

COUNCIL

THURSDAY, 23 FEBRUARY 2017

PRESENT:- The Worshipful The Mayor in the Chair; Councillors Junab Ali, Steve Allsopp, Abdul Amin, Alan Bishop, Emma Bushell, Matthew Courtliff, Wayne Crabbe, Malcolm Davies, Mark Dempsey, Paul Dixon, Oliver Donachie, Toby Elliott, Claire Ellis, Steph Exell, 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, Eric Shaw, Carol Shelley, 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.

82. Apologies for Absence

Apologies for absence were received from Councillors John Ballman, Ray Ballman and Teresa Page.

83. Communications

The Chief Executive reported that no communications had been received.

84. Minutes

Resolved – That the minutes of the meeting held on 26th January 2017, be confirmed and signed.

85. Declarations of Interest

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

Councillors Abdul Amin, Steve Allsopp, Matthew Courtliff, Mary Martin, James Robbins, Carol Shelley, Tim Swinyard, Carol Sydney-Smith and Julie Wright made personal declarations of interest in respect of Agenda Item No. 11 in their capacity as Council appointed School Governors.

86. Public Question Time

Mr Brian Cockbill submitted written questions regarding homelessness in the Borough. The meeting was advised that the Cabinet Member for Housing and Homelessness had provided written responses to Mr Cockbill's questions and that these had been circulated at the meeting.

Mr Cockbill asked a supplementary question regarding the responses provided in respect of questions 1 (b), (c) (d), (e), (f), (g) and 2. The Worshipful The Mayor responded at the meeting.

Mr Martin Costello submitted written questions regarding the proposed Council Tax rises and whether a referendum would be called to confirm the proposed increases. The meeting was advised that the Leader of the Council had provided a written response to Mr Costello's questions and that these had been circulated at the meeting.

Mr Gavin Perry submitted written questions regarding repairs to highways and arrangements for future repairs under perishing arrangements. The meeting was advised that the Cabinet Member for StreetSmart, Highways and Transport had provided a written response to Mr Costello's questions and that these had been circulated at the meeting.

Mr Perry asked a supplementary questions regarding Council plans to prevent fly tipping and to prosecute those responsible. The Cabinet Member for StreetSmart, Highways and Transport responded at the meeting.

Mr Brian Cockbill submitted written questions regarding the inspection of and repairs to Sywell Road, Stratton St. Margaret. The meeting was advised that the Cabinet Member for StreetSmart, Highways and Transport had provided a written response to Mr Cockbill's questions and that these had been circulated at the meeting.

Mr Terry Reynolds submitted written questions regarding media reports on charges attributed to newly created parish councils. The meeting was advised that the Cabinet Member for Communities had provided written responses to Mr Reynolds' questions and that these had been circulated at the meeting.

Ms Jane Francis asked questions regarding the level of Council Tax increases and public support for new local governance arrangements. The Cabinet Member for Finance and Corporate Services responded at the meeting.

Ms Francis asked a supplementary question regarding legal advice received by the Council in respect of creating parish councils. The Cabinet Member for Finance and Corporate Services responded at the meeting.

Mr David Ockenden asked a question regarding the legality of the proposed Council Tax increase. The Cabinet Member for Finance and Corporate Services responded at the meeting.

Mr Ockenden asked a supplementary question regarding the Council making representations to Central Government in respect of grant allocations to the Council. The Leader of the Council responded at the meeting.

The Council considered joint reports of the Cabinet Member for Finance and Corporate Services and the Interim Corporate Director of Resources, considered by the Cabinet on 8th February 2017 relating to (i) Budget 2017/18 and Beyond, (ii) Capital Programme 2017/18, (iii) Treasury Strategy Statement 2017/18, and (iv) Minute 86 of the Cabinet (Budget 2017/18 and Beyond), Minute 87 of the Cabinet (Capital Programme 2017/18) and Minute 88 of the Cabinet (Treasury Statement 2017/18).

(1) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 86(9) of the Cabinet (Budget 2017/18 and Beyond) be confirmed and adopted.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the vote on Minute 86 of the Cabinet (Budget 2017/18 and Beyond) was recorded:

Councillors voting for the Motion were: Councillors Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliot, 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.

Councillors voting against the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood, Julie Wright and Robert Wright.

(2) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 87 of the Cabinet (Capital Programme 2017/18) be confirmed and adopted.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the vote on Minute 87 of the Cabinet (Capital Programme 2017/18) was recorded:

Councillors voting for the Motion were: Councillors Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliot, 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.

Councillors voting against the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood, Julie Wright and Robert Wright.

(3) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 88 of the Cabinet (Treasury Statement 2017/18) be confirmed and adopted.

The Motion was put to the vote and declared carried.

88. Council Tax Setting 2017/18

The Council considered a joint report of the Cabinet Member for Finance and Corporate Resources and the Interim Corporate Director of Resources, concerning the amount of Council Tax for each Valuation Band for dwellings in each part of the Borough for 2017/18, and related matters including legal advice.

