

**Democratic Services**

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**Your ref:**

**Our ref:**

**Date:** 14 February 2012

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**To:** The Chairperson and Clerk of each Parish and Town Council in Bath & North East Somerset and the Chairpersons of Parish Meetings

Copy to :

Group Leaders:

Cabinet Members:

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Parishes Liaison Meeting: Wednesday, 22nd February, 2012**

You are invited to attend a meeting of the **Parishes Liaison Meeting**, to be held on **Wednesday, 22nd February, 2012 at 6.30 pm** in the **Council Chamber - Keynsham Town Hall**.

The agenda is set out overleaf.

Yours sincerely

Ann Swabey  
for Chief Executive

**If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.**

*This Agenda and all accompanying reports are printed on recycled paper*

## NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Ann Swabey who is available by telephoning Bath 01225 394416 or by calling at the Riverside Offices Keynsham (during normal office hours).
2. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Ann Swabey as above.

3. **Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Ann Swabey as above.

Appendices to reports are available for inspection as follows:-

**Public Access points** - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

**For Councillors and Officers** papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

4. **Attendance Register:** Members should sign the Register which will be circulated at the meeting.
5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.
6. **Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

**Parishes Liaison Meeting - Wednesday, 22nd February, 2012**

**at 6.30 pm in the Council Chamber - Keynsham Town Hall**

**A G E N D A**

1. WELCOME AND INTRODUCTIONS
2. EMERGENCY EVACUATION PROCEDURE

*The Chair will draw attention to the emergency evacuation procedure as follows:*

*If the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted. Arrangements are in place for the safe evacuation of disabled people. The assembly point is on the paved area directly outside the main door of the Town Hall.*

3. APOLOGIES FOR ABSENCE
4. URGENT BUSINESS AS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared

5. MINUTES OF THE MEETING ON 19TH OCTOBER 2011 (Pages 5 - 12)

To approve the minutes of the previous meeting as an accurate record.

6. CLINICAL COMMISSIONING (Pages 13 - 14)

A briefing note is attached. Dr Ian Orpen (Chair of the B&NES Clinical Commissioning Group) will attend to give a presentation and answer questions.

7. RURAL BROADBAND IN BATH & NORTH EAST SOMERSET

John Wilkinson (Economic Enterprise Business Development Manager) will attend to give a verbal update on this issue and answer questions.

8. IMPLICATIONS OF THE B&NES COUNCIL'S 2012/13 BUDGET (Pages 15 - 22)

A briefing note is attached. Tim Richens (Divisional Director, Finance) will attend to answer questions.

9. THE LOCALISM ACT'S COMMUNITY RIGHT TO CHALLENGE AND COMMUNITY RIGHT TO BUY (Pages 23 - 24)

A briefing note is attached. Andy Thomas (Group Manager, Partnership Delivery, Policy & Partnerships) will attend to answer questions.

10. THE B&NES CORE STRATEGY AND PLACEMAKING PLAN. (Pages 25 - 28)

A briefing paper is attached. David Trigwell (Divisional Director, Planning and Transport) and Richard Daone (Planning Policy Team leader) to attend to address the progress of the Core Strategy's Examination in Public and the Local Authority's intentions regarding the Place-Making plan.

11. NEIGHBOURHOOD PLANNING ( INCLUDING THE COMMUNITY RIGHT TO BUILD)  
(Pages 29 - 30)

A briefing note is attached. A planning officer will attend to address this issue and answer questions.

12. DEVELOPMENT MANAGEMENT

Councillor Gerry Curran (Chair of the Development Control Committee) and David Trigwell will attend to address this issue and answer questions.

13. DATES OF FUTURE MEETINGS

*The date of the next meeting will be Wednesday 20<sup>th</sup> June 2012.*

The Committee Administrator for this meeting is Ann Swabey who can be contacted on 01225 394416.

## **Bath and North East Somerset Council**

### **PARISHES LIAISON MEETING**

#### **Minutes of the Meeting held**

Wednesday, 19th October, 2011, 6.30 pm

Councillors: Peter Edwards (Chair), Rob Appleyard (Bath & North East Somerset Council) (Vice-Chair), Tim Ball (Bath & North East Somerset Council), Paul Crossley, David Dixon (Bath & North East Somerset Council), Gerry Curran (Bath & North East Somerset Council) and Francine Haeberling (Bath & North East Somerset Council), Geoff Ward (Bath & North East Somerset Council), Tim Warren (Bath & North East Somerset Council).

Representatives of: Batheaston, Bathford, Camerton, Chew Magna, Chew Stoke, Claverton, Clutton, Combe Hay, Compton Dando, Corston, Dunkerton, Englishcombe, Freshford, Keynsham, Marksbury, Newton St Loe, Peasedown St John, Priston, Publow with Pensford, Radstock, Saltford, South Stoke, Stanton Drew, Timsbury, Wellow, Westfield, Whitchurch, Ubley

Also in attendance: Tony Crouch, (President of the Avon Local Councils Association), John Everitt (Chief Executive), Glen Chipp (Strategic Director for Service Delivery), David Trigwell (Divisional Director for Planning and Transport), Vernon Hitchman (Council Solicitor), Ann Cullis (Head of Arts Development), Kate Orchard (Cultural Olympiad Quest Project Manager), Martin Pellow (Quest Project Officer), Meghan Rossiter (Senior Planning Officer), Mark Reynolds (Senior Planning Officer)

#### **16 WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Peter Edwards, welcomed everyone to the meeting.

#### **17 EMERGENCY EVACUATION PROCEDURE**

The Clerk drew attention to the emergency evacuation procedure.

