

Democratic Services

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To: All Members of the Council
Chief Executive and other appropriate officers
Press and public

Dear Member

Council: Thursday, 15th September, 2011

You are invited to attend a meeting of the **Council**, to be held on **Thursday, 15th September, 2011** at **6.30 pm** in the **Banqueting Room - Guildhall, Bath**.

The agenda is set out overleaf.

Sandwiches and fruit and tea/coffee/cold drinks will be available for Councillors from 5pm in the Aix-en-Provence Room (next to the Banqueting Room) on Floor 1.

Yours sincerely

Jo Morrison
Democratic Services Manager
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Small Meeting Room, Floor 1
Independent	Performance and Improvement Team Office, Floor 1

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 Jo Morrison who is available by telephoning Bath 01225 394358.
2. **Details of decisions taken at this meeting can** be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above. Papers are available for inspection as follows:

Public Access points – Guildhall – Bath, Riverside – Keynsham, 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' Libraries.

3. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Paul Crossley (Liberal Democrat Group), Francine Haerberling (Conservative Group), John Bull (Labour Group) and Doug Deacon (Independent Group).
4. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.
5. **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. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.
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. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chairman will draw attention to the emergency evacuation procedure as set out under Note 7.

2. APOLOGIES FOR ABSENCE

3. 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 complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) 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 **personal and prejudicial** *or* **personal**.

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Solicitor to the Council and Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

4. MINUTES 14TH JULY 2011 (Pages 7 - 14)

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

5. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why he has agreed to consider it at this meeting. In making his decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

7. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received under the arrangements set out in note 5 above. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no

requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

8. CORE STRATEGY - POST SUBMISSION CHANGES (Pages 15 - 68)

The Core Strategy has reached a key stage in its preparation. It has been submitted for examination and public hearings are due to in January 2012. The Core Strategy is therefore now under examination. The Inspector has undertaken preliminary assessment of the Core Strategy and has raised a number of concerns which require a response from the Council. Some of these issues may require an amendment to the Core Strategy. If agreed, these amendments will need to undergo community engagement to ensure the Inspector has the full range of views to inform the examination process.

The background papers (including the Sustainability Appraisal) will be available in Members' rooms in advance of the meeting.

9. YOUTH JUSTICE PLAN (Pages 69 - 106)

Production of an annual Youth Justice Plan is a statutory requirement. It sets out work planned to prevent youth offending and re-offending within Bath and North East Somerset. The Plan will be submitted to the Youth Justice Board for England and Wales.

10. UPDATE ON THE ESTABLISHMENT OF THE COMMUNITY INTEREST COMPANY FOR THE PROVISION OF COMMUNITY HEALTH & SOCIAL CARE SERVICES (Pages 107 - 120)

This report updates Council on progress in establishing a Social Enterprise to provide integrated community health and social care services and to commission health, social care and housing for the benefit of patients, clients and taxpayers on behalf of the Council and NHS Bath & North East Somerset (NHS B&NES/'the PCT').

Any recurring costs falling outside the Council's existing approved budget need to be approved by full Council within the context of the overall savings being delivered and the forthcoming Budget round for 2012/2013.

11. FUTURE COUNCIL - STATUTORY RESPONSIBILITIES (Pages 121 - 126)

In November 2010, proposals for the future organisational model of the council, with a focus on a strategic leadership role and a senior management structure to support its delivery, were approved. A Re-structuring Implementation Committee was established to oversee implementation with a requirement to report back on any matters requiring the views of or a decision by Council in respect of the approval of appointment and the designation of Statutory Officers as required.

This report seeks Council's approval to a number of specific recommendations of the Implementation Committee, made in accordance with the first step principles set out in the originating Council report.

12. PROPOSED CHANGES TO THE STANDARDS REGIME (Pages 127 - 132)

In May, Council asked the Standards Committee to review its procedures for investigation of complaints with the intention of submitting proposals for the implementation of the Localism Bill currently before Parliament (in respect of the Member conduct aspects of the Bill), and making the system fairer to those people who are the subject of a complaint. This is the report of the Standards Committee.

13. POLICY DEVELOPMENT AND SCRUTINY PANELS - ROLE OF VICE CHAIRS (Pages 133 - 150)

This report puts forward proposals concerning the role of Vice-Chairs of Policy Development and Scrutiny Panels, as requested by Council at its May meeting.

