

SWINDON BOROUGH COUNCIL

THURSDAY, 27th SEPTEMBER, 2001

PRESENT:- The Worshipful the Mayor in the Chair; Councillors Andy Albinson, Steve Allsopp, Arthur Archer, John Archer, Carolyn Arkell, Bernard Baker, Ray Ballman, Michael Barnes, Sue Bates, Mike Bawden, Anne Baxter, Derek Benfield, Peter Brown, Mavis Childs, David Couch, Brenda Craven, Doreen Dart, Jim D'Avila, Phillip Demmen, Michael Dickinson, Maureen Dilley, Melanie Duff, Pambos Economides, Chris Eley, Mike Evey, Fionuala Foley, Brian Ford, David Glaholm, Gunter Gussefeld, Lisa Hawkes, Wendy Johnson, Kelvin King, Charles Lister, Caroline Martin, Mary Martin, Nick Martin, Glen McAllister, Jemima Milton, Derique Montaut, Teresa Page, Stan Pajak, Judith Peppitt, Garry Perkins, Geraldine Robertson, Keith Small, Kevin Small, Bert Smith, Philip Steele, Douglas Stewart, Peter Stoddart, John Taylor, Barrie Thompson, Justin Tomlinson, Steve Wakefield and Richard Young.

37. Notice Convening the Meeting

The Chief Executive read the notice convening the meeting.

38. Terrorist Attacks in America

The Mayor advised that he had written to the United States Ambassador in London, and Mayors of New York, Washington and Pittsburg to express the condolences of the people of Swindon following the recent terrorist attacks which had claimed thousands of lives including many British citizens. The Council observed one minute's silence in memory of those who were dead or missing.

39. Apologies for Absence

Apologies for absence were received from Councillors Maureen Caton, Ian Dobie and Maurice Fanning.

40. Confirmation of Minutes

Resolved – That the minutes of the meeting of the Borough Council held on 26th July, 2001, be confirmed and signed.

41. Order of Business

Councillor Sue Bates moved and Councillor Mike Bawden seconded, and the Council agreed, that the order of business be changed to take Items 7, 13 and 18 after Item 5.

42. Questions by Members of the Public

The following questions were asked in accordance with Standing Order 11.

Questioner

Mr. Brian V. Cockbill

Subject Matter

- (1) Prior to the establishment of the Unitary Authority, what was the last Education Budget allocation made to the Swindon area by Wiltshire County Council?
- (2) What variations have been made by Swindon Borough Council for each of the subsequent four years?
- (3) Are there any recorded alternatives that were proposed and if so (a) what were they, and (b) which Political Group(s) made them?

Response

- (1) The figure given in the Wiltshire County Council Budget Book for Education 1996/97 was £199.56m and the revised Wiltshire County Council Education Budget was £197.41m. The Thamesdown Borough Council share of this figure was £60.31m.
- (2)

1997/98	£61.316m
1998/99	£67.446m
1999/2000	£72.554m
2000/01	£77.465m
2001/02	£80.046m
- (3) Prior to 2001/02 there were no alternative budget proposals made. There were initially two alternative budgets proposed for 2001/02 by the Labour Administration and the Liberal Democrat Group. The final agreed budget was an amended proposal from the Liberal Democrat Group, which was supported by the Conservative Group, to the Education Budget. Full details are set out in the minutes of the meeting of the Council on 1st March, 2001.

Questioner

Mrs. Zena May

Subject Matter

Can the Council give its reason for supporting through Education "Jeans for Genes" Day?

Response

The Leader of the Council said that, as prior notice had not been given of this question, a written response would be provided by the Director of Education and Community.

Questioner

Ms. Glynis Niven

Subject Matter

Can the Council give the progress made on access audits to its buildings?

Response

The Leader of the Council said that, as prior notice had not been given of this question, a written response would be provided by the Director of Environmental Services.

43. Communications Etc.

The Chief Executive reported receipt of two letters from the Chief Constable of Wiltshire Constabulary, in response to a motion on parking enforcement passed at the meeting of the Council on 26th July, 2001, copies of which had been tabled.

44. Questions

The Borough Solicitor reported that a question, addressed to the Lead Member for Social Services and Inclusion, had been received from Councillor Mary Martin, and that a copy of the reply had been tabled.

45. Matters Reserved to the Council for Decision

Councillor Sue Bates moved and Councillor Derek Benfield seconded, and the Council agreed, that the following minutes of the Ratification Committee be confirmed and adopted.

