

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Tuesday, 19th February, 2013

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 Haerberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Bryan Organ, June Player, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Les Kew and Douglas Nicol

71 EMERGENCY EVACUATION PROCEDURE

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

72 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Lew Kew and Doug Nicol

73 DECLARATIONS OF INTEREST

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

Councillor Lorraine Morgan-Brinkhurst MBE declared an 'other' interest in agenda item 8 as the Council's representative on Bath Tourism Plus, as non-executive Director on Sirona Care and Health and as a member of the Bath in Bloom Committee.

Councillor Geoff Ward declared an 'other' interest in agenda item 8 as an Environmental Health practice professional.

Councillor Eleanor Jackson declared an 'other' interest in agenda item 8 as a Friend of Victoria Hall.

74 MINUTES - 8TH NOVEMBER 2012

On a motion from Councillor Paul Crossley, seconded by Councillor Eleanor Jackson, it was

RESOLVED that the minutes of 8th November 2012 be approved as a correct record and signed by the Chairman.

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

The Chairman made the following announcements;

1. He passed sympathies to those Members who had recently lost family members, mentioned the recent death of former mayor of Bath Ray Roseworn and asked the Council to stand in silence as a mark of respect following the recent death of former Councillor and Honorary Alderman Gordon Wood.
2. He checked that everyone had received copies of the supplementary information that had been circulated following the despatch of the agenda.
3. He asked everyone to turn their phones to off/silent and reminded members of the public that some Councillors were accessing their meeting papers on their iPads.
4. He referred to the agenda timings and asked everyone to keep contributions relevant and not to repeat comments already made.
5. He stated that he would announce a comfort break between 8pm and 9pm if the meeting did not appear to be near its conclusion by then.

76 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

77 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements to the meeting were made by the following people;

- Joanna and Beinn Wright and Mani Campion-Dye made statements in support of a skate park on the east side of Bath and presented a petition of 572 signatures. In response to a question from Paul Crossley as to whether the community would work with the Council to help raise funds, Joanna Wright responded that her husband was an ex-skater and would be happy to do so, as would many others in the community. Councillor John Bull referred to the site next to Lambridge training ground which Joanna Wright had mentioned as a possible site for a skatepark and asked whether they had approached Bath Rugby about it. Joanna Wright responded that it would be an ideal site on the right side of the road but they hadn't approached anyone about it yet. Councillor Bryan Chalker asked who had signed the petition and what kind of responses they had received from people. Joanna Wright responded that there were only 2 people had refused to sign due to concerns about noise. Generally people were positive – the key issue was about siting it in the right place. The statements are available online and copies have been placed on

the Minute book. The petition was referred to the Cabinet Member for Neighbourhoods.

- David Redgewell from the South West Transport Network made a statement calling for the Council to work with the new Police Commissioner regarding the night bus network. He called for a co-ordinated approach with Bristol regarding night services in the south east Bristol area, eg; Brislington for which B&NES was the contract holder, and wanted consideration of buses until 3am. He also asked for a joined up approach for areas such as Whitchurch which is served by both Bristol and B&NES. The statement was referred to the Cabinet Member for Transport.

78 MEDIUM TERM SERVICE & RESOURCE PLANNING 2013/14 - 2015/16 & BUDGET & COUNCIL TAX 2013/14

The Council considered a report setting out the Cabinet's draft medium term financial plan, and revenue and capital budgets for the 2013/14 financial year together with a proposal for a Council tax level for 2013/14.

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 11th February with the Panel's comments on the budget proposals. Councillors also received Appendix 6 – Formal Council Tax Setting resolutions (incorporating precepts from Parishes, Fire and Police), Cabinet's amendments from the 13th February Cabinet meeting and an Equalities update from the Monitoring Officer.

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 so as to enable variations to be permitted to the length of speeches by the Cabinet Member for Community Resources, the Conservative, Labour and Independent Groups and the Chair of the Resources Policy Development & Scrutiny Panel. During the debate, a motion was received from Councillor Paul Crossley that the meeting continue until 10.20pm in accordance with Council rule 48. This was accepted by the meeting.

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 2013/14 of £123.632m with no increase in Council Tax, and the savings proposals in Annex 2, Appendix 5, **with the exception of the proposed savings in Early Years and Children's centres of £273k and the substitution to balance the budget of funds received in the final settlement as a result of the redistribution of unallocated funding from the New**

Homes Bonus (£174k) and by drawing an additional £99k from the Council's Financial Planning Reserve and with the additional sum of £25,000 to establish a hardship fund for residents of Bath & North East Somerset Council to meet their Council tax costs on their main residence in the Council area for up to 6 months in the event that it becomes uninhabitable as a result of flood or fire. Funding of £25k to be made available for this purpose for 2013/14 with this amount being drawn from the Council's Financial Planning Reserve.

