

Democratic Services

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Date: 1st September 2015

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To: All Members of the Cabinet

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Patrick Anketell-Jones	Cabinet Member for Economic Development, Conservative Deputy Group Leader Bath
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Marie Longstaff	Cabinet Member for Homes and Planning
Councillor Vic Pritchard	Cabinet Member for Adult Social Care and Health
Councillor Anthony Clarke	Cabinet Member for Transport
Councillor Martin Veal	Cabinet Member for Community Services
Councillor Michael Evans	Cabinet Member for Children's Services

Chief Executive and other appropriate officers
Press and Public

Dear Member

Cabinet: Wednesday, 9th September, 2015

You are invited to attend a meeting of the **Cabinet**, to be held on **Wednesday, 9th September, 2015** at **4.00 pm** in the **Community Space, Keynsham - Market Walk, Keynsham**.

The agenda is set out overleaf.

Yours sincerely

Jack Latkovic
for Chief Executive

The decisions taken at this meeting of the Cabinet are subject to the Council's call-in procedures. Within 5 clear working days of publication of decisions, at least 10 Councillors may signify in writing to the Chief Executive their wish for a decision to be called-in for review. If a decision is not called-in, it will be implemented after the expiry of the 5 clear working day period.

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 Guildhall Bath (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 normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward).

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 normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward). 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 - Reception: Civic Centre - Keynsham, Guildhall - Bath, The Hollies - Midsomer Norton. Bath Central and Midsomer Norton public libraries.

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

- 4. Recording at Meetings:-**

The Openness of Local Government Bodies Regulations 2014 now allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Some of our meetings are webcast. At the start of the meeting, the Chair will confirm if all or part of the meeting is to be filmed. If you would prefer not to be filmed for the webcast, please make yourself known to the camera operators.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people. For more information, please speak to the camera operator

The Council will broadcast the images and sound live via the internet www.bathnes.gov.uk/webcast An archived recording of the proceedings will also be available for viewing after the meeting. The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

- 5. Attendance Register:** Members should sign the Register which will be circulated at the meeting.

6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. 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.

8. Officer Support to the Cabinet

Cabinet meetings will be supported by the Senior Management Team.

9. Recorded votes

A recorded vote will be taken only when requested by a member of Cabinet.

Cabinet - Wednesday, 9th September, 2015

in the Community Space, Keynsham - Market Walk, Keynsham

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 set out in the Notes

3. APOLOGIES FOR ABSENCE

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

*(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)*

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

Questions submitted before the deadline will receive a reply from an appropriate Cabinet member or a promise to respond within 5 days of the meeting. Councillors may ask one supplementary question for each question they submitted, up to a maximum of two per Councillor.

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Councillors and members of the public may register their intention to make a statement if they notify the subject matter of their statement before the deadline. Statements are limited to 3 minutes each. The speaker may then be asked by Cabinet members to answer factual questions arising out of their statement.

8. MINUTES OF PREVIOUS CABINET MEETING (Pages 11 - 22)

To be confirmed as a correct record and signed by the Chair

9. CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

This is a standard agenda item, to cover any reports originally placed on the Weekly list for single Member decision making, which have subsequently been the subject of a Cabinet Member requisition to the full Cabinet, under the Council's procedural rules

10. MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

This is a standing agenda item (Constitution rule 14, part 4D – Executive Procedure Rules) for matters referred by Policy Development and Scrutiny bodies. The Chair of the relevant PDS Panel will have the right to attend and to introduce the Panel's recommendations to Cabinet.

11. MAKING NEIGHBOURHOOD PLANS: AMENDMENT TO COUNCIL'S NEIGHBOURHOOD PLANNING PROTOCOL (Pages 23 - 36)

The Neighbourhood Planning Protocol (NPP) needs to be amended primarily with regard to the process of the Council making (bringing into force) Neighbourhood Plans once they have passed their referendum to make it clear that this is a Cabinet decision.

The Cabinet are asked to approve the amendments to My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset as set out to:

- a) clarify that the decision to make (bring into force) a Neighbourhood Plan once it has passed its referendum should be made by Cabinet;
- b) clarify the process of issuing a Decision Statement following Independent Examination; and
- c) delegate authority to the Divisional Director – Development to issue a Decision Statement once a Neighbourhood Plan has been made; and
- d) clarify the process of approving Neighbourhood Area applications for Parish & Town Councils, where the boundary of the proposed Neighbourhood Area is different to the Parish/Town Council boundary; and
- e) make minor factual alterations.

12. STOWEY SUTTON NEIGHBOURHOOD PLAN (Pages 37 - 330)

Following the successful examination and referendum, this report seeks to make and bring into force the Stowey Sutton Neighbourhood Plan, so that it will be used by the Local Planning Authority to help determine planning applications within the Neighbourhood Area.

The Cabinet are asked to make and bring into force the Stowey Sutton Neighbourhood Development Plan as part of the Development Plan for the Stowey Sutton Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") (as amended by the Localism Act, 2011).

13. REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO JULY 2015 (Pages 331 - 358)

This report presents the financial monitoring information for the Authority as a whole for the financial year 2015/16 to the end of July 2015.

The Cabinet are asked to agree that:

- a) Strategic Directors should continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control.

