

## **COUNCIL**

**THURSDAY, 26 JANUARY 2017**

**PRESENT:-** The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, John Ballman, Ray Ballman, Alan Bishop, Emma Bushell, Matthew Courtliff, Wayne Crabbe, Malcolm Davies, Mark Dempsey, Paul Dixon, Oliver Donachie, Toby Elliott, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, Jim Grant, John Haines, Dale Heenan, Russell Holland, Fay Howard, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, James Robbins, Kevin Small, Gary Sumner, Timothy Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, Steve Weisinger, Keith Williams, David Wood, Robert Wright and Julie Wright.

### **68. Apologies for Absence**

Apologies for absence were received from Councillors Stephanie Exell, Teresa Page and Carol Shelley.

### **69. Communications**

The Chief Executive reported that no communications had been received.

### **70. Minutes**

Resolved – That the minutes of the meeting held on 10<sup>th</sup> November 2016, be confirmed and signed.

### **71. Declarations of Interest**

The Mayor reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

### **72. Public Question Time**

Mr Terry Reynolds submitted written questions regarding (a) data protection issues and (b) Thamesdown Transport Limited. The meeting was advised that the Leader of the Council had provided written responses to Mr Reynold's questions and that these had been circulated at the meeting.

Mr Brian Cockbill submitted written questions regarding (a) the future maintenance of potholes by Parish Councils, and (b) Thamesdown Transport Limited. The meeting was advised that the Cabinet Member for StreetSmart, Highways and Transport had provided written responses to Mr Cockbill's questions and that these had been circulated at the meeting.

Mr Cockbill advised the Council of the death of Mrs Olive Jefferies, former Mayoress of the Borough of Thamesdown, and asked if the Leader of the Council and Chief Executive would write to the family expressing the Council's condolences. The Leader of the Council expressed his sadness at this news and, on behalf of the

Council, offered condolences to Mrs Jefferies' family. The Worshipful The Mayor indicated that he would, on behalf of the Council, write to the family expressing the Council's condolences.

Mr Paul Summers asked a question regarding the clearance of litter from the town centre area. The Cabinet Member for StreetSmart, Highways and Transport responded at the meeting.

Mr Neil Hopkins asked a question regarding the delivery of the current Mori Leisure/Oasis contracts. The Cabinet Member for the Economy, Regeneration and skills responded at the meeting.

Mr Neil Hopkins asked a supplementary question regarding issues relating to the transfer of contract responsibilities from Mori to Southern Capital. The Cabinet Member for the Economy, Regeneration and skills responded at the meeting.

Mr Paul Gregory asked a question regarding the future of the swimming pool at Milton Road Health Hydro. The Cabinet Member for Communities responded at the meeting.

Mr Daniel Rose asked questions (a) seeking a response to his questions asked at the November Council meeting, and (b) contract clauses within the contract for the operation of the Milton Road Health Hydro. The Cabinet Member for Communities responded at the meeting.

Mr Rose asked a supplementary question regarding break clauses within the contract for the operation of the Milton Road Health Hydro. The Cabinet Member for Communities responded at the meeting.

Ms Sally Hawson asked a question regarding the number of meetings between Council members and officers and GLL in respect of the Health Hydro/GWR Medical Fund Building. The Leader of the Council indicated that a written response to the question would be provided to Ms Hawson.

Mr Jim Boyd asked a question requesting an options appraisal and condition survey for the wet and dry facilities be undertaken at the Milton Road Health Hydro. The Leader of the Council responded at the meeting.

Mr Boyd asked a supplementary question regarding the working group overseeing the future of the Milton Road Health Hydro. The Leader of the Council responded at the meeting.

Mr Colin Doubleday asked a question regarding the future of Thamesdown Transport and its assets. The Leader of the Council responded at the meeting.

Mr Doubleday asked a supplementary question regarding the public availability of financial information pertaining to Thamesdown Transport. The Leader of the Council responded at the meeting.

Mr Fred Tucker asked a question regarding engagement with voluntary groups based at the Milton Road Health Hydro in respect of its future. The Leader of the Council responded at the meeting.