#### **18 APOLOGIES FOR ABSENCE**

Apologies had been received from representatives of Farmborough and Paulton Parish Councils.

Apologies had also been received from Councillors Simon Allen, Cherry Beath, Sally Davis, Eleanor Jackson, Eric Potter, Roger Symonds and Reg Williams.

#### **19 URGENT BUSINESS AS AGREED BY THE CHAIR**

There was none.

## **20 MINUTES OF THE MEETING ON 15TH JUNE 2011**

The minutes of the last meeting were agreed and signed by the Chair as a correct record.

## **21 THE EMERGING STANDARDS REGIME**

The Monitoring Officer, Vernon Hitchman introduced this item and informed the meeting that the Localism Bill (which includes proposed changes to the Standards regime) was going through the final steps of the parliamentary process. The 3<sup>rd</sup> reading would be on 31<sup>st</sup> October 2011. The proposals state that all councils have a duty to promote and maintain high standards of conduct, but that they are given discretion about whether to adopt a Code of Conduct. In addition, under the new proposals, if a councillor has failed to comply with the required standards of behaviour, councils only have to power to reprimand or censure; they cannot suspend or disqualify a councillor as they can at present. However, with regard to members' interests, the new proposals contain more Draconian measures. Contravention would be a criminal offence, punishable by a fine of up to £5K and a court could order a councillor's suspension or disqualification for up to 5 years.

Following the national consultation process, various amendments to the proposals have been suggested by interested parties including local authorities. There is considerable support for a Code of Conduct which conforms to a universal standard and which gives councils the power to do more than reprimand councillors. There is little support for the introduction of criminal sanctions. Many local authorities and members of the House of Lords have expressed an opinion that the current system whereby the Standards Committees have voting independent members (who also act as chairs) should be continued. When these proposals were put before a meeting of full Council on 15<sup>th</sup> September, the Members were in broad agreement with the above opinions. They also wished to offer the Parish Councils the facility of using the B&NES Standards Committee to deal with complaints.

A representative from Combe Hay Parish Council asked about the current timescale for the legislation and was informed that the Bill was due to become law by the end of November 2011 and the proposals should be in force by spring 2012.

## **22 THE CULTURAL OLYMPIAD**

Ann Cullis, (Head of Arts Development), Kate Orchard (Cultural Olympiad Quest Project Manager) and Martin Pellow (Quest Project Officer) introduced this item. They explained that the Cultural Olympiad project was intended as a catalyst to celebrate communities in B&NES by holding both small and large scale activities. Parishes and towns would be encouraged to take up Quest challenges to do with e.g. the arts, sports, heritage or energy conservation.

Martin Pellow informed the meeting about the Gold Challenge which was aimed at giving opportunities to all residents to become more active and take part in Olympic sports whilst also raising money for charity. B&NES was fortunate in having facilities

to offer all of the Olympic sporting options and families, local teams and whole communities can sign up to try a new sport. The Gold Challenge had been included in the Chairman's sports awards for 2012. The officers encouraged all those interested to obtain more information from the website: [www.goldchallenge.org/bathnes](http://www.goldchallenge.org/bathnes).

## **23      PROGRESS OF THE EXAMINATION OF THE B&NES CORE STRATEGY**

David Trigwell (Divisional Director, Planning and Transport), introduced this item and informed the meeting that the Planning Inspector had suspended the examination of the Core Strategy in order to allow full Council to respond to the questions raised, in particular the contingency to support new housing delivery. The consultation period will last till 21<sup>st</sup> October after which the Inspector will be reviewing the Council's response to his preliminary comments and questions, the changes proposed in the Core Strategy and the issues raised in comments received.

Councillor Tim Ball informed the meeting that this was a milestone in the progress of the Core Strategy and that it was felt that it could stand on its merits without contingency. As the Council were required to build 600 new homes per year, the need now was to look for potential sites. He looked to the parishes to help identify some of these.

A representative from Priston asked whether the examiner's remit was affected by the progress of the Localism Bill and was informed that it was unlikely as the Inspector was working within the framework of current legislation.

A representative from Combe Hay asked whether there was any interaction between the Core Strategy and the emerging National Policy Framework. The officer replied that the government's intentions was to reduce central advice and policy imposition, but that meant that there had to be robust local arrangements and policies. It was also important that communities set out their aspirations for the district before developers did it for them. Inspectors must make sure that the system does not stand in the way of local wishes.

## **24      THE SEARCH FOR AUTHORISED SITES FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE**

David Trigwell (Divisional Director, Planning and Transport) introduced this item and also introduced Meghan Rossiter who had been seconded to the planning department to work on this issue. The officer explained that the Council were in a vulnerable position in the absence of a policy on sites for gypsies, travellers and travelling showpeople. As the authority progresses through the timetable in the Local Development Plan, the evidence gathered to deliver sites will also help the Council to defend itself against inappropriate sites.

Councillor Tim Ball admitted that the issue had caused difficulties for the Council over many years. He pointed out that some of those living in caravans were local homeless people, not travellers, who had integrated well into the community and

whose children attended local schools. He informed the meeting that he had an illegal site in his ward, but that moves were in hand to turn it into a legal site.