14. DRAFT SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN AND HONORARY ALDERWOMEN OF BATH & NORTH EAST SOMERSET (Pages 151 - 160)

This report asks Council to consider the comments of the Resources Policy Development & Scrutiny (PDS) Panel regarding a scheme for the appointment of Honorary Aldermen and Honorary Alderwomen of Bath and North East Somerset to recognise the contribution to the community made by former long serving councillors.

The comments of the Resources PDS Panel will be circulated to Councillors following their meeting on 12th September 2011.

15. TREASURY MANAGEMENT OUTTURN REPORT (Pages 161 - 172)

The Council is required to approve a Treasury Management Strategy before the start of each financial year, and to receive a mid year report and an annual report after the end of each financial year.

16. ANNUAL REPORT OF AUDIT COMMITTEE (Pages 173 - 182)

The Corporate Audit Committee has specific delegated powers given to it from full Council and as such is required to report back annually to Council under its Terms of Reference. This is the Annual Report of the Committee which details its work over the last year.

17. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 14th July, 2011

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, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Katie Hall, 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 Malcolm Hanney and Chris Watt

16 EMERGENCY EVACUATION PROCEDURE

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

17 MINUTES

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

RESOLVED that the minutes of 19th May 2011 be approved as a correct record and signed by the Chairman.

18 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Malcolm Hanney and Chris Watt. Councillor Will Sandry had also indicated that he would be arriving late to the meeting.

19 DECLARATIONS OF INTEREST

The Solicitor to the Council advised the meeting that Councillors' previous involvement in discussions/decisions regarding Culverhay did not constitute an interest and so did not preclude them from participating in the debate and voting on that item.

Councillor Gerry Curran declared a personal non-prejudicial interest in agenda item 9 as Governor of Culverhay school and a parent of children at the school.

Councillor Sarah Bevan declared a personal non-prejudicial interest in agenda item 10 as a parent of a child at St Gregory's school.

Councillor David Dixon declared a personal non-prejudicial interest in agenda item 10 as Governor of St Gregory's school.

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

The Chairman then;

1. Drew Members attention to the forthcoming training sessions on the Code of Conduct and encouraged them to attend.
2. 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.
3. Invited Council to place on record its thanks to Tom Dunne, Democratic Services Manager, who was retiring shortly, for his many years of loyal service to this Council and its predecessor authorities.
4. Informed Council that he proposed to announce a 10 minute comfort break at an appropriate point if the meeting continued beyond 8.00pm.

21 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

22 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The following statements were made at agenda item 8;

David Dunlop made a statement regarding flood mitigation in relation to the Bath Transport package – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Steve Mackerness made a statement regarding the Bath Transport package which welcomed the removal of the BRT and Bathampton Meadows from the bid – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Ian Bell made a statement regarding the Bath Transport package, expressing concern that it would not significantly address the city's need for economic growth – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Pam Richards made a statement on behalf of Response2Route regarding the appropriation of open space land and hoped that this would be reversed.

David Redgewell made a statement regarding the Bath Transport package and referred to a number of documents already circulated electronically to Councillors. He asked Councillors to consider the need for much improved bus and rail services in the area and to ensure effective independent scrutiny of decisions taken at the regional level. In response to a question from Councillor Eleanor Jackson regarding the source of his information, David explained it had come from the Regional Development Agency.

Jo McCarron made a statement on behalf of Response2Route regarding village green applications in Newbridge in relation to the Bath Transport package – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

David Evans made a statement regarding the A362 in Midsomer Norton, and called for traffic calming measures to be increased - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting. In response to a question from Councillor Eleanor Jackson about David's view of why the Highways department had refused a zebra crossing in a particular spot, he responded that it was perhaps because the road was too dangerous to cross at that point.

George Bailey made a statement expressing concern about the proposed diversion of the A362 in Radstock - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting. In response to a question from Councillor Eleanor Jackson regarding air pollution and respiratory diseases, George responded that if the narrow street became 2 way, traffic would travel more slowly, there would be queues of traffic and HGVs going round the roundabout would be moving off from a standstill – all of which would exacerbate the pollution.