<u>Minute</u>	<u>Subject Matter</u>
31	Street Trading – Consent Street Scheme
39	Sale of Public Open Space at Markenfield, Swindon
61	Local Transport Plan Annual Progress Report and Transport Bid to Central Government for 2002/03

46. Statement of Accounts 2000/01

Councillor Sue Bates moved and Councillor Derek Benfield seconded:

“That the Statement of Accounts 2000/01, as set out in Appendix 1 to the report of the Director of Resources dated 10th August, 2001, be approved.”

After discussion the motion was put to the vote and declared carried.

47. OFSTED Inspection of the Council as a Local Education Authority

The Council considered (a) a statement by the Chief Executive on matters arising from the recent OFSTED Inspection of the Local Education Authority which had significance for the Council as a whole, and (b) a report of the Director of Education and Community dated 20th September, 2001, concerning the outcomes of the OFSTED Inspection of the Council as a Local Education Authority and proposals for responding to the inspection.

Councillor Sue Bates moved and Councillor Derek Benfield seconded:

“(1) That Members note the findings of the OFSTED Inspection of the Local Education Authority and agree to respond to all the recommendations contained within the report.

(2) Members endorse the proposal to establish a Post Inspection Partnership Steering Group to oversee the development of an action plan within the required

timescale and that all Members be given the opportunity to comment on the plan before it is submitted.

(3) Members are invited to endorse the proposal for an independent Chair for the Partnership Steering Group.

(4) Members note that the Department for Education and Skills (DFES) is proposing an Officer Working Group to oversee the consultancy arrangements and that this Group will provide regular reports to Members, and that the Borough Solicitor and the Director of Education and Community be each authorised to seek such advice on consultancy arrangements as they may consider necessary to protect the interests of the Council.

(5) Members authorise the Director of Education and Community to enter into an agreement with Hampshire County Council under Section 113 of the Local Government Act 1972 to allow staff of Hampshire County Council to be put at the disposal of Swindon Borough Council.”

After discussion the motion was put to the vote and declared carried.

48. Motion – Revenue Investment in Education in Swindon

Councillor Garry Perkins moved and Councillor Bernard Baker seconded:

“This Council asks the Government to immediately increase its revenue investment into education in Swindon by £10m per annum and requests that our Local M.P.’s support the request.”

Councillor Mike Every moved and Councillor Wendy Johnson seconded that the motion be amended as follows:

“In the exceptional circumstances of the heavily critical OFSTED report, this Council calls upon H.M. Government to raise the Education SSA for Swindon in 2002/03 to the average for all Unitary Authorities and increase its funding accordingly. The Local Members of Parliament be requested to support this.”

After discussion the amendment was put to the vote and declared lost.

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

49. Motion – Vote of No Confidence

Councillor Mike Bawden moved and Councillor Brian Ford seconded:

“In view of the appalling report from the OFSTED Inspectors, this Council has no confidence in the current Labour administration and calls upon it to resign forthwith.”

Councillor Mike Every moved and Councillor Wendy Johnson seconded that the motion be amended by the addition at the end of the words “to be replaced by an all party administration.”

After discussion the amendment was put to the vote and declared lost.

After further discussion the motion was put to the vote and declared carried.

In accordance with Standing Order 14(1) a formal division was demanded by seven members.

Members voting for the motion:

Councillors Andy Albinson, Carolyn Arkell, Bernard Baker, Mike Bawden, Anne Baxter, Brenda Craven, Doreen Dart, Michael Dickinson, Melanie Duff, Pambos Economides, Mike Every, Fionuala Foley, Brian Ford, Gunter Gussefeld, Lisa Hawkes, Wendy Johnson, Charles Lister, Mary Martin, Nick Martin, Glen McAllister, Jemima Milton, Stan Pajak, Judith Peppitt, Garry Perkins, Geraldine Robertson, Douglas Stewart, Peter Stoddart, Justin Tomlinson and Steve Wakefield.

Members voting against the motion:

Councillors Steve Allsopp, Arthur Archer, John Archer, Ray Ballman, Michael Barnes, Sue Bates, Derek Benfield, Peter Brown, Mavis Childs, David Couch, David Cox, Jim D'Avila, Phillip Demmen, Maureen Dilley, Chris Eley, David Glaholm, Kelvin King, Caroline Martin, Derique Montaut, Teresa Page, Keith Small, Kevin Small, Bert Smith, Philip Steele, John Taylor, Barrie Thompson and Richard Young.