A representative from Clutton asked what the planning department did with illegal sites. The officer replied that some sites could be changed into legal sites if necessary and acceptable. As the local authority has not yet framed a policy on these sites, it is difficult to defend any action at appeal as B&NES has no alternative provision to offer. This is why the Council must determine where the sites are.

The representative from Clutton asked what was done about illegal pitches once the agreed number of legal pitches had been identified. The officer replied that once a policy was adopted, anyone could bring forward a proposal to amend that policy. Councillor Gerry Curran (Chair of the Development Control Committee) added that the authority did not have provision for enough sites and that the policy needed updating. If identified sites were included in the Core Strategy, then it put the Council in a stronger position. Although some of the illegal sites might become legal in the future, the Council intended to prosecute if necessary.

Councillor Geoff Ward (Bathavon North Ward) asked if the assessment had been completed, and if so, what number of sites had been advised. The officer replied that 22 pitches had been suggested, but it would be up to the inspector to decide if that number was adequate.

A representative from Radstock Town Council pointed out that many of the travelling people were destitute and that they often missed out on education and healthcare. The situation would improve if sites were regulated. The officer informed the meeting that Ashley Ayre (Director of People and Communities) was looking into this issue and seeking to ensure that the sites' criteria included access to health and education services.

The Chief Executive added that with permanent sites it would be easier to ensure that the Council fulfilled its obligations with respect to the safeguarding of adults and children.

A representative from Corston pointed out that there were a lot of travellers who lived on the boats on the canal and the river Avon. The officer said that river sites were not covered by current planning policy, but it was hoped to remedy this in the future. Councillor Ball added that the issue was also being considered by national government.

## **25 NEIGHBOURHOOD PLANNING**

David Trigwell (Divisional Director, Planning and Transport) introduced this item about the Neighbourhood Planning Protocol which sets out how the community, stakeholders and interested parties can be active in planning their neighbourhood. The protocol runs alongside other planning policies and details of the timetable for adoption are in the paper published with the agenda.

A representative from Batheaston informed the meeting that he had attended the focus group sessions on the protocol which had been very useful. He pointed out

that more needed to be done to engage with urban areas, but that parish councils were well represented.

The officer agreed that dealing with the non-parished areas of the district did raise problems. The department were in touch with established groups such as residents' associations, but there were difficulties with boundary issues.

A representative of Keynsham Town Council stated that the consultation period for the protocol was at a very inconvenient time over Christmas and New Year. The officer replied that they were aware of the tight timescale and had added extra feedback time over the Christmas period.

Peter Duppa-Miller (Secretary, B&NES Local Councils Association) asked for clarification as to the impact of the draft Neighbourhood Planning Regulations on the Neighbourhood Planning Protocol. He understood that in parished areas it was the parish councils who lead. However, the Campaign for the Protection of Rural England was encouraging communities to form Neighbourhood Forums, which appeared to be almost in competition with parishes. The officer replied that he was aware of that development, but that he felt the parish councils should have primacy. He hoped that national government would provide clarity on this issue.

## **26 PLANNING ENFORCEMENT**

Mark Reynolds (Senior Planning Officer) introduced this item and gave a presentation on the enforcement process. He explained what the Enforcement team can and can't deal with and said that the policy was based on consistency, proportionality and openness. Enforcement action is a discretionary power of the Council and is seen as a last resort where the department is unable to resolve a breach with the offender. The officer informed the meeting that the Council dealt with 700-800 enforcement enquiries every year, but that the vast majority are dealt with informally with no further action needed.

Councillor Tim Warren (Mendip Ward) expressed concern about the time taken to deal with enforcement actions and the lack of response from the department – it was very frustrating for parishes. The officer replied that their policy is to respond quickly with an email. However, just because the parish hasn't heard anything, it doesn't mean that nothing is happening. The department only informs interested parties when progress has been made. A representative from Saltford stated that it was B&NES practice to only correspond with the initiator of the enquiry about enforcement actions, but it would be helpful if the clerk to the parish council could also be informed. The officer replied that they were happy to keep the clerks informed if the parish council is not the initiator of the complaint.

Councillor Geoff Ward (Bathavon North Ward) said that the work of the department was appreciated, but asked why the number of enforcement actions was reducing. The officer replied that they were trying to effectively negotiate and manage the enforcement notices so that fewer actions were necessary. David Trigwell added that there had been no change of policy during the past two years; the reduction was due to the nature of the cases.

A representative of Dunkerton Parish Council commented that their council had raised several planning matters with the department which turned out to be permitted development and asked if the parish councils could be advised of these so that they did not waste time contacting the enforcement team.

David Trigwell (Divisional Director, Planning and Transport) replied that most planning applications were a private process so there was no requirement for parish councils to be kept informed. The department did encourage developers to inform their neighbours and the parish councils, but they had no power to force them to do so.

A representative of South Stoke Parish Council expressed concern about the tendency towards delay in the planning process, which meant that investigations which lasted more than 4 years were closed as they had run out of time. The officer replied that he was well aware of the 4-year rule, but that if an enforcement notice is served, it effectively 'stops the clock', especially where a development is getting close to its time limit. The Localism Bill is proposing to plug this gap with improved powers.

