

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Tuesday, 14th February, 2012

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, Martin Veal, David Veale, Geoff Ward, Tim Warren and Brian Webber

Apologies for absence: **Councillors** Chris Watt

57 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure, as set out on the agenda.

58 MINUTES - 10TH NOVEMBER 2011

On a motion from Councillor Paul Crossley, seconded by Councillor Francine Haeberling, it was

RESOLVED that the minutes of 10th November be approved as a correct record and signed by the Chairman.

59 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Chris Watt.

60 DECLARATIONS OF INTEREST

The Council's Monitoring Officer gave specific advice regarding declaration of interests in relation to the budget report.

Councillor Eleanor Jackson declared a personal, non-prejudicial interest in agenda item 8 as Secretary of Radstock in Bloom, and a member of the Victoria Hall Committee.

Councillor Loraine Morgan-Brinkhurst MBE declared a personal, non-prejudicial interest in agenda item 8 as the Council's representative on Sirona Care and Health in a non-executive Directors role.

61 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chairman;

1. Expressed condolences on behalf of the Council for the recent death of former Councillor Chris Cray and asked the Council to stand in silence as a mark of respect;
2. Congratulated Councillor Manda Rigby on being named as Bath Chronicle Woman of the Year, and Councillor June Player as being named Bath Chronicle Politician of the Year;
3. Indicated that he proposed to waive Council Rule 37 so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished to speak, to do so when they seconded the motion or amendment. The Council indicated its agreement; and
4. Informed Council that he proposed to announce a 10 minute comfort break at an appropriate point if the meeting continued beyond 8.00pm

62 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

63 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Nick Brailey made a statement (a copy of which is held on the Council's minute book and available online) expressing concern about the state of the B&NES area, and in particular Bath city centre. He invited Members to walk the city centre with him to see and discuss the issues. The statement was referred for consideration to the Cabinet Members for Neighbourhoods, Transport and Sustainable Development.

Alex Schlesinger made a statement (a copy of which is held on the Council's minute book and available online) in support of the proposed funding for regeneration of London road, asking for it to be recognised as a community in its own right and a key factor in the perception of Bath's role as a heritage venue. The statement was referred to the Cabinet Member for Sustainable Development.

David Dunlop made a statement also in support of the regeneration of the London road area. He referred to the Core Strategy and its reference to the London road area as an area of deprivation. He welcomed the Placemaking plan as playing a key role in addressing this and hoped that future Administrations would continue to support regeneration of the area. The statement was referred to the Cabinet Member for Sustainable Development.

David Redgewell made a statement (a copy of which is held on the Council's minute book and available online) regarding rail and bus transport issues. He stressed the

importance of protecting Bath's interests in the work being done by the West of England partnership. He specifically requested that bus tender contracts should require all vehicles to be disabled accessible. Councillor Paul Crossley commended David on his persistence and commitment to campaigning on transport issues and deferred his question to Councillor Roger Symonds who asked if David had any evidence to support his assertion that WEP interests didn't go beyond Bath. David responded that the mapping in the Evening post had demonstrated this. In response to a question from Eleanor Jackson enquiring how his comments related to bus services to Midsomer Norton and Radstock, and the perceived value of the Radstock/Frome railway, David referred to a feasibility study which was welcomed and might raise some options. The statement was referred for consideration to the Cabinet Member for Transport.

Mike Clarkson made a statement in support of a petition which he submitted, signed by nearly 900 residents against the closure of the Mobile library service. (A copy of the statement is held on the Council's minute book and available online.) The statement and petition was referred for consideration to the Cabinet Member for Neighbourhoods.

The Chairman thanked all the speakers for their statements and asked Councillors to take their comments into account when considering the budget papers.

64 MEDIUM TERM SERVICE & RESOURCE PLANNING 2012/13 - 2014/15, & BUDGET AND COUNCIL TAX 2012/13

The Council considered a report setting out the Cabinet's draft medium term financial plan, and revenue and capital budgets for the 2012/13 financial year, together with a proposal for a Council Tax level for 2012/13 (Report 8).