Councillor Sue Bates, Leader of the Labour Group on the Council, gave formal notice that members of the Labour Group would resign from the Cabinet and all Council constituted committees in any form (except Working Groups dealing with the OFSTED Inspection/way forward and the Council's Special Committee) with immediate effect.

(At this point the meeting was adjourned for 15 minutes.)

50. Changes to Cabinet Member Responsibilities

This item was withdrawn.

51. Motions – Bus Lanes

At the meeting of the Council on 28th September, 2000, the following motions were moved and seconded:

"This Council will amend its Bus Lane Orders to allow powered two-wheelers, (PTWs), to use bus lanes of Swindon and thereby take a positive step towards reducing current peak hour traffic congestion, and encourage the use of PTWs in accordance with the Travel Wise Targets set in the Borough Green Travel Plan." *(moved by Councillor Garry Perkins and seconded by Councillor Ian Dobie)*

"This Council will amend its Bus Lane Orders to allow Private Hire Drivers and Hackney Carriages to use bus lanes." *(moved by Councillor Jemima Milton and seconded by Councillor Fionuala Foley)*

The motions, having been moved and seconded, stood referred to the Cabinet and Ratification Committee in accordance with Standing Order 9(1). At the Cabinet meeting on 11th October, 2000, it was resolved:

"That the Motions at Council on the use of bus lanes be referred to the Task Group established by the Environmental Well-Being Scrutiny Commission to consider the Local Transport Plan, and that any recommendations arising from that Commission/Task Group which relate to changes to existing policies, be referred initially to the Environmental Well-Being Policy Commission for consideration, prior to being referred to the Cabinet and Ratification Committee."

The report of the Ratification Committee recommended as follows:

That further to Minute 22(1) of the Transport, Environment and Neighbourhood Services Commission, approval be given to the recommendations of the report of the Local Transport Plan Task Group namely that: (a) an approach be made to the Department of the Environment, Local Government and the Regions to obtain authority to allow powered two wheelers to use bus lanes; (b) subject to (a) above, and the statutory amendment of road traffic orders, powered two wheelers be permitted to use bus lanes (but not bus gates or other bus priority measures), and such a policy be reviewed after twelve months (with any potential major problems being reported immediately to Councillors for consideration); (c) further to (b) above, the Department of the Environment, Local Government and the Regions be also approached regarding the "trial period" for the powered two wheelers use of bus lanes being used as an official experiment (including strict monitoring); (d) no change in the policy be made in respect of the use of bus lanes by Private Hire Vehicles and Hackney Carriages; (e) no change in the policy be made in respect of the use of bus lanes by refuse collection vehicles; (f) the Director of Swindon Services investigate whether evening waste collections in Swindon Town Centre or revised routes might help alleviate problems currently being experienced by staff and off-setting savings for costs incurred; (g) no change in the policy be made in respect of the use of bus lanes by any goods vehicles; and (h) the officers maintain an on-going review of bus lanes and report any proposed changes to the appropriate Council body." (Minute 61(8) refers.)

Councillor Sue Bates moved, Councillor Kevin Small seconded, and the Council agreed, that the motion be amended to accord with the recommendation of the Ratification Committee.

52. Motion – Garden Composting

At the meeting of the Council on 26th July, 2001, Councillor Anne Baxter moved and Councillor Pambos Economides seconded:

"That this Council considers launching a Garden Composting initiative as part of the *Going for Green Environmental Awareness Campaigns Waste Month* in October. The scheme will include the provision of free composting bins to Swindon households utilising funding from landfill tax credits."

The motion, having been moved and seconded, stood referred to the Cabinet and Ratification Committee in accordance with Standing Order 9(1).

The report of the Ratification Committee recommended as follows:

"That a one-off purchase of 5000 home composting bins is made and that these are then made available to Swindon residents free of charge. The bins will be available on a first-come, first-served basis and limited to one per household.

That, for this purpose, the sum of £58,500 is sourced from landfill tax credits.

That the explanatory literature issued to each customer will contain information and advice regarding potential nuisances from vermin."

Councillor Mike Every moved, Councillor Mike Bawden seconded, and the Council agreed, that the motion be amended to accord with the recommendation of the Ratification Committee.