Amanda Leon from Radstock Action group made a statement regarding roads in Radstock in relation to the Bath Transport package - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting. In response to a question from Councillor Eleanor Jackson regarding the views of Radstock Traders, Amanda explained that they were totally opposed to the plans.

The following statements were made at agenda item 9;

Richard Thomson, Headteacher of Culverhay school, made a statement in support of the school - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Sean Turner, Deputy Headteacher of Culverhay school, made a statement in support of the school.

Bob Wilkins made a statement in support of the school - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Don Wallace, Governor at Culverhay school, made a statement in support of the school.

James Eynon, Head boy at Culverhay school, made a statement in support of the school.

The following statement was made at agenda item 10:

Raymond Friel, Headteacher at St Gregory's school, made a statement in support of the item. In response to a question from Councillor John Bull regarding the admissions criteria with regard to religious denomination, Raymond responded that the first criteria was for those at the school, or with a statement of special educational needs but that the Admissions policy was still draft and the other categories were to be negotiated.

23 BATH TRANSPORT PACKAGE - BEST & FINAL BID TO DFT

The Council considered a report setting out a Best & Final bid to Department for Transport for the funding of the Bath Transport Package. Following the Comprehensive Spending Review, Department for Transport have indicated that they wished to reduce costs, enhance value, improve deliverability of major transport schemes and increase Local Authority contribution. Following the election, further work had been undertaken to reduce the cost of the package.

In addition to the reports circulated with the agenda, Councillors received copies of an update report at the meeting containing revised recommendations and a new Section 3 – Financial Implications. This was made available to Press and public too.

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

RESOLVED that

The Council agrees, as recommended by Cabinet, that the following elements of the BTP should not be included in the Best & Final Bid to DFT:

- 1.1 The Bus Rapid Transit Segregated Route;
- 1.2 The A36 Lower Bristol Road Bus Lane;
- 1.3 The A4 London Road Lambridge Bus Lane;
- 1.4 New A4 Eastern P&R (1400 spaces), plus bus lane priority on the A4/A46 slip road ;
- 1.5 And, in addition, reduce the size of the P&R expansion at Newbridge.

As a result the BTP would comprise of the following elements;

- a. Upgrades to bus stop infrastructure on 9 service routes, including real time passenger information;

- b. Expansion of Odd Down P&R by 250 spaces, of Lansdown P&R by 390 spaces and of Newbridge P&R by 250 spaces on a suitable alternative site;
 - c. Variable Message signs on the main approaches to Bath, and within the city centre;
 - d. City centre works: High Street improvements and timed access restrictions (currently ongoing); and
 - e. Works to support BWR including a bus rapid transit system serving the site.
- 1.6 In the light of the Cabinet agreeing to formally withdraw the CPOs which were approved at its meeting on 3rd September 2008 and subsequently served to allow for the implementation of the BTP, Council agrees that the local contribution towards the BTP will be no more than £17.8m as set out in Section 3 of the report. [The schemes costs as recommended in this report have been reduced from £58.8m to £34.3m.]
- 1.7 Council agrees that the final submission to DfT be approved by the Strategic Director Service Delivery and Chief Executive, in consultation with the portfolio holder, the S151 officer and Monitoring Officer, and with a report back to Cabinet only if necessary (notably if there is a material change in the financial costs or scope of the scheme which go beyond the parameters set out in the report)
- 1.8 To agree additional borrowing of £3M to fully finance the costs of the the Council contribution of up to £17.8M with an additional revenue cost of approximately £190K which will need to be included in the revenue budgets for future years following completion of the scheme;

In addition, Council agrees to instruct officers to;

- 1.9 work on alternatives to Bathampton Meadows P&R, possibly involving rail, as part of our future Transport Strategy;
- 1.10 work with the Highways Agency to improve signage on the A46 to direct more traffic to an extended Lansdown P&R;
- 1.11 talk to Wiltshire Council about measures to remove some of the through traffic along the London Road and other cross border transport issues
- 1.12 evaluate measures to remove HGVs from London Road – [this 10% of traffic creates 40% of the pollution]
- 1.13 examine how we can obtain substantial "modal shift" from the private car to rail in recognition of potential for rail expansion with the electrification of the GWR and the awarding of an extended rail franchise;
- 1.14 evaluate options to address the problems caused by a lack of affordable home to school transport; and
- 1.15 consider measures to make the whole area much more cycle friendly – we have already secured Government funding through the Regional Sustainable Transport Fund to link Batheaston to NCR 4 on the canal towpath, thereby

taking many cyclists off the London Road and encouraging others to get out of their cars and cycle into Bath.