Mr Tom Jeffrey asked a question relating to the cost and duration of home visits previously undertaken by SEQOL. The Cabinet Member for Adults' Health and Social Care responded at the meeting.

Mr Tom Jeffrey asked a supplementary question regarding the funding of disabilities and mental health in Swindon. The Cabinet Member for Adults' Health and Social Care acknowledged that Mr Jeffrey's question was quite detailed and asked that he submit it in writing in order that a written response might be provided.

### **73. Minutes for Confirmation**

(1) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 70 of the Cabinet (Commercial Investment Strategy) be confirmed and adopted with the exception of Minute 70(2)(b), 70(3)(b), 70(3)(c) and 70(3)(d) which be referred back to the Cabinet for further consideration.

The Motion was put to the vote and declared carried.

(2) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 72 of the Cabinet (Mid-Year Treasury Performance 2016/17) be confirmed and adopted.

Councillor Kevin Small moved and Councillor Jim Grant seconded that the Motion be amended to read:

"This Council:

- Support's Cabinet's proposal to amend the Minimum Revenue Policy at its 7<sup>th</sup> December 2016 meeting.
- Instructs the Leader of the Council to ensure in this year's all-household council tax leaflet it is made clear:
  1. The Council's net borrowing position.
  2. The Council's annual debt charges."

The amendment was put to the vote and declared lost.

The Motion was put to the vote and declared carried.

(3) Councillor David Renard moved and Councillor Russell Holland seconded that Minute 73 of the Cabinet (Polling District and Places Review) be confirmed and adopted subject to an amendment to Minute 73(1)(b) to read:

"That the polling station for polling district ETC relocate to the Moose Hall, East Road, Swindon SN1 3LS, from the King William Street Primary School, if not available then the polling place shall be Savernake Street Social Hall.

The Motion was put to the vote and declared carried.

(4) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 76 of the Cabinet (Changes to arrangements for appointment of an External Auditor) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(5) Councillor Vera Tomlinson moved and Councillor John Haines seconded that Minute 24 of the Licensing Committee (Introduction of a Licensing Regime for Sex Establishments) be confirmed and adopted.

The Motion was put to the vote and declared carried.

#### **74. Council Petitions Scheme**

(1) The Council considered a report of the Director of Law and Democratic Services concerning the receipt of an electronic petition containing 3,202 signatures calling on the Council “to remove the Public Space Protection Order that unfairly criminalises vulnerable homeless people in Swindon”.

In accordance with the Council’s Petition Scheme, Mr Ben Bell, on behalf of the petitioners introduced the petition.

Councillor Oliver Donachie moved and Councillor Garry Perkins seconded:

“This Council:

(1) Thanks the petition organisers and those who have signed the petition.

(2) Notes the Public Space Protection Order exists to enable the Council or police to take action where and person is “...begging or asking members of the public for money in a manner which causes, or is likely to cause, nuisance or annoyance to any member of the public or business.”

(3) Notes the Council’s Homelessness Officers do speak to rough sleepers and the homeless to find means of supporting them into hostels or other places of shelter.

(4) Notes without the PSPO, the Council would lack a legal tool to deal with anyone who are harassing or abuse shoppers or workers, or who might be begging solely to fund a drug addiction.

(5) Notes charities often advise that people should not give money. As was stated in the Manchester Evening News on 8<sup>th</sup> May 2013 “...Amanda Croome, of the Deansgate-based Booth Centre, said: ‘We would encourage members of the public not to give money to people begging because it will usually be used to feed people’s drug and alcohol addictions and just traps them in a routine of begging which is very difficult to get out of.’”

Councillor Bob Wright moved and Councillor Fay Howard seconded, the Motion be amended to read:

“This Council:

- Thanks the petitioners for their petition.

- Requests that the petition and the contents of the petitioners' survey are included as part of the recent review done by Swindon Borough Council and its partner agencies and ensure these are properly considered before any variation to the Town Centre Public Spaces Protection Order is made.
- Believes the Town Centre Public Spaces Protection Order should not adversely affect the homeless people and rough sleepers.
- Expresses concern about the recent Government report which shows that the number of rough sleepers in Swindon has increased.
- Instructs the Cabinet Member for Housing and Homelessness to consult with homelessness providers in Swindon on how the provision to support rough sleepers can be improved and the cycle of begging be broken."