53. Motion – Fire Authority Precepts

Councillor Wendy Johnson moved and Councillor Doreen Dart seconded:

"This Council calls upon Dr. Alan Whitehead M.P., Parliamentary Under-Secretary of State, Department for Transport, Local Government and the Regions with responsibility for fire, to consider as part of the Government White Paper on the modernised Fire Service, the introduction of precepting for Combined Fire Authorities. This will introduce transparency and accountability as well as reducing the inherent conflict between authorities under the present system."

The motion was put to the vote and declared carried.

54. Motion – Minimum Age for Candidates in Local Government Elections

Councillor Mike Every moved and Councillor Kevin Small seconded:

"This Council wishes to foster interest in Local Government and to involve young people in Swindon fully in our democratic process. It therefore calls upon H.M. Government to bring forward legislation to reduce the minimum age for candidates in Local Government Elections to the minimum age for voting in those elections."

The motion was put to the vote and declared carried.

55. Motion – Foot and Mouth Epidemic

Councillor Jemima Milton moved and Councillor Carolyn Arkell seconded:

"This Council calls on the Government to set up a full public inquiry into the foot and mouth epidemic and seeks a meeting with the Minister to discuss how this Council can best contribute to such an inquiry."

The motion was put to the vote and declared carried.

56.

Swindon Town Football Club

Councillor Sue Bates moved and Councillor Jim D'Avila seconded:

“That the Council reaffirms its commitment to helping Swindon Town Football Club to secure a more stable long term future. Noting that the full Council meeting on 17th April, 2001, has set our overall policy in relation to the Football Club, and in accordance with the recommendation of the Cabinet held on 5th September, 2001, it is proposed that:-

(i) the Council accepts the offer from Swindon Town Football Club of rescheduled rent arrears payments, noting the guarantee from the Club that all rent arrears will be cleared by 30th November, 2001, and that monthly rent payments from September onwards will be paid in full and on time;

(ii) the Council is concerned that since 17th April, 2001, Swindon Town Properties Ltd. (STPL) has not been able to bring forward a detailed workable proposal likely to gain the support of the Council in light of our decisions at that Council meeting; and

(iii) in light of this, and recognising the urgent need to avoid any further delays in bringing forward workable proposals to secure the long term future of the Club, we inform Swindon Town Football Club that the Council will be prepared to consider any workable proposals from any interested parties, including STPL, that might help secure the future of the Club but that acknowledge the framework set out by the Council at its meeting on 17th April, 2001.”

Councillor Mike Every moved and Councillor Wendy Johnson seconded that the motion be amended by the deletion of the words “that acknowledge the framework set out by the Council at its meeting on 17th April, 2001” at the end of paragraph (iii).

After discussion the amendment was put to the vote and declared carried.

The motion, as amended, was then put to the vote and declared carried.

(In accordance with Section 94 of the Local Government Act 1972 Councillor Carolyn Arkell declared a pecuniary interest, and Councillors Steve Allsopp, Derek Benfield and Doreen Dart declared non-pecuniary interests in respect of this item and left the room taking no part in the discussion of this matter.)

(Councillor Chris Eley made a declaration of interest under the National Code of Local Government Conduct and declared that as the interest was neither pecuniary nor clear and substantial he would take part in the discussion of the above item.)

57.

Wiltshire and Swindon Waste Local Plan

Councillor Doreen Dart moved and Councillor Jemima Milton seconded:

“That approval be given to the recommendations of the Joint Structure Plan Working Party with regard to the indicative timetable and deposit arrangements for the Wiltshire and Swindon Waste Local Plan 2001 as set out in paragraph 5.4 of the report of the Director of Environmental Services dated 29th August, 2001.”

The motion was put to the vote and declared carried.

58. Annual Library Plan

Councillor Sue Bates moved and Councillor Derek Benfield seconded:

“That the Swindon Annual Library Plan 2001 be approved for submission to the Department of Culture, Media and Sport.”

The motion was put to the vote and declared carried.

**59. Council Constitution – Recommendations of the Review
Panel on Consultation on New Political Structures**

Councillor Sue Bates moved and Councillor Derek Benfield seconded:

“That Swindon Council should, in accordance with the Local Government Act 2000, adopt a new Constitution based on the Leader and Cabinet Model and that the report, together with its attached submission report and the interim Constitution documents, be sent to the Secretary of State for his consideration.”

The motion was put to the vote and declared carried.

60. Reports of Cabinet Lead Members

The written reports from Cabinet Lead Members on issues relating to their portfolio responsibilities were received.

61. Extraordinary Meeting of the Council

The Mayor advised that he expected to call an extraordinary meeting of the Council in the near future to appoint a new administration.