Councillor Russell Holland moved and Councillor David Renard seconded and the Council agreed:

“(1) That it be recorded that the advice of the Director of Law and Democratic Services’ has been taken into account when setting the level of Council Tax for 2017/18.

(2) That it be noted that the Council’s revenue budget is £136,463,465 as recommended by the Cabinet to this Council on 8th February 2017.

(3) That it be noted that in accordance with Section 31B of the Local Government Finance Act 1992 (as amended) the Council’s Tax Base for 2017/18 is 71,551.4 in total with the breakdown by Parish set out in Appendix 3 to the report.

(4) That the following amounts be calculated by the Council in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended by the Localism Act 2011:-

- (a) Borough / Parish Gross Expenditure £496,035,800 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act taking into account all precepts issued to it by Parish Councils.
- (b) Borough Gross Income plus Collection Fund Balance £399,406,664 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) Borough/Parish Net Expenditure £96,629,136 being the amount by which the aggregate at 4(a) above exceeds the aggregate at 4(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.
- (d) Basic Amount of Tax (including Average Parish Precepts) £1,409.62 being the amount at 4(c) above divided by the amount at 3 above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year. In accordance with Schedule 5 of the Localism Act 2011, this sum is not considered to be excessive.
- (e) Special Items £7,097,585 being the aggregate of Special Expenses and Parish Precepts and collectively known as special items and referred to in Section 34(1) of the Act.

- (f) Basic Amount of Tax £1,251.29 being the amount at 4(d) above less the result given by dividing the amount at 4(e) above by the amount at 3, calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates. (The Basic Amount of Tax of £1,251.29 comprises £1,192.16 for services generally plus £59.13 specifically relating to a 3% increase in the previous year's bill to contribute towards the increased cost of adult social care.)
- (g) Basic Amount of Tax (Special and Parished Areas) the amounts shown in Appendix 2 of the report, being the amounts given by adding to the amount at 4(f) above, the amounts of the special items relating to dwellings in the appropriate part of the Council's area - divided by the appropriate amount at 3 above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which a special item relates.
- (h) Borough/Parish Council Tax Rates the amounts shown in Appendix 1 of the report, being the amounts given by multiplying the amounts at 4(g) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in a particular valuation band, divided by valuation D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

(5) Police and Crime Commissioner for Wiltshire and Swindon That it be noted that for the year 2017/2018 the Police and Crime Commissioner for Wiltshire and Swindon has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£113.51	£132.43	£151.35	£170.27	£208.11	£245.95	£283.78	£340.54

(6) Dorset and Wiltshire Fire Authority That it be noted that for the year 2017/2018 the Dorset and Wiltshire Joint Fire Authority has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
£47.06	£54.90	£62.75	£70.59	£86.28	£101.96	£117.65	£141.18

(7) That this Council notes that there will an average 4.99% increase in the Council Tax levels for the Borough element of the 2017/18 Council Tax bills in accordance with the budget proposed by Cabinet on 8th February 2017.

(8) That this Council determines that the Basic Amount of Council Tax for the Financial Year, 2017/18 is not excessive within the statutory definitions set out within Part 1 of the Local Government Finance Act 1992 (as amended by the Localism Act 2011) and that therefore no referendum is required.

The Motion was put to the vote and declared carried.

In line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, the vote on this Motion was recorded:

Councillors voting for the Motion were: Councillors Alan Bishop, Wayne Crabbe, Malcolm Davies, Oliver Donachie, Toby Elliot, 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.

Councillors voting against the Motion were: Councillors Junab Ali, Steve Allsopp, Abdul Amin, Emma Bushell, Matthew Courtliff, Mark Dempsey, Paul Dixon, Stephanie Exell, Jim Grant, Fay Howard, Jane Milner-Barry, Des Moffatt, Derique Montaut, Stan Pajak, James Robbins, Carol Shelley, Kevin Small, Joe Tray, Chris Watts, Nadine Watts, Peter Watts, David Wood and Robert Wright.

89. Housing Revenue Account - Rents and Charges 2017/18

The Council considered (a) a joint report of the Cabinet Member for Housing and Homlessness and the Corporate Board Director, Communities and Place concerning the proposed Housing Revenue Account – Rents and Charges 2017/18, and (b) Minute 89 of the Cabinet (Housing Revenue Account – Rents and Charges 2017/18).