- b. That no Special Expenses be charged other than Town and Parish Council precepts for 2013/14.
 - c. The adequacy of reserves at Appendix 2 Table 9 with a risk-assessed level of £10.5m.
 - d. The individual service cash limits for 2013/14 summarised at Appendix 2 Table 5 and detailed in Annex 1.
 - 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 in its Council Tax setting, 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.
 3. To note the Section 151 officer's report on the robustness of the proposed budget and the adequacy of the Council's reserves (Appendix 2, Annex 2) and approves the conditions upon which the recommendations are made as set out throughout Appendix 2.
 4. That in relation to the capital budget the Council:
 - a. approves a capital programme of £59.036m for 2013/14 and notes items for provisional approval in 2013/14 and the programme for 2014/15 to 2017/18 as shown at Appendix 2, Annex 3 including the planned sources of funding .
 - b. approves the Minimum Revenue Provision Policy as shown at Appendix 2, Annex 4
 - c. approves the Capital Prudential Indicators as set out in Appendix 2 Table 7.
 5. To note the approach to Community Assets as set out in Appendix 2, Annex 6 and supports the progression of the Quick Wins identified in this Annex.
 6. To note the Policy Development & Scrutiny review of Medium Term Service and Resource Plans and instructs the relevant officers to finalise these 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.

7. To agree the Council's proposed pay policy statement as set out at Appendix 5.
8. 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 6.
9. **To request that Cabinet, in order to retain the vital facility of public toilets in Weston, explores all alternative opportunities, including the new Tesco development, other community and commercial buildings and secures alternative facilities prior to the closing of the existing public toilets; and further that the heritage of the Larkhall Square toilets, dating back to 1907, and their strong links to Bath's World Heritage status should be recognised.**
10. To request that Cabinet review the arrangements for providing discretionary Council tax discounts in the above cases as part of the 2014/15 Council Tax Base setting process.
11. **To request that Cabinet implement additional free short-stay parking in Ashton Way car park or the Labbott car park for the duration of the period whilst the town hall car park is closed due to the town centre redevelopment and to allocate up to £100,000 from the Financial Planning Reserve to implement this.**

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2013/14 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES:

12. That the 2013/14 expenditure is funded as follows;

	Total £
2013/14 Gross Expenditure	303,498,010
2013/14 Income (service income and specific grants)	180,605,987
Core Funding:	
Revenue Support Grant	31,106,126
Retained Business Rates	20,261,686
Use of Reserves	14,191
Collection Fund Surplus	168,000
2013/14 Gross Income	232,155,990
Council Tax Requirement (excluding Parish Precepts)	71,342,020

13. That it be noted that
 - a. on the 2nd January 2013 the Divisional Director of Finance (as authorised section 151 officer) agreed 59,360.17 Band D property equivalent as the Council Tax Base for the year 2013/14 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]*

14. That the following amounts be now calculated by the Council for the 2013/14 financial year in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992, as amended:

- a. **£305,542,728** (=£303,498,010 (gross expenditure) +£2,044,718 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 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 Local Government Finance 1988 Act, and any amounts transferred from general fund to collection fund under section 98(5) of 1988 Act.]*
- b. **£232,155,990** (gross income) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the 1992 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. **£73,386,738** being the amount by which the aggregate at 11(a) above exceeds the aggregate at 11(b) above calculated by the Council in accordance with Section 31A(4) of the 1992 Act as its **Council Tax requirement** for the year;
- d. **£ 1,236.30** being the amount at 11(c) above divided by the amount at 10(a) above, calculated in accordance with Section 31B of the 1992 Act, as the basic amount of Council Tax for the year. *[This is the average Council tax including B&NES and parish precepts]*
- e. **£ 2,044,718** being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the 1992 Act. *[This is the total of parish precepts]*
- f. **£1,201.85** being the amount at 11(d) above less the result given by dividing the amount at 11(e) above by the amount at 10(a) above,

calculated by the Council, in accordance with Section 34(2) of the 1992 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 11(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 10(b) above, calculated by the Council, in accordance with section 34(3) of the 1992 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 11(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 1992 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

15. That it be noted that for the year 2013/14 the Police & Crime Commissioner for Avon and Somerset has determined 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:-

16. Avon and Somerset Police 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

17. Avon Fire Authority Valuation Bands

A	B	C	D	E	F	G	H
£42.68	£49.79	£56.91	£64.02	£78.25	£92.47	£106.70	£128.04

18. That, having calculated the aggregate in each case of the amounts 13, 14 and 11(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 2013/14 financial year for each of the categories of dwellings shown, as listed in Annex 1 (5).