A representative of Clutton Parish Council asked whether all the enforcement notices issued in 2010-2011 had been resolved. He pointed out that less than 5% of cases were subject to enforcement notices, so that meant that 95% were resolved amicably and further asked how many of the complainants were satisfied with that outcome. To the first question, the officer replied that it varied – some would have been subject to enforcement and some remain unclosed. In response to the second question, the officer said that he could not give that information as one would need to ask the individuals involved.

Councillor Gerry Curran commented that it would be interesting to look at the age profile of cases and that he would ask the planning department to produce some figures on that issue. He pointed out that bringing a case to the stage of prosecution could be seen as a failure.

A representative of Newton St Loe Parish Council asked how rapidly the department could issue a temporary stop notice. The officer replied that they were only used when there had been a serious breach e.g. a highway safety issue. They could be drafted and served within a matter of days. If the breach related to a tree that was subject to a Tree Preservation Order being cut down without permission, then the offender could be subject to a fine of up to £20K.

Frequently, the department only became involved after the breach had been committed.

A representative from Combe Hay Parish Council commented that it seemed that some investigations were closed because it was not expedient to go further. The officer replied that sometimes the department only took enforcement action when it was expedient to do so – they did not want to favour those people who didn't apply for consent.

Councillor Gerry Curran commented that the development management process depended on the legislative framework. It needed to be based on the principle of 'harm done', so if the department went down the enforcement route and were

unsuccessful, it could be seen as a waste of public money and affect the Council's reputation.

A representative from South Stoke Parish Council asked how many cases had been closed because they had run out of time. Councillor Curran said that he would forward that information to parishes, but that performance had improved significantly over recent times.

**27 DATES OF FUTURE MEETINGS**

The Chair informed the meeting that the next Parishes Liaison meeting would be on February 22<sup>nd</sup> 2012.

The meeting ended at 8.10 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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## Parish Council Liaison Meeting February 22<sup>nd</sup> 2012

### Clinical commissioning

#### **Purpose:**

This item is being brought to the parish council liaison meeting to present information on the progress to date towards clinical commissioning in Bath and North East Somerset and the aims of B&NES Clinical Commissioning Group. A presentation will be provided at the meeting and there will be opportunity for discussion.

#### **Context:**

The way health and care services in Bath and North East Somerset are planned and delivered, a process called commissioning, is being reformed. Local clinicians, principally GPs, are bringing their clinical expertise, patient understanding and knowledge of primary, secondary and tertiary care to lead and shape how our services are commissioned in the future.

In B&NES these plans are well developed and strong foundations are in place ready for full transition in April 2013 when commissioning responsibilities will transfer from the primary care trust to our clinical commissioning group (CCG).

In September 2010 a meeting of 150 local GPs and practice managers representing 28 practices across B&NES was held. From that, a single group was established to represent the whole of B&NES. Elections were held to determine and constitute the leadership group (CCG). The group comprised six GPs and a practice manager.

The CCG is now going through a vetting process ahead of full authorisation and transition in April next year. Throughout this period the CCG has been and will continue to work closely with senior and experienced NHS managers, the council, providers of care and the public as well as a range of other partners.

In preparing for this transition and by establishing strong clinical leadership locally, the CCG is creating a strong foundation to ensure the local population of B&NES continues to benefit from high quality services.

Dr Ian Orpen  
Chair  
B&NES Clinical Commissioning Group

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## THE COUNCIL BUDGET 2012/2013

### Executive Summary

#### Budget Headlines

The proposed band D Council Tax for Bath & North East Somerset Council next year, 2012/13, is £1,201.85 which represents no change on the previous year (no increase). This is the second year in which the Council Tax level has now been frozen recognising the on-going pressure on household incomes.

The proposed net revenue budget for Bath & North East Somerset Council next year, 2012/13, is £120.106m, a net cash reduction of £1.636m on the previous year. This reflects the impact of significant cuts in government grant funding amounting to 8.3% for 2012/2013.

The proposed revenue budget will:-

- Deliver £12m of savings primarily as a result of efficiency and the change programme.
- Protect frontline services with actual service cuts amounting to less than 0.5% of the Council's gross budget meaning that 90% of the overall savings are being found by methods other than service reductions
- Reduce the Council's planned borrowing levels from £206M to £172M.
- Fund capital investment amounting to £174.6m over the next five years.

A capital programme which will provide for:-

- A significant investment in growth and regeneration schemes including Keynsham Town Centre, Radstock, London Road – Bath, setting up of a Creative Hub and preparation to support investment in key Enterprise Areas within B&NES.
- Commitment to the Bath Transport Package following confirmation of Programme Entry and Grant Support from the Department of Transport.
- An increased contribution towards enablement of affordable housing across B&NES area, building on the on-going commitment to the Bath Western Riverside Development.
- Improvements in the Public Realm including the full cost to deliver the Rossiter Road scheme.
- Continued investment in highways maintenance with additional support for the provision of 20mph zones.
- Additional investment in transport infrastructure with particular focus on reducing carbon emissions, supporting economic growth, promoting accessibility, contributing to better safety, security and health, and improving the quality of life in a healthy natural environment.
- On-going Improvements to school buildings and facilities together with provision of additional capacity particularly for primary and nursery places.

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- **Investment in rural communities including improved Broadband connectivity, and improved library provision for Paulton**

**The proposed revenue budget and capital programme builds on the prudent financial management of the Council and is designed to maintain front line services as far as possible whilst recognising the financial challenge facing the public sector. There is a focus on achieving on-going reductions in the Council's cost base through our efficiency and change programme together with considered and affordable capital investment.**

### **The Budget Context**

The Budget for 2012/2013 has been developed within the context of the Government's deficit reduction programme as set out for the public sector in the Comprehensive Spending Review (CSR) announced in October 2010.