(Note: 1. The above resolution was carried with 29 Councillors present voting in favour, 24 Councillors present voting against and 10 Councillors present abstaining from voting. A minor adjustment to the wording of the motion was suggested by Councillor Lorraine Morgan-Brinkhurst with the effect of removing some words regarding the proposed Newbridge P&R site which was accepted by the mover and seconder of the motion.

2. Councillor Tim Warren moved an amendment, seconded by Councillor Marie Longstaff, the effect of which would require Cabinet to undertake further work on the bid (with reference to the impact on the Core Strategy and JLTP), consult further and bring back to a September Council meeting. That amendment was not carried - 29 Councillors present voting against, 27 Councillors present voting in favour, with 7 abstentions.

24 CALL-IN OF CABINET DECISION E2233 - "DETERMINATION OF THE STATUTORY NOTICE TO CLOSE CULVERHAY SCHOOL"

The Council considered a report setting out the options for consideration regarding the call-in of the decision to close Culverhay school.

Following statements from the public, the Monitoring Officer advised on the nature of the debate and the options open to the Council.

On a motion from Councillor Dine Romero, seconded by Councillor Nigel Roberts, it was

RESOLVED to agree to uphold the call-in, in the light of the reasons in the call-in request (appendix 3 of the report), and those expressed by the Children and Young People Panel when referring the issue to Council, and therefore refer the decision back to Cabinet for reconsideration, for the following reasons;

- a. The clear wish of the community for a co-educational school at Culverhay shown by the results of the various consultations on the future of Culverhay;
- b. The results of the parent survey, which showed that a co-educational school would attract significantly more pupils;
- c. The change in the legislative framework at a national level, which is already having an impact on local education; and
- d. The change in Council Administration since the decision was made, and the resulting change in policy, including the new Administration's willingness to make funding available for the co-educational transition to take place.

(Note: 1. The above resolution was carried with 36 Councillors present voting in favour, no Councillors present voting against and 26 Councillors present abstaining from voting.

2. Councillor Tony Clarke moved an amendment, seconded by Councillor Colin Barrett, the effect of which would defer a decision to uphold or reject the call-in pending further consultation with the school and the Schools Forum and requesting further financial and strategic detail regarding proposals. That amendment was not carried with 36 Councillors present voting against, 23 Councillors present voting in favour, with 2 abstentions.)

25 ST GREGORY'S AND ST MARK'S SIXTH FORM - PROVISION OF CAPITAL FUNDING

The Council considered a report seeking agreement to the capital funding required for the provision of the new sixth form for St Gregory's and St Mark's schools.

On a motion from Councillor Nathan Hartley, seconded by Councillor Tony Clarke, it was

RESOLVED

1. To agree long term prudential borrowing of £2m be provided to support the estimated capital construction costs and related fees for the new sixth form; and
2. that the annual revenue borrowing cost for both interest and capital repayments estimated at £130,000 be considered as a priority commitment as part of the 2012/2013 Budget process.

(Note: 1. The above resolution was carried with 58 Councillors present voting in favour, 1 Councillor present voting against and 2 Councillors present abstaining from voting.)

26 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were seven questions from Members of the Council as listed in the Appendix to these minutes. The questions asked and answers circulated at the meeting are held on file in the minute book and published on the Council's website.

There was one statement from Councillor Nigel Roberts about cycling. The statement was referred for consideration and response by the Cabinet Member for Transport.

A copy of the statement is held on file in the minute book and published on the Council's website with these draft minutes.

Councillors Lisa Brett and Paul Fox presented a petition entitled “Defend London Road” and Councillor Brett spoke in support of the petition. In response to a question from Councillor Cherry Beath, Councillor Brett indicated that they welcomed the Regeneration project, in addition to the Placemaking project.

[While ‘live’, the petition can be accessed via;
<http://www.petitiononline.co.uk/petition/defend-the-london-road/2611>

The petition was referred for consideration and response by the Cabinet Member for Transport.