Councillor Oliver Donachie moved and Councillor Russell Holland seconded:

- a) That the proposed average rent for Housing Revenue Account (HRA) dwellings for 2017/18 of £80.18 per week (52 week basis), which is a decrease of 1.0%, be approved. This will be an average decrease of £0.81 per week (52 week basis). The range of decreases is shown in paragraph 3.9.
- b) That the Head of Housing Management and Community Safety be authorised to seek authority from the Secretary of State to extend the permission for the use of the Housing Revenue Account for payments to the Council's tenants under the Discretionary Housing Payments scheme, and provide a budget of £300k in 2017/18 as detailed at paragraphs 3.27.
- c) That the housing related support charges for 2017/18 and service charges for 2017/18, as outlined in Appendix 2 to the report, be approved.
- d) That Leaseholder service charges be set for 2017/18, as shown in Appendix 3 to the report.
- e) That, based on the proposals set out within this report, the Housing Revenue Account (HRA) proposed budget 2017/18, shown in Appendix 4 to the report, be approved and that the HRA Capital Budget and Funding be approved as shown in Appendix 5 to the report.
- f) That a budget of £1m is approved to acquire properties as detailed at paragraph 3.17 below, and that the Corporate Board Director, Communities and Place, in consultation with the Interim Corporate Director, Resources, be authorised to commit this expenditure.
- g) That the draft 3 year capital projects and planned maintenance programme be approved at an indicative funding level of £16.5m (2016/17 prices) for 2017/18 Appendix 6 to the report.
- h) That the reduction of rents charged on General Fund properties in line with Government guidance on Housing Revenue Account rents by 1% for 2017/18. Service charges for General Fund properties, as shown in Appendix 7 to the report, be approved.
- i) That the increase of rents charged for plots at the Hay Lane Residential Gypsy Site by £1.00 per week (2.0%) to £51.26 per week (52 week basis) and the rents for workpens, shown in Appendix 7 to the report, be approved.

- j) That the charges for Private Sector Leased (PSL) accommodation for those accepted as homeless outlined in Appendix 7 to the report be approved.
- k) That any underspend on the 2016/17 Housing Revenue Account is added to revenue reserves.

The Motion was put to the vote and declared carried.

90. Swindon Pay Policy Statement 2017

The Council considered (a) a joint report of the Cabinet Member for Finance and Corporate Services and Head of People, Performance and Engagement on the requirement, under Section 38 of the Localism Act 2011, for the Council to agree and publish a Pay Policy Statement by 1st April each year, and setting out the Council's proposed Pay Policy Statement for consideration, (b) Minute 93 of the Cabinet (Pay Policy Statement), and (c) the Council's draft Pay Policy Statement.

Councillor Russell Holland moved and Councillor David Renard seconded:

"That the Council's Pay Policy Statement for 2017/18, as set out in Appendix A of the joint report be approved and adopted."

The Motion was put to the vote and declared carried.

91. Minutes for Confirmation

(1) Councillor Fionuala Foley moved and Councillor David Renard seconded that Minute 93 of the Cabinet (Updated Child Sexual Exploitation Prevention Strategy) be confirmed and adopted.

The Motion was put to the vote and declared carried.

(2) Councillor Russell Holland moved and Councillor David Renard seconded that Minute 95 of the Cabinet (Commercial Investment Strategy – Governance Arrangements) be confirmed and adopted.

The Motion was put to the vote and declared carried.

92. Motion - Education Improvement

Councillor Carol Shelley moved and Councillor Jim Robbins seconded:

"This Council notes Ofsted's recent letter to the Council and other local education stakeholders, on the state of Swindon's education provision and expresses concern that:

- Ofsted's believes the Borough's local education provision failed Swindon's children at every key stage in 2016;
- Less than half of secondary school age students in Swindon are being taught in "good" secondary schools;

- At key stage 2, Swindon's outcomes are considered by Ofsted to be amongst the lowest in the country.

This Council recognises that a common challenge faced by Swindon's schools is the recruitment and retention of good and outstanding teachers. This Council calls on the Cabinet Member for Children's Services to develop effective strategies to support schools in the recruitment and retention of good and outstanding teaching staff."

The Motion was put to the vote and declared lost.

(Councillors Abdul Amin, Steve Allsopp, Matthew Courtliff, Mary Martin, Jim Robbins, Carol Shelley, Tim Swinyard, Carol Sydney-Smith and Julie Wright made personal declarations of interest in respect of this item in their capacity as Council appointed School Governors.)

(Councillors Brian Ford, Jim Grant, Stan Pajak and Gary Sumner made personal declarations of interest in respect of this item as they had family members employed by education establishments in Swindon.)

93. Councillors Question Time

The Director of Law and Democratic Services reported that Standing Order 15 questions had been received from Councillors Steve Allsopp and Robert Wright.

Councillor Steve Allsopp asked a supplementary question seeking clarification for the timescales for the responses referred to in the Cabinet Members' answer. The Cabinet Member for Communities responded at the meeting.

Councillor Robert Wright asked supplementary questions regarding (i) outstanding answers set out with the Cabinet Members response, (ii) the development of the County Ground site, and (iii) the production of an open space audit in respect of any development of the County Ground site. The Cabinet Member for Finance and Corporate Services and the cabinet Member for Communities responded at the meeting.