This CSR included reductions of 28% in local authority spending spread over the four year period from 2011/2012 to 2014/2015 with a significant element front loaded to the first two years. The Government's Autumn Statement in November 2011 confirmed the need for public sector spending deficit reduction measures to continue beyond the period of the current CSR into 2015/2016 and 2016/2017 with the potential for cuts equivalent to levels over the past two years continuing well into the medium term.

The specific financial implications for the Council are set out in the annual Local Government Finance Settlements in December which showed a 16% cash reduction in funding from Government in 2011/2012 and, an over 8% reduction in 2012/2013. The Settlements do not go beyond these two years as a result of the significant changes to the grant and business rates system from 2013/2014 although the direction of travel is clear from the CSR.

The Council recognises the financial challenge facing the public sector and provides for prudent provisions within its reserves to help enable and facilitate the changes and implications that will result. The Council maintains a high degree of focus on sound financial management (including the delivery of balanced budgets and significant efficiency savings) and it is anticipated this will continue with a balanced budget delivered for the current financial year 2011/2012.

### **The Local Government Finance Settlement**

The headline from the local government financial settlement is an 8.3 % reduction in the Council's formula grant funding from Government for 2012/2013. Within the settlement, the Government continues to provide protection to councils they deem more dependent upon government grant notwithstanding that B&NES Council is one of the lowest funded unitary authorities. B&NES grant remains significantly 'damped' to the value of £2.3m for 2012/2013 and so continues to receive less than the Government's own assessment of B&NES needs requirement.

The table below illustrates the scale of the government formula grant funding reductions compared to the overall reductions indicated within the CSR 2010.

## BATH & NORTH EAST SOMERSET COUNCIL

**Table 1: Reduction in Government Grant Funding**

	<b>2012/2013</b>	<b>2013/2014</b>	<b>2014/2015</b>
CSR Indicative Funding Reduction	-6.4%	-0.9%	-5.6%
Actual B&NES Funding Reduction	-8.3%	TBC	TBC

The Settlement included provision of financial support from the government for councils who freeze their Council Tax for next year – 2012/2013. Unlike the freeze grant for 2011/2012 which is provided for a period of 4 years, the grant for 2012/2013 is stated to be a one-off only and will therefore impact upon the budget considerations for 2013/2014 and beyond.

Within the Settlement it had been anticipated that following a consultation issued by the Department for Education over the summer of 2011, a further adjustment would be made from 2012/2013 to the level of funding being top sliced for academy schools. The financial planning model had assumed this would be up to an additional £1.5m however the Settlement cancels this and provides for a further consultation by the DoE. This creates potential one-off headroom within the financial planning model for 2012/2013.

The December 2011 Local Government Finance Settlement is the last under the current system of government funding for local authorities. It is the Government's stated intention to introduce a new funding system for 2013/2014 based on the principle of returning an element of the growth in business rates to local authorities. Further details are expected in the spring 2012 although this new system appears to make no allowance for specific funding needs for growth pressures like adult social care. Risks around actual growth and business rate collection levels are also likely to be transferred to the Council.

The Settlement announcement confirmed that as part of the new Localism provisions, Council tax referendums are required for any Council (excludes parishes in 2012/2013) increasing council tax by more than 3.5% (4% for police and fire). This is clearly irrelevant for councils accepting the council tax freeze grant.

### **The Budget Proposal**

Each Directorate of the Council has prepared a Medium Term Service and Resource Plan (MTSRP), together with more detailed individual Service Action Plans (SAP) which have been considered by the relevant Policy and Development Scrutiny (PDS) Panels throughout November 2011 and January 2012. This consideration included detailed Equalities Impact Assessments for all the SAP's, copies of which can be accessed on the Council's website.

The MTSRP's and SAP's set out the specific service and resource requirements for 2012/2013 and beyond, including growth requirements and savings proposals, and allowing for the anticipated financial implications of the grant settlement. Feedback from the individual PDS panels has been considered in arriving at the proposed Budget.

## BATH & NORTH EAST SOMERSET COUNCIL

The proposed Budget for 2012/2013 recognises the very difficult financial challenge now facing the whole of the public sector and the continuing need to prioritise resources. Against this backdrop the proposed Budget has taken into account a number of key principles, particularly

- Fiscal restraint including a frozen council tax level, reduced planned borrowing and no increases to car parking and park and ride fees.
- Protecting priority front line services especially where these support the most vulnerable
- Maximising efficiency savings and using the Change Programme and invest to save as a means to achieve this.
- Passporting additional Government funding for Schools, Early Intervention (including additional funding for child care for qualifying 2 year olds) and Community Health and Social Care.

There will be increasingly limited resources available to deliver the full range of services that have been provided in the past. New legislation and demographic changes similarly demand clear prioritisation and new approaches. This has and will mean difficult choices both for the next financial year 2012/2013, and beyond.

The developing new visions and values of the Council will help to prioritise resources going forwards

- Promoting independence and positive lives for everyone
- Creating neighbourhoods where people are proud to live
- Building a stronger economy

Full details of the proposed Vision and Values are set out in a separate report to the Cabinet on 8<sup>th</sup> February 2012 and will support the development of the Corporate Plan for future consideration by the Council.

