

Democratic Services

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Date: 25th November 2011

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**To: All Members of the Economic and Community Development Policy
Development and Scrutiny Panel**

Councillor Robin Moss
Councillor Ben Stevens
Councillor Patrick Anketell-Jones
Councillor Brian Simmons
Councillor Michael Evans
Councillor Lisa Brett
Councillor Manda Rigby

Chief Executive and other appropriate officers
Press and Public

Dear Member

**Economic and Community Development Policy Development and Scrutiny Panel:
Monday, 5th December, 2011**

You are invited to attend a meeting of the **Economic and Community Development Policy Development and Scrutiny Panel**, to be held on **Monday, 5th December, 2011 at 9.30 am** in the **Council Chamber - Guildhall, Bath**.

Members of the Panel will have a pre-meeting at 9am in the same room. This pre-meeting is closed for the public.

The agenda is set out overleaf.

Yours sincerely

Jack Latkovic
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 Jack Latkovic who is available by telephoning Bath 01225 394452 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 Jack Latkovic 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 Jack Latkovic 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.

**Economic and Community Development Policy Development and Scrutiny Panel -
Monday, 5th December, 2011**

at 9.30 am in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest
- b) The nature of the interest
- c) Whether the interest is personal, or personal and prejudicial

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

List and order of speakers will be provided at the meeting.

7. CALL-IN OF DECISION E2328 'IMPROVING ACCESS TO SUPERFAST BROADBAND IN B&NES- THE BROADBAND DELIVER UK OPTION' (Pages 7 - 26)

Under the Council's Constitution, any 10 Councillors not in the Council's Cabinet may request that a Cabinet or Single Member Decision made but not yet implemented be reconsidered by the person or body who made it. This is called a "call-in" and has the

effect of preventing the implementation of the decision pending a review of the Decision by a Policy Development and Scrutiny Panel.

This report sets out the call-in by 14 Councillors of a Cabinet decision relating to the decision not to prepare a joint broadband plan with Bristol and South Gloucestershire under the terms of the Government Broadband UK offer. The role of the Panel is to consider the issues raised by the call-in and to determine its response.

THE PANEL IS ASKED TO:

- a) Consider the call-in request received.
- b) Approve the Terms of Reference of the Call-in which will be prepared after consultation with the Chair of the Panel subject to any further comments received from Panel members (as in paragraph 6.2 below).
- c) Decide if it requires any further information to enable it to make a determination of the call-in request and, if so, request this information and any contributions that will assist the Panel in determining the call-in either at this meeting or at a further meeting (e.g. from the Cabinet; Councillor(s) representing the call-in signatories; and any other internal or external contributors required by the Panel).
- d) Decide whether it will reach a conclusion about whether to uphold or dismiss the call-in; or refer the matter to the Council itself to undertake the role of the Panel, at this meeting or if a further meeting is required.
- e) If a further meeting is required to hear and determine the call-in, the Panel is asked to agree the date for this. The constitutional requirement is for that meeting to take place before the end of the 20th December 2011 (this timescale would not apply if the Panel decided to refer their role to the full Council).
- f) Undertake an examination of the call-in request in accordance with the proposed procedure set out in Appendix 5.
- g) Note that, following the examination, the Panel may either:
 - Dismiss the call-in, in which case the decision shall take effect immediately; OR
 - Uphold the call-in and refer the decision back to the decision-makers for reconsideration, setting out why it has decided that the decision should be reconsidered; OR
 - Refer the matter to Council to itself undertake the role of the Panel [NB: the ultimate decision still remains with the original decision makers].

PANEL'S DECISION (full minutes to follow)

The Economic & Community Development Policy Development Scrutiny Panel made the following resolution:

The Panel unanimously resolved to **UPHOLD** the Call In request and **asked the Cabinet to reconsider the decision E2328: Improving Access to superfast Broadband** for the following reasons:

1. The Cabinet to consider the report in the light of additional technical information;
2. The Cabinet to look into improved Impact Assessments including equalities impact statement as well as additional economic and business assessments;
3. The Cabinet to enter into consultation with the wider community; and
4. The Cabinet to provide a full cost benefit analysis.

The Committee Administrator for this meeting is Jack Latkovic who can be contacted on 01225 394452.