- b) This year's revenue budget position is noted.
- c) The capital expenditure position for the Council in the financial year to the end of July and the year-end projections are noted.
- d) The revenue virements listed for approval are agreed.
- f) The changes in the capital programme are noted.

14. TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2015 (Pages 359 - 372)

In February 2012 the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, review performance during the year, and approve an annual report after the end of each financial year. This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2015/16 for the first three months of 2015/16.

The Cabinet are asked to agree that:

- a) The Treasury Management Report to 30th June 2015, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
- b) The Treasury Management Indicators to 30th June 2015 are noted.

15. 97/101 WALCOT STREET (Pages 373 - 398)

An update to Cabinet on the proposed Community Asset Transfer of the above premises and in particular note work to establish agreed social objectives to be delivered by the proposed occupier as part of the transfer terms.

Cabinet is requested to:

- a) Note that the transfer was approved under the Community Asset Transfer policy by the previous Administration
- b) Note the transfer facilitated the release of 1-3 James Street West for development generating both a capital and revenue income
- c) Note the community benefits as currently assessed under the transfer
- d) Note the range of uses that are considered inappropriate for the environment
- e) Note that the transfer is subject to Genesis obtaining planning permission.

16. YOUR CARE, YOUR WAY: DRAFT COMMISSIONING INTENTIONS & MARKET ENGAGEMENT APPROACH (Pages 399 - 470)

The Your Care, Your Way community health and care services review programme has four key phases. Phase 1 "Analyse and Plan", included extensive engagement, which ran from January to May 2015. The focus was on engaging key stakeholder groups to elicit feedback to help to better understand current service provision, identify needs and aspirations and consider some of the findings and key challenges and opportunities identified as a pointer towards priorities and strategies for the future. The focus of Phase 2 is on developing the commissioning intentions document that will set out the overarching strategy, outcome framework and potential models on which consultation will be based during the latter part of this Phase. A further consultation period is planned during Phase 3.

The Cabinet are asked to:

a) Approve, for consultation, the document attached as Appendix 1: 'Proposals to Review Community Services Consultation Document NHS Bath and North East Somerset CCG and Bath & North East Somerset Council'.

b) Approve the Market Engagement Approach set out in the report.

17. TRANSFORMING FIRS FIELD INTO A CENTENARY PARK (Pages 471 - 474)

Fields in Trust has launched a new initiative called Centenary Fields, to protect and preserve the UK's war memorial fields, parks and green spaces that include war memorials and other valued green space with significance to World War I.

Designated sites would be protected in perpetuity through a legal deed of dedication between the Council and Fields in Trust.

Following discussions with officers and local consultation with the Friends of Firs Field, it is proposed that Firs Field would be ideal for this programme

Subject to discussion with the Charities Commission, that Cabinet recommends to the Council that it enter into a legal deed of dedication giving Centenary Field designation to Firs Field; that Cabinet recommends to the Council that the Leader of the Council agrees, on behalf of the Council as corporate trustee, to include the land held on trust within this designation, on the basis that Centenary Field designation will appropriately serve the aims of the trust created.

18. LEISURE CONTRACT - CAPITAL APPROVALS AND RESERVE USE (Pages 475 - 480)

The Leisure Contract preferred bidder has been announced and the Council is now in a position to fully approve:

- the capital budgets for Bath Leisure Centre refurbishment works;
- Council costs associated with the delivery of the contract; and
- Bath Recreation Ground Trust capital works.

The Cabinet are asked:

- 1) To fully approve the element of current capital budget of £7.635m for Bath Leisure Centre Refurbishment.
- 2) To fully approve the capital budget of £2.0m for potential Council costs associated with the delivery of the contract.
- 3) To fully approve the capital budget of £2.0m for Bath Recreation Ground Trust capital works.
- 4) To extend the use of the Invest to Save reserve to up to 6 years (rather than the previously approved 4 years) to optimise the smoothing of Council and Leisure Operator costs, and that this be repaid over a period of up to 10 years.
- 5) To increase the Leisure base budget by £175kpa to cover the ongoing cost of the annual payment to the Bath Recreation Ground Trust thus increasing the financial pressure on the Council which will need to be considered as a commitment as part of the 2016/17 budget.

19. CONSIDERATION OF THE INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER TO BAN THE AMPLIFICATION OF BUSKING IN ABBEY GREEN, ABBEY CHURCHYARD AND KINGSTON PARADE (Pages 481 - 506)

This report brings the findings of the consultation exercise carried out on the proposal to introduce a Public Spaces Protection Order (PSPO), prohibiting the use of amplifiers by street entertainers in specific areas of Bath city centre; Abbey Church Yard, Kingston Parade and Abbey Green. A consultation exercise has been undertaken to hear the public's views and consider the various options available to reduce noise nuisance. There were 1429 responses to the consultation.

A Local Authority can make a PSPO under Section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act).

The Cabinet are asked to:

- 1) Consider the results of the consultation and, in the light of the very close response numbers for and against, it is recommended not to introduce a PSPO to ban amplification of busking at this stage.
- 2) Endorse the continued use of Community Protection Notices (CPNs) and engagement with the Busker Stakeholder Group.
- 3) Review this decision in December 2015.

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

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations

- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.