19. On average (for a Band D, 2 adult household) the Council Tax for 2013/14 will be as follows:

<i>Reference Band D 2012/13 £</i>		£ Band D 2013/14	% Increase on 2012/13
1,201.85	Bath and North East Somerset Council	1,201.85	0.00
33.62	Average Parish Precept	34.45	2.47
62.77	Avon Fire Authority	64.02	1.99
168.03	Avon and Somerset Police Authority	168.03	0.00
1,466.27	Total Tax charged	1,468.35	0.14

[Overall annual increase in average Band D Council Tax is £2.08]

20. The Council's basic amount of Council Tax for 2013/14 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 38 Councillors voting in favour, 24 Councillors voting against and 1 Councillor abstaining from voting.*
 - a. *An amendment to wording was suggested on behalf of the Labour group by Councillor Liz Hardman, seconded by Councillor John Bull, which was accepted by the mover and seconder of the motion. This wording is incorporated in bold in paragraph 1a. of the resolution above.*
 - b. *A further amendment to wording was suggested by Councillor Bryan Chalker on behalf of the Independent group, which was accepted by the mover and seconder of the motion. This wording is incorporated in bold in paragraph 9 of the resolution above.*
 - c. *A further amendment to wording was suggested by Councillor Liz Richardson on behalf of the Conservative group, which was accepted by the mover and seconder of the motion. This wording is incorporated and underlined in paragraph 1a and paragraph 10 of the resolution above.*
2. *An amendment was moved on behalf of the Conservative group by Councillor Marie Longstaff, seconded by Councillor Tim Warren. This wording is incorporated in bold in paragraph 11. The amendment was carried with 31 Councillors voting in favour, 30 Councillors voting against and 2 abstentions.*
3. *An amendment was moved on behalf of the Conservative group by Councillor Tim Warren, seconded by Councillor Alan Hale, to move the recommendations as printed with an amendment to paragraph 2.4 (a) to add the words "subject to the reduction of the provisionally approved proposal concerning gypsy and traveller sites by £1m and an allocation of an additional £1 million for full approval to the Highways Structural Maintenance programme. The amendment was not carried with 25 Councillors voting in favour and 38 voting against and no abstentions.*

4. *An amendment was moved by Councillor Patrick Anketell-Jones, seconded by Councillor Martin Veal, on behalf of the Conservative group to request Cabinet to give serious consideration to various measures regarding access to the Victoria Art Gallery and whether Discovery card holders could continue to get free access with an increased fee for the Discovery card and proposals to include admission to the combined Roman Bath and Fashion Museum entry ticket. The amendment was not carried with 25 Councillors voting in favour and 38 voting against and no abstentions.*
5. *An amendment was moved by Councillor Martin Veal, seconded by Councillor David Veale, on behalf of the Conservative group to request Cabinet to use funds from the Financial Planning Reserve to enable the mobile library service to continue on the existing timetable until a full public consultation took place on this and proposals to close public toilets. The amendment was not carried with 25 Councillors voting in favour and 35 voting against and 3 abstentions.*
6. *During the debate, a short comfort break was taken.*

Supplement - Budget Changes following Cabinet & Equalities advice

79 TRANSPORT IMPROVEMENT CAPITAL PROGRAMME 2013/14

The Council considered a report setting out the draft Integrated Transport Improvement Capital programme for consultation. The programme of expenditure aims to develop the policies of the Joint Local Transport Plan in accordance with Government guidelines.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was **RESOLVED** (unan)

1. That the draft Transport Improvement Capital programme for 2013/14 as set out in Appendix 1 to the report is approved for consultation; and
2. To delegate to the Group Manager, Transport and Planning Policy, authority to alter the programme, in consultation with the Cabinet Member for Transport, as may prove necessary within the overall budget allocation.

80 TREASURY MANAGEMENT STRATEGY STATEMENT & ANNUAL INVESTMENT STRATEGY 2013/14

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 (5th February 2013) and the Cabinet (13th February 2013).

On a motion from Councillor David Bellotti, seconded by Councillor Will Sandry, it was

RESOLVED (unan)

1. That the actions proposed within the Treasury Management Strategy Statement (Appendix 1) are approved;
2. That the Investment Strategy as detailed in Appendix 2 of the report be approved; and
3. That the changes to the authorised lending lists detailed in Appendix 2 to the report and highlighted in Appendix 3 are approved.

81 NOMINATION OF COUNCIL CHAIR(MAN) DESIGNATE 2013/14

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 Paul Crossley, seconded by Councillor Francine Haeberling and with an indication of support from Councillors John Bull and Doug Deacon, it was

RESOLVED (unan) that Councillor Neil Butters be named as Chair(man) Designate for the 2013/14 Council year.

82 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 10.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services