The proposed Budget recognises service specific growth pressures and Council priorities that need to be addressed including impacts of national policy changes totalling some £9.3m. The most significant of these include:

- £2.5m for Rising elderly population placing significant demands on Adult Social Care and Health services.
- £0.5m for Increased demand from adults with learning difficulties.
- £0.2m for Increased demand for Children's care services.
- £2.8m for Inflationary costs particularly for care placements and external service contracts.
- £0.3m to meet a national increase in the rate of the landfill tax.
- £0.5m to reflect the local impacts of the economic downturn and increasing competition.
- £0.1m for green initiatives
- £1.2m for other priority improvements including support for key capital projects, street cleaning and the listening approach of the Council.

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Taking account of the reductions in government grant funding and the pressures outlined above, requires the identification £12m of budget savings in 2012/2013 as part of the proposed Budget. These are set out in full at Annex 5 and can be summarised as follows:-

**Table 2: 2012/13 Savings Analysis**

<b>Description</b>	<b>£'000</b>
Change Programme & Efficiency Savings	8,551
Increases in Income from fees, charges and other grants	2,439
Service Reductions	1,062
<b>Total Savings</b>	<b>12,052</b>

The majority of savings are being delivered from efficiencies through service review and the Council's change programme. This has enabled service reductions to be kept to an absolute minimum. Indeed the reductions to services represent less than 10% of the total savings and only 0.5% of the gross Council budget excluding Schools. Details of the specific savings items and the impact on service areas are included within individual MTSRP's and SAP's.

Guidance from Government is being followed to ensure cuts to the voluntary sector are not disproportionate and avoided where possible. Where cuts are unavoidable, the Council will reflect the appropriate guidance for consultation and engagement.

In the medium term the need to strike an appropriate balance between the diminishing resources available to the Council and the demands placed on all its services will require a greater prioritisation of services.

### **Schools Funding**

Schools are funded by the Dedicated Schools Grant (DSG) which is initially allocated to the Council by the Department for Education. The DSG supports all expenditure in schools (who set their own budgets) and the activities that the Council carries out directly for schools. It does not cover the statutory responsibilities the Council has towards parents. These responsibilities are funded through the Councils main revenue funding and included as part of the proposed Budget.

The Dedicated Schools Grant (DSG) increase compared to 2011/12 is complicated by the conversion of several schools to academies. The overall increase in the DSG is estimated for 2012/2013 at £300k with total funding of £114.1m. This additional funding actually relates to increased demand due to a rise in the number of pupils in our schools and early year's providers. Taking account of this, the overall total represents a similar level of cash grant compared to the previous year.

As schools convert to academies the DFE take back the element of DSG payable to the local authority in order to make payments direct to the academies. The DFE estimate of this will be £24.6m in 2012/13 leaving £89.5m payable to the Council.

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This recoupment by the DFE is based on 7 secondary, 1 special and 1 primary academies in 2012/13. It is difficult to assess whether there will be more schools converting to academies over the next year.

### **Council Tax**

The local government financial settlement included an announcement of financial support for councils who freeze their Council Tax for next year at the current level (i.e. a zero increase). This financial support (in the form of a grant) for 2012/2013 is stated to be a one-off only and will therefore impact upon the budget considerations for 2013/2014 and beyond.

The proposed Budget utilises this grant and provides for a zero increase in Council Tax for 2012/2013.

### **Business Rates**

Whilst the Council is responsible locally for the Collection of Business Rates (National Non Domestic Rates), these are remitted in full to national Government. At a national level business rates are currently pooled and redistributed to local authorities based on a needs assessment. Under this system this Council currently collects £55m in business rates but only receives back £33m.

The uplift in the level of Business Rates is set each year by the Government by reference to the annual inflation figure measured at September each year. The uplift to be applied for 2012/2013 will be 5.6% based on this approach.

Changes to this system are proposed from 1 April 2013 although this will only provide local authorities with an element of any future growth (or reduction) in business rates with the annual uplift continuing to be set by the Government.

### **Reserves**

The Council is maintaining its un-earmarked reserves at the appropriate risk assessed level. Some of these reserves (above a minimum level) will continue to be utilised on an Invest to Save basis. The assessed risk which has been reviewed as part of the Budget process, suggests reserves of £10.5M for 2012/2013 with a minimum level of £6M. These are deemed appropriate based on current financial planning assumptions.

Earmarked reserves are set aside to fund specific future commitments and have been fully reviewed as part of the budget process. The most significant of these are:-

- Revenue Budget Contingency - £1.4m (to meet in year budget variations)
- Medium Term Financial Challenge Reserve - £2.2m (for Change Programme)
- Restructuring Reserve - £4.1m (to meet future severance costs)
- Affordable Housing Reserve - £3m (to fund affordable housing contribution for Bath Western Riverside)
- Capital to Revenue Reversion Reserve - £2.8M (to meet revenue reversion costs of discontinued capital schemes)

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The balances shown are for 2012/2013 and these reserves are anticipated to be fully committed over the medium term.

### **The Medium Term**

The Government's Autumn Statement in November 2011 confirmed the need for public sector spending deficit reduction measures to continue beyond the period of the current CSR into 2015/2016 and 2016/2017. This indicates the need for local authority expenditure to continue to fall with the potential for government funding cuts continuing in line with the current CSR period which already amounts to over 28% in total.