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.

(2) The Council considered a report of the Director of Law and Democratic Services concerning the receipt of a petition containing 426 signatures calling on Swindon Borough Council "to urgently set a date and conduct an early review of the new East Wichel parking restrictions as soon as possible, to listen to the views of and work with East Wichel residents to improve the parking situation. This should include: (a) an impact assessment for allowing unrestricted parking on East Wichel Way and other wider roads, (b) a road by road review of parking to add as many extra spaces as possible to allow residents and visitors to park safely and sensibly, (c) if enough additional spaces cannot be found, to revisit other alternative options than Restricted parking Zones such as double yellow Lines on corners, driveways and junctions to meet the needs of the community".

In accordance with the Council's Petition Scheme, Sarah Morgan, on behalf of the petitioners introduced the petition.

Councillor Garry Perkins moved and Councillor Keith Williams seconded:

Council notes with regard to the parking restrictions in East Wichel:

- (1) Thanks the petition organisers and those who have signed the petition.
- (2) A review has already commenced to address the conflicting wishes of those residents who wish to see the restrictions enforced and those who do not. Many residents have expressed the view that more designated parking spaces are required.
- (3) Local ward representatives and the South Swindon MP have been working with the Cabinet Member and Council officers to address these differing views.
- (4) This review will be completed by the middle of February, with the aim of reporting to a meeting of residents scheduled for 3<sup>rd</sup> March 2017; and
- (5) Parking enforcement was suspended over the Christmas/New Year period.

The Motion was put to the vote and declared carried.

**75. Motion - Health Hydro/Milton Road Baths**

Councillor David Renard moved and Garry Perkins seconded:

“This Council notes:

1. The importance of providing access to swimming lessons and supporting our swimming clubs;
2. The need to provide a sustainable future for the Council's historic assets such as the Health Hydro/Milton Road Baths;
3. The difficulty of finding uses for the old, Victorian rooms and layouts and the excessive maintenance costs for the current structure;
4. The success of the conversion of other historic baths in England to mixed residential and leisure use.

This Council calls on the Cabinet Member for Communities to continue to work with GLL, the swimming clubs and other key stakeholders to investigate solutions that will preserve the swimming facility.”

Councillor Jim Robbins moved and Councillor Junab Ali seconded that the Motion be amended to read:

“The Council

- Notes the importance of providing access to swimming lessons and supporting our swimming clubs.
- Recognises the need to provide a sustainable future for the Milton and Health Hydro.
- Calls on the Cabinet Member for Communities to report to Cabinet on how the Milton Road small pool can be reinstated and whether an independent options appraisal should be conducted on future uses of the rest of the Milton Road Health Hydro.”

The amendment was put to the vote and declared lost.

Councillor Stan Pajak moved and Councillor Bob Wright seconded that the Motion be amended to read:

““This Council notes:

1. The importance of providing access to swimming lessons and supporting our swimming clubs;

2. The need to provide a sustainable future for the Council's historic assets such as the Health Hydro/Milton Road Baths;
3. The difficulty of finding uses for the old, Victorian rooms and layouts and the excessive maintenance costs for the current structure which means;
4. The success of the conversion of other historic baths in England to mixed residential and leisure use.

This Council calls on the Cabinet Member for Communities to continue to work with GLL, the swimming clubs and other key stakeholders to investigate solutions that will preserve the two pool swimming facility.”

The amendment was put to the vote and declared lost.

With the agreement of the mover and seconder, the Motion was amended to read:

“This Council calls on Cabinet to investigate solutions that will preserve the swimming facility considering the option of an independent options appraisal and condition survey with the aspiration of delivering a two pool solution.”

The amended motion was put to the vote and declared carried becoming the substantive motion.

The substantive motion was put to the vote and declared carried.

## **76. Motion - Education Improvement**

At the request of the Council's Labour Group and with the agreement of the Council, this Motion was withdrawn.

