opportunities, additional infrastructure needed to be delivered by the Council to provide access to the development parcels.

Councillor Elliott introduced the joint report and summarised the work being undertaken with BDW since he had taken on this portfolio. He invited members to note that the recommendations were intended to assist the Council in obtaining the desired building standards of a good range of homes and to seek engagement with local and regional small and medium-sized building firms. Councillor Elliott confirmed that he would restart the Cabinet Member Advisory Group, which would have a role in developing and reviewing the design standards.

Resolved – (1) That, in advance of the establishment of the Joint Venture with BDW Trading Ltd for in excess of 3500 homes, the Corporate Director Resources, in consultation with the Cabinet Member for Strategic Planning, be authorised to progress the delivery of the Wichelstowe District Centre area (as shown on the District Centre Area Plan included as an Appendix) including schools, pub/restaurant, housing for older people and residential development.

(2) That the budget of up to £750,000, as set out in paragraphs 3.7 - 3.9 of the report, be approved, in order to support design and team costs and note that this will be recovered by the capital receipts from the District Centre development.

(3) That the Corporate Director Resources, in consultation with the Cabinet Member for Strategic Planning, be authorised to undertake a competition and select an operator to develop the parcels identified for older people's housing.

(4) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Strategic Planning and the Corporate Director Resources, be authorised to complete the land sale and any associated documentation with the selected older people's operator on such terms as he considers necessary to protect the Council's interests.

(5) That the Corporate Director Resources, in consultation with the Cabinet Member for Strategic Planning, be authorised to develop detailed plans for the parcels identified for residential development within the Wichelstowe District Centre area.

(6) That the Director of Law and Democratic Services in consultation with the Cabinet Member for Strategic Planning and the Corporate Director Resources, be authorised to complete the land sale and any associated documentation with the pub/ restaurant operator on such terms as he considers necessary to protect the Council's interests.

(7) That the Director of Law and Democratic Services in consultation with the Cabinet Member for Strategic Planning, the Cabinet Member for Children's Services and the Wichelstowe Programme Manager, be authorised to dispose by way of the necessary leases and any associated documentation the land required for the delivery of the Primary and Secondary schools within the Wichelstowe District Centre area on such terms as he considers necessary to protect the Council's interests.

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