During this period of deficit reduction, the Council will also be required to deal with an unprecedented level of change in its role, services and funding. These include changes to the benefits system particularly council tax and housing benefits, the on-going impacts of Academy Schools, a new duty for Public Health and the changes to the grant and Business Rates system.

The Council approach to these medium term challenges will be driven by the new Vision and Values which will support the development of a new Corporate Plan. These will be used to help prioritise services and resources going forwards to minimise the impact of unavoidable service cuts in future years. The Council will continue to focus on the delivery of efficiency savings, supported by its Change Programme.

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### BRIEFING NOTE, Parishes Liaison 22<sup>nd</sup> February 2012

#### LOCALISM ACT 2011: COMMUNITY RIGHTS TO CHALLENGE AND TO “BID”

The Localism Act 2011 introduced new “Community Rights”. Although further detail is expected in regulations, this note sets out current information about the rights to “Challenge” and to “Bid”. This note summarises the provisions.

##### **Community Right to Challenge (Sections 81-86 of the Act)**

This enables a voluntary, community or charitable body, Parish Council or two or more employees of a Local Authority to express an interest in running a Local Authority service. The Local Authority must consider Expressions of Interest and, where they accept them, run a procurement exercise for the service. The Local Authority can only reject this challenge on set grounds, including

- *the relevant body is not suitable to provide the service*
- *the expression of interest is submitted outside a period set by the authority*
- *there is a contract or other service agreement in place or underway*
- *the EoI provides unsatisfactory, inadequate or incorrect information*
- *the authority believes that acceptance of the EoI would contravene law*

##### **Assets of Community Value - “Community Right to Bid” (Sections 87 – 108 of the Act)**

This gives communities a right to identify a building or other land that they believe to be of importance to their community’s social well-being. If the asset comes up for sale, they will be given an opportunity to make a bid to buy it on the open market. Voluntary and community organisations with a “local connection” and Parish Councils will have the right to nominate assets to be included on the list. There are some exemptions to listing (eg residential property) and rights to appeal. The Local Authority must use the following criteria when deciding whether to list an asset.

- A main current use of the asset furthers the social wellbeing or social interests of the local community, and it is realistic to think that this can continue (whether or not in the same way)
- There is an additional provision for recent past uses but in this case it must be deemed realistic for social wellbeing to be realised from the building in the next five years

Unless an exemption applies, the owner will only be able to dispose of the asset after a specified “window” has expired. The first part of this is a 6-week interim period, which will allow community interest groups to express a written intention to bid. If none do so in this period, the owner is free to sell. If a community interest group does express an intention to bid during this interim period, then there is a 6-month window to prepare a full bid. So long as these processes are followed, it is for the asset owner to decide how to respond to any bid made and the owner has up to 18 months to decide on how to dispose of the asset before the community right can be applied again.

[Plain English Guide to the Localism Act](#)

More information from CLG on these new [community rights](#)

## Parishes Liaison Meeting Wednesday 22<sup>nd</sup> February 2012

This briefing note sets out an update on the Core Strategy Examination and Placemaking Plan.

### **B&NES Core Strategy – Progress of the Examination**

#### Examination Hearings

- 1.1 Parish and Town Councils will be aware that the Core Strategy Examination is currently taking place. The hearing sessions commenced on 17/1/12 and the final session of the main body of the hearings closed on 1/2/12. The hearings sat for 9 days covering a range of issues identified by the Inspector. The key issues discussed are summarised in paragraph 1.3 below.
- 1.2 There is one outstanding hearing session that will take place on 15/3/12 to consider whether the Council has met the 'Duty to Co-operate' requirement of the Localism Act. Legal advice taken by the Council (corroborated by the advice of the Planning Inspectorate) is that the duty does not apply to the B&NES Core Strategy as it was submitted before the Act came into effect. However, the Council asked the Inspector to consider the issue in light of the threat of a legal challenge to the adoption of the Core Strategy from objectors.
- 1.3 For information set out below is a brief summary of some of the key issues discussed at the hearings.
  1. **Level of growth.** Objectors argued that the Council should be planning for a much higher level of economic and housing growth based on the Draft RSS (15,500 additional homes) or ONS household projections (16,000 homes). The case was made by the Council that the Core Strategy is planning for a high level of economic and housing growth, higher than has been achieved in the recent past, and that economic recovery has been slower than was envisaged at the time of preparing the Draft Core Strategy. In addition the Council also presented evidence that the ONS projections are not sufficiently reliable to be the sole basis for deciding housing numbers.
  2. **Housing shortfall:** The Council has explicitly set out that it is not seeking to meet the fully identified 'technical need' for new housing because of the particular environmental constraints in the District and the objective of resisting unsustainable development (e.g. perpetuating and worsening the dormitory role of Keynsham and Midsomer Norton/Radstock). The Council is meeting over 90% of the new homes needed. However, in addition to the shortfall against the 'technical need' there is still a backlog of unmet housing need arising from the Local Plan which was also the subject of discussion at the hearings.
  3. **Spatial Strategy:** The spatial strategy for accommodating new housing and employment development across the District was discussed. The Inspector explored whether the spatial strategy was the most appropriate for B&NES focussing on the balance between homes and jobs in different areas and whether it was capable of delivery. With regard to the rural parts of the District discussion focussed on whether the level of new development directed to the rural area was appropriate and whether the strategy establishes a clear framework in directing this development to the most sustainable villages.
  4. **Delivery:** The Council's plan for sites delivery was also examined and discussed in detail. The Council outlined its evidence supporting the delivery assumptions. The

limited flexibility in the housing supply in case delivery does not proceed as planned was one of the areas focussed on at the hearings.