## **77. Motion - Parishes**

Councillor Jim Grant moved and Councillor Des Moffatt seconded:

“This Council notes:

1. There has been insufficient information provided to Shadow Parish Councillors about the assets and services being transferred to the new parish councils
2. Shadow Parish Councillors have had no time to look at alternative service providers to the borough council to ensure best value.
3. There's been little time for Shadow Boards to negotiate with the borough over whether their service offer is best value.
4. There has been confusing advice given to Shadow Parish Councillors over the date by which the parish council precept has to be set.

5. That all officers offering support to the shadow Boards are employed by the Borough Council. This has created a conflict of interest as Borough Council finances are affected by new parish councils contracting services from the Borough.

For these reasons, this Council urges the Cabinet Member for Communities to bring an urgent report to Cabinet to propose a one-year extension of the transfer of assets and services to new parish councils. Council believes this will give more time for the newly elected parish councillors on the new parish councils, serviced by independent officers, to negotiate the transfer of services to the Borough.”

The Motion 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, Ray Ballman, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, Jim Robbins, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood, Julie Wright and Robert Wright.

Members voting against the motion were Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliott, Claire Ellis, Emma Faramarzi, Fionuala Foley, Brian Ford, Mary Friend, John Haines, Dale Heenan, Russell Holland, Colin Lovell, Mary Martin, Nick Martin, Cathy Martyn, Gemma McCracken, Barbara Parry, Kevin Parry, Maureen Penny, Garry Perkins, David Renard, Eric Shaw, Gary Sumner, Tim Swinyard, Caryl Sydney-Smith, Vera Tomlinson, Steve Weisinger and Keith Williams.

## **78. Motion - Library Cards**

Councillor Fay Howard moved and Councillor Jim Robbins seconded:

“This Council:

- Notes its priority to improve educational attainment so Swindon is above the average in England KS4 results.
- Believes that public libraries has a role to play in improving literacy rates and contributing towards that important council priority.
- Believes that it should do all it can to improve library participation rates.
- Agrees to establish a library card scheme where children would automatically become library members when their parents register their birth.”

In accordance with Standing Order 9(1) the Motion stood deferred to Cabinet without discussion.

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

(1) Councillor David Renard moved and Councillor Garry Perkins seconded:



“(i) That Councillor Colin Lovell replace Councillor John Haines as a Conservative Group representative serving on the Council’s Licensing Committee.

(ii) That Councillor Colin Lovell replace Councillor John Haines as a Conservative Group deputy serving on the Council’s Private Hire and Hackney carriage Licensing Sub-Committee of the Licensing Committee.

(iii) That Councillor Malcolm Davies replace Councillor John Haines as the Vice-Chair of the Council’s Licensing Committee.

(iv) That Councillor Colin Lovell replace Councillor John Haines as a Council representative serving on the Dorset and Wiltshire Fire Authority; and

(v) That Councillor Wayne Crabbe replace Councillor John Haines as a Council representative serving on the Local Transport Plan and Local Transport Board Advisory Group.”

The Motion was put to the vote and declared carried.

(2) Councillor Jim Grant moved and Councillor Junab Ali seconded:

“ That Councillor Jane Milner-Barry replace Councillor Fay Howard as a Labour Group representative serving on the Council’s Standards Committee.”

The Motion was put to the vote and declared carried.

## **80. Minutes of Cabinet and Decisions Delegated to Cabinet Members**

The Council considered (a) the minutes of the meeting of the Cabinet held on 7<sup>th</sup> December 2016, and (b) questions to the Cabinet Members regarding their portfolio responsibilities and answers received.

## **81. 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.

## **82. Councillors Question Time**

The Director of Law and Democratic Services reported that Standing Order 15 questions had been received from Councillors Steve Allsopp, Matthew Courtliff, Jim Grant and Des Moffatt.

Councillor Matthew Courtliff asked a supplementary question regarding future funding for road surfacing work. The Cabinet Member for StreetSamart, Highways and Transport responded at the meeting.

Councillor Des Moffatt asked a supplementary question regarding member requests for work to be included within Road Traffic Orders. The Cabinet Member for StreetSamart, Highways and Transport responded at the meeting.