In addition to the reports circulated with the agenda, all Councillors received a copy of the draft minute of the Resources Policy Development and Scrutiny (PDS) Panel meeting held on 6th February with the Panel's comments on the Budget proposals. Councillors also received Appendix 5 – Formal Council Tax Setting resolutions (incorporating precepts from Parishes, Fire and Police).

On a motion from Councillor Paul Crossley, seconded by Councillor Francine Haeberling, it was **RESOLVED** that the Council suspends Council Rule 42, Content and Length of Speeches, for the duration of this debate to enable variations to be permitted to the length of the speeches by the Cabinet Member for Community Resources, the Conservative, Labour and Independent Groups and the Chair of the Resources Policy Development & Scrutiny Panel.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED

1. To approve:

- a. The General Fund net revenue budget for 2012/13 of £120.156m with no increase in Council Tax.

- b. That no Special Expenses be charged other than Town and Parish Council precepts for 2012/13.
 - c. The adequacy of reserves at Appendix 1, Table 9 of the report, with a risk-assessed level of £10.5m.
 - d. The individual service cash limits for 2012/13 summarised at Appendix 1, Table 5 and detailed in Annex 1 of the report, subject to the removal of the proposal to discontinue the mobile library service and the adjustment of the cash limit by an additional £50,000 to be allocated from the £381,000 to be transferred to Revenue Budget contingency to provide for emerging priorities in the year ahead, to enable the continuation of the mobile library service
 - e. That the specific arrangements for the governance and release of reserves, including invest to save proposals, be delegated to the Council's Section 151 Officer, in consultation with the Cabinet Member for Community Resources and the Chief Executive.
2. To include the precepts set and approved by other bodies including the Local Precepts of Town Councils, Parish Councils and the Charter Trustees of the City of Bath, and those of the Fire and Police Authorities in its Council Tax setting.
3. To acknowledge the Section 151 officer's report on the robustness of the proposed budget and the adequacy of the Council's reserves (Appendix 1, Annex 2 of the report) and approves the conditions upon which the recommendations are made as set out throughout Appendix 1 of the report.
4. That, in relation to the capital budget, the Council:
 - a. approves a capital programme of £37.471m for 2012/13 and notes items for provisional approval in 2012/13 and the programme for 2013/14 to 2016/17 as shown at Appendix 1, Annex 3 of the report including the planned sources of funding;
 - b. approves the Minimum Revenue Provision Policy as shown at Appendix 1, Annex 4 of the report;
 - c. approves the Capital Prudential Indicators as set out in Appendix 1 Table 7 of the report.
5. To note the Policy Development & Scrutiny review of Medium Term Service and Resource Plans and 2012/13 Service Action Plans and instructs the relevant officers to finalise and publish their Medium Term Service and Resource Plans and Service Action Plans by end of March 2012, in consultation with the relevant Cabinet Member and in light of feedback from the PD&S reviews, and in line with the approved cash limits.
6. To agree the Council's proposed pay policy statement, as set out at Appendix 4 to the report.

7. To approve the technical resolutions that are derived from the budget report, and all figures in that report including the precepts for towns, parishes and other precepting bodies as set out in Appendix 5 of the report.

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2012/2013 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES:

8. That the 2012/13 expenditure is funded as follows:

	Total £
2012/13 Gross Expenditure	316,741,984
2012/13 Income (service income and specific grants)	195,455,389
Formula Grant*	
Revenue Support Grant = £788,809	41,481,012
Redistributed Business Rates = £40,692,203	
2012/13 Council Tax Freeze Grant	1,936,183
Collection Fund Surplus	422,000
2012/13 Gross Income	239,294,584
Council Tax Requirement (excluding Parish Precepts)	77,447,400

* Includes 2011/12 recurring Council Tax Freeze Grant

9. a) That it be noted that on 21st December 2011, the Divisional Director of Finance (as authorised section 151 officer) agreed **64,440.11** Band D property equivalent as the Council Tax Base for the year 2012/13 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 35(5) of the Local Government Finance Act 1992.

b) The amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amount of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate is given as Annex 1 (1).