- 5. Other Issues:** Other key issues discussed related to the likely delivery of the upstream flood compensatory storage facility and how this affects delivery of development in the river corridor in Bath; whether the sustainable construction policies are too aspirational; and whether the affordable housing policy approach accords with the conclusion of the evidence base.

#### Informal Changes to the Core Strategy

- 1.4 In the lead up to the hearings and during the hearings themselves a number of changes to the Core Strategy have been informally suggested by the Council for consideration by the Inspector. These changes principally arose from issues raised by the Inspector and objectors or through discussion at the hearings. These changes can be found in a schedule on the Council's website at:  
<http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Planning/planning%20policy/Core%20Strategy/Schedule%20of%20Rolling%20Changes%20February%202012.pdf>

The changes include amendments to the rural area chapter in respect of policy RA1 (see pages 12 – 16 of the schedule). These changes were suggested in advance of and were therefore, discussed at the hearings.

- 1.5 The changes set out in the schedule have not been approved by the Council and are informal at this stage. The Inspector (via the programme Officer) has invited examination participants and other interested parties to submit comments by 22.02.12 so that he has access to the full range of views in considering the changes. Those changes which he considers need to be made to ensure soundness of the Core Strategy would be included as recommended 'main modifications' in his Report. They will then need to be formally considered by the Council prior to public consultation (see next steps below).

#### Next Steps

- 1.6 Following the last hearing session on March 15<sup>th</sup>, the Inspector will issue his Report to the Council and the Examination remains open until then. Whilst he has not given a date, the Report is usually issued around 2 to 3 months after the last session. However, this period may be lengthened by the potential publication of the National Planning Policy Framework. The Inspector can recommend 'main modifications' to rectify soundness issues, but if he considers there are substantial issues of unsoundness e.g. the need to plan for a higher number of additional homes or an inappropriate spatial strategy, he cannot recommend the solution via modifications. All he can do is recommend the steps the Council must take to rectify the problem. This is because substantial modifications to the Strategy will need to go through statutory processes including Strategic Environmental Assessment, Habitat Regulations Assessment and public consultation.
- 1.7 If the Inspector recommends the plan is sound (with certain changes/modification), the Council will need to formally consider the recommended modifications and publish them for public comment. This would be followed by the Council considering comments received, amending the plan and adopting it.

#### **The Placemaking Plan**

- 2.1 The Placemaking Plan will take forward the strategic and high level planning framework of the Core Strategy and consider how development can and should be delivered on identified sites.

- 2.2 The Placemaking Plan will comprise three main elements:
- Site Allocations: Identifying development sites and providing clear development expectations
  - Development Management Policies: a key instrument for determining planning applications
  - Local Designations: Providing protection for valued assets as well as allowing certain kinds of development.
- 2.3 The Placemaking Plan will provide clarity and greater certainty for the development industry. Crucially it will be produced collaboratively with the communities of Bath and North East Somerset. This will include working closely with town and parish councils in assessing future development opportunities and policy approach in towns and villages (within the context of the Core Strategy policy framework). Preparation of the Placemaking Plan represents a key opportunity for communities to be involved in the planning process. This is in addition to opportunities that will arise through Neighbourhood Planning (see item 5 below).
- 2.4 Work on the Placemaking Plan remains in its early stages, principally due to the resources required to progress the Core Strategy through examination. However, work is now anticipated to progress quickly. It is intended that formal public consultation (the 'issues and options' stage) will take place in autumn of this year. The Council's Planning Policy team will be in touch before then with more details of how town and parish councils can be involved in preparation work. Work on the MoD sites in Bath, as part of the Placemaking Plan) is being accelerated in light of the imminent release of the sites

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## PARISHES LIAISON MEETING – 22<sup>ND</sup> FEBRUARY 2012

### Neighbourhood Planning (to include the Community Right to Build)

- 1.1 The Planning Authority is preparing a Neighbourhood Planning Protocol (NPP) to set out how the following new Neighbourhood Planning mechanisms introduced by the Localism Act will operate:
  - Neighbourhood Forum (applies to un-parished area of Bath),
  - Neighbourhood Plans
  - Neighbourhood Referendum
  - Neighbourhood Development Orders
  - Community Right to Build
- 1.2 The NPP will also include a review of the Council's Statement of Community Involvement (Adopted 2007) and details of tree preservation order consultation. It will ensure that the Council is in a position to respond to the Localism agenda efficiently and coherently. In addition it should enable communities to understand the range of opportunities to interact with and take an active role in planning in their locality.
- 1.3 The Council's Cabinet will consider a draft NPP in Spring 2012 for public consultation. Public consultation on the draft is scheduled from April 2012, with adoption anticipated for June 2012.
- 1.4 Further information on the NPP can be found on the Council's webpage: [www.bathnes.gov.uk/neighbourhoodplanning](http://www.bathnes.gov.uk/neighbourhoodplanning). It includes details of:
  - Local consultation events to date (including focus group reports and presentation material)
  - Further information about Neighbourhood Planning
  - Details of national bodies who have received Government funding to support Neighbourhood Planning

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