A copy of the statement provided by the speaker is held on file in the minute book and published on the Council’s website with these draft minutes.

The meeting ended at 9.40 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 th September 2011
TITLE:	Core Strategy – Post submission changes
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Annex A: Housing land supply and contingency</p> <p>Annex B: Gypsy & Traveller site requirements</p> <p>Annex C: Minerals Policy</p> <p>Annex D: Changes to the Core Strategy arising from amendments to the Transport Strategy</p> <p>Annex E: Other changes arising from the Inspector's Issues</p> <p>Annex F: Potential changes arising from the National Planning Policy Framework</p> <p>Annex G: Composite Schedule of changes to the Draft Core Strategy</p>	

THE ISSUE

- 1.1 The Core Strategy has reached a key stage in its preparation. It has been submitted for examination and public hearings are due to in January 2012. The Core Strategy is therefore now under examination. The Inspector has undertaken preliminary assessment of the Core Strategy and has raised a number of concerns which require a response from the Council. Some of these issues may require an amendment to the Core Strategy. If agreed, these amendments will need to undergo community engagement to ensure the Inspector has the full range of views to inform the examination process.

RECOMMENDATION

Council is asked:

- 2.1 to agree that:
- a. changes are made to the Core Strategy as outlined in the composite schedule of changes attached as Annex G, including the identification of a Housing contingency location;
 - b. these changes are published for community engagement;

- c. public consultation is undertaken on the technical investigations into potential sites for the proposed upstream compensatory flood storage needed to facilitate the redevelopment of the Bath river corridor sites; and

2.2 to note the potential changes to the Core Strategy arising from the Government's Draft National Planning Policy Framework (set out in Annex F), agree that they should be subject to community engagement and sent to the Examination Inspector for consideration as part of the Core Strategy examination process.

3 FINANCIAL IMPLICATIONS

3.1 The Core Strategy is being prepared within the Service Plan budget and in accordance with the Local Development Scheme. It is essential that the Core Strategy is progressed in order for the Council to develop and adopt a Community Infrastructure Levy. Otherwise, the Council will not be able to continue to secure funds from developers to pay for infrastructure for new development. In addition, a delay to the Core Strategy may inhibit growth and development in the District with a knock on impact on government award of New Homes Bonus to B&NES.

3.2 The infrastructure needed to support the delivery of development is set out in the Council's Infrastructure Delivery Programme. This highlights the costs of development and funding arrangements. In particular, the Council will need to take a lead, working with the Environment Agency, on the provision a compensatory flood storage facility. Initial estimates put the capital cost at between £3 – 5 million. A provision was included in the West of England Development Infrastructure & Investment Plan (DIIP) for the facility and a bid is being prepared to the Homes & Communities Agency for the necessary funding.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Improving life chances of disadvantaged teenagers and young people*
- *Improving school buildings*
- *Sustainable growth*
- *Improving the availability of Affordable Housing*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

5.1 In his preliminary assessment the Inspector has raised a number of concerns requiring a response from the Council. Four of these concerns may warrant changes to the Core Strategy and these are listed below and addressed in more detail in annexes A to D to this report. These issues are;

- A. Housing supply & delivery;
- B. The need to quantify the Gypsy & Traveller site requirement in the Core Strategy (accepting that the site identification process will take place in a separate plan);
- C. The Council's policy on minerals;
- D. The risk that changes to the Bath Package might have on the Core Strategy.

- 5.2 The **housing supply & delivery** is perhaps the most significant issue and this is considered in detail in Annex A.
- 5.3 In addition to the issues listed above, the Inspector raises a number of other issues, some of which may require more limited changes to the Core Strategy and these are addressed in annex E attached. The changes to the Core Strategy emerging from all of the issues discussed in annexes A to E are set out in the composite schedule attached as annex G.
- 5.4 The Government is also in the process of changing national planning policy, primarily through the new **National Planning Policy Framework (NPPF)**. The Inspector has asked the Council to consider the implications for the Core Strategy of the draft NPPF. This issue is addressed in Annex F.
- 5.5 At this stage in the process, any changes to the Core Strategy should be limited to those which are essential in order to respond to potential soundness issues as raised by the Inspector. Any changes to the Core Strategy will need to undergo **community engagement** in order for the Inspector to have the full range of views when examining these issues. The community engagement will also include the schedule of changes agreed through delegated arrangements following the consideration earlier this year of public comments on the draft Core Strategy.
- 5.6 Any changes to the Core Strategy agreed at this stage also need to be subject to **Sustainability Appraisal (SA)** to assess their sustainability affects. The schedule of changes attached as annex G to this report has undergone SA. The results of the SA are a background paper to the Council report.
- 5.7 In addition to the above changes the Inspector has asked for more detail on the delivery of **flood risk** management solutions in relation to the development of sites along the river corridor in Bath. The agreed Flood Risk Management Strategy (FRMS) for Bath entails a combination of on-site flood defences combined with up-stream flood storage. In consultation with the Environment Agency, the Council has commissioned a technical study to assess the site options for providing upstream compensatory storage and the storage capacity required. It is proposed to consult on the findings of this study with a view to the Council adopting a preferred solution and delivery programme prior to the Core Strategy EIP.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 6.2 The risks of not identifying a contingency are;
- increased possibility of the Core Strategy being found unsound,
 - inability to progress the Community Infrastructure Levy (CIL) which is dependent on adoption of the Core Strategy. CIL must be in place by March 2014 when the ability to seek developer contributions is significantly scaled back. In addition changes to Local Government funding mean that the Council is increasingly dependent on local sources of funding e.g. the New Homes Bonus, CIL, rates and a failure in housing delivery will have an impact on resources
 - a loss of control over the location of new housing, particularly in light of the Government's new presumption in favour of development.

- the increased risk that housing needs will not be met exacerbating affordable housing needs and potentially limiting economic growth

7 EQUALITIES

- 7.1 Equalities Impact Assessments (EQIA) have been an integral part of the preparation of the Core Strategy and in accordance with Council policy the changes set out in annex G have also been subject to Equalities Impact Assessment. This assessment is a background paper to the report.
- 7.2 In summary, the EQIA has identified several positive impacts of the Proposed Changes to the Core Strategy. Two potential adverse impacts were highlighted and mitigation of these is identified in the Action Plan. The potential for adverse impact on rural communities is mitigated through an action to ensure impact on the rural landscape is considered through masterplanning of any development of the contingency location. The potential for adverse impact on the age, disability and gender strands relating to appropriate parking provision within Bath is mitigated through an action to ensure this is considered through the Parking Strategy.

8 CONSULTATION

- 8.1 *Ward Councillor; Cabinet Member; Parish Council; Town Council; Trades Unions; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 8.2 Changes will be subject to community engagement.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9. *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>David Trigwell, Divisional Director - Planning and Transport 01225 394125 Simon de Beer Policy & Environment Manager 01225 477616</i>
Background papers	<i>Inspector's letters to B*&NES Ref ID/1, ID/4 B&NES Submission Core Strategy West of England Gypsy & Traveller Accommodation Assessment</i>

(GTAA), 2007

[B&NES Surface Mining Resource Areas](#), Coal Authority (2009)

Draft National Planning Policy Framework

Strategic Housing Land Availability Study

Sustainability Appraisal of the proposed changes to the Core Strategy

Equalities Impact Assessment of changes to the Core Strategy

B&NES Core Strategy Infrastructure Delivery Programme

West of England Development Infrastructure Investment Programme

Strategic Housing Land Availability Assessment July 2011

B&NES Future Housing Growth Requirements to 2026: Stage 2 Report

Please contact the report author if you need to access this report in an alternative format

ANNEX A: HOUSING LAND

THE ISSUES

- A1.1 The Inspector will consider at the Examination whether the Core Strategy is planning for the right level of housing needs and economic growth and whether the Council's strategy is sufficiently robust and flexible to accommodate the proposed level of growth. The Inspector is concerned that the Core Strategy;
- is providing for a much lower level of housing that was required by the Regional Spatial Strategy (RSS),
 - is able to respond to greater than anticipated economic growth, migration and housing pressures in light of the importance the Government is now placing on promoting economic growth,
 - should plan for a greater level of overall housing to enable more affordable housing in light of the significant need in B&NES,
 - is sufficiently flexible to accommodate even the planned scale of growth if the major brownfield sites are delivered more slowly or have less housing capacity than planned,
 - does not plan for the backlog of unmet housing from previous years

- A1