[Annex 1 (1) gives Band D Tax base by parish]

10. That the following amounts be now calculated by the Council for the 2012/13 financial year in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992, as amended:

- a. **£318,908,481** (=£316,741,984 (gross expenditure including contribution to reserves) +£2,166,497 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act.

[This is the gross expenditure incurred in performing functions and charged to the revenue account, contingencies for revenue, any financial reserves to be raised, financial reserves to meet prior year deficit not yet provided for, any amounts transferred from its general fund to its collection fund in accordance with section 97(4) of the 1988 Act, and any amounts transferred from general fund to collection fund under section 98(5) of 1988 Act.]

- b. **£239,294,584** (gross income) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
[This is the income estimated to accrue which will be credited into the revenue account for the year in accordance with proper practices, any amounts transferred in the year from the collection fund to the general fund in accordance with section 97(3) of the 1988 Act, any amounts which will be transferred from the collection fund to the general fund pursuant to a direction under section 98(4) of the 1988 Act and will be credited to the revenue account for the year, and financial reserves used to provide for items in Section 31A(2)]
- c. **£79,613,897** being the amount by which the aggregate at 5(a) above exceeds the aggregate at 5(b) above calculated by the Council in accordance with Section 31A(4) of the Act as its **Council Tax requirement** for the year.
- d. **£1,235.47** being the amount at 5(c) above divided by the amount at 4(a) above, calculated in accordance with Section 31B of the Act, as the basic amount of Council Tax for the year.

[This is the average Council tax including B&NES and parish precepts]
- e. **£2,166,497** being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act.
[This is the total of parish precepts]
- f. **£1,201.85** being the amount at 5(d) above less the result given by dividing the amount at 5(e) above by the amount at 4(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.
[This is the B&NES Council tax only excluding parish precepts]
- g. The amounts given by adding to the amount at 5(f) above the amounts of special items or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 4(b) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate are given at Annex 1 (3).
*[Annex 1 (3) gives the Band D Council tax for each area **including** the parish precepts]*
- h. The amounts given by multiplying the amounts at 5(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in

respect of categories of dwellings listed in different valuation bands are given in Annex 1 (4).

[Annex 1 (4) shows the B&NES and parish Council Tax for all bands.]

Precepting Authorities

11. That it be noted that for the year 2012/13 Avon and Somerset Police Authority met on 8 February 2012 to determine the amount in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

12. Avon and Somerset Police Authority
Valuation Bands

A	B	C	D	E	F	G	H
£112.02	£130.69	£149.36	£168.03	£205.37	£242.71	£280.05	£336.06

13. That it be noted that for the year 2012/13 Avon Fire Authority met on 10 February 2012 to determine the amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

14. Avon Fire Authority
Valuation Bands

A	B	C	D	E	F	G	H
£41.85	£48.82	£55.80	£62.77	£76.72	£90.67	£104.62	£125.54

15. That, having calculated the aggregate in each case of the amounts 7, 9 and 5(h) above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the 2012/13 financial year for each of the categories of dwellings shown, as listed in Annex 1 (5).

16. To note that, on average (for a Band D, 2 adult household), the Council Tax for 2012/13 will be as follows:

<i>Reference Band D 2011/12 £</i>		£ Band D 2012/13	% Increase on 2011/12
1,201.85	Bath and North East Somerset Council	1,201.85	0.00
31.37	Average Parish Precept	33.62	7.17
60.38	Avon Fire Authority	62.77	3.96
168.03	Avon and Somerset Police Authority	168.03	0.00
1,461.63	Total Tax charged	1,466.27	0.32

[Overall annual increase in average Band D Council Tax is £4.64]

17. To agree that the Council's basic amount of Council Tax for 2012/13 is not determined to be excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

(Notes:

1. *The above motion was carried with 36 Councillors voting in favour, 28 Councillors voting against and no Councillors abstaining from voting. An amendment to the wording was suggested on behalf of the Conservative group by Councillor Martin Veal, seconded by Councillor Les Kew, which was accepted by the mover and seconder of the motion under Rule 35 of the Council procedure rules. This wording is incorporated and underlined in paragraph 1 d. of the resolution above. The General Fund net revenue budget figure in Paragraph 1 a. of the resolution above reflects the adjustment.*
2. *An amendment was moved on behalf of the Conservative Group by Councillor Francine Haerberling, seconded by Councillor Tim Warren, to move the recommendations as printed subject to the amendment to paragraph 4 a. above to add the words "subject to the deletion of the provisionally approved proposal concerning gypsy and traveller sites and an allocation of £1.8 million for provisional approval to enable the delivery of new affordable housing and consideration given to developing initiatives to support first time buyers onto the housing ladder." A named vote was taken on the amendment which was not carried, with 36 Councillors voting against and 28 Councillors voting in favour and no absentions: **For** - Councillors Patrick Anketell-Jones, Colin Barrett, Gabriel Batt, Matthew Blankley, Bryan Chalker, Tony Clarke, Sally Davis, Peter Edwards, Michael Evans, Charles Gerrish, Francine Haerberling, Alan Hale, Malcolm Hanney, Lew Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, Paul Myers, Bryan Organ, Vic Pritchard, Brian Simmons, Kate Simmons, Martin Veal, David Veale, Geoff Ward, Tim Warren, Brian Webber. **Against** – Councillors Simon Allen, Rob Appleyard, Sharon Ball, Tim Ball, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, John Bull, Neil Butters, Nicholas Coombes, Paul Crossley, Gerry Curran, Doug Deacon, David Dixon, Paul Fox, Andrew Furse, Ian Gilchrist, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Doug Nicol, June Player, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Jeremy Sparks, Ben Stevens, Roger Symonds.*
3. *A number of concerns were raised by Members during the debate about comments made by other Members. The Chief Executive advised that such concerns should be dealt with as Code of Conduct complaints through the established procedures.*

65 2012/13 LTP TRANSPORT IMPROVEMENT SCHEMES - CAPITAL PROGRAMME

The Council considered a report, supplementary to the budget report, seeking approval for consultation on the Local Transport Plan Transport Improvement Schemes.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was

RESOLVED

1. To agree that the 2012/12 LTP Transport Improvement Capital Programme in Appendix 1 to the report be approved for consultation; and
2. That the Group Manager, Transport and Planning Policy, be given delegated authority to alter the programme, in consultation with the Cabinet Member for Transport, following consultation, and as may prove necessary during 2012/13 within the overall approved capital budget allocation.

66 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2012/13

The Council considered a report which fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the CLG Guidance in approving the Treasury Management Strategy Statement and the Investment Strategy.

The report had also been scrutinised by the Corporate Audit Committee (7th February 2012) and the Cabinet (8th February 2012).

On a motion from Councillor David Bellotti, seconded by Councillor Andy Furse, it was

RESOLVED to agree that

1. The actions proposed within the Treasury Management Strategy Statement (Appendix 1 of the report) be approved;
2. The Investment Strategy, as detailed in Appendix 2 of the report, be approved;
3. The changes to the authorised lending lists, detailed in Appendix 2 and highlighted in Appendix 3 to the report, be approved;
4. CIPFA's revised Code of Practice on Treasury Management, as detailed in paragraph 5.5 of the report, be adopted; and
5. The revised Treasury Management Policy Statement, as detailed in Appendix 4 to the report, be approved.

67 ANNOUNCEMENT OF CHAIR(MAN) DESIGNATE FOR 2012/13

This report allows Council to indicate which Councillor is likely to take over as Chair(man) from the Annual General meeting in May. This allows advance planning of the Chair(man)'s diary but will still require a formal election to take place at the May meeting.

On a motion from Councillor John Bull, seconded by Councillor Paul Crossley, it was

RESOLVED that Councillor Rob Appleyard be named as Chair(man) Designate for the 2012/13 Council year and Councillor Neil Butters be named as Vice-Chair(man) Designate for the 2012/13 Council year.

68 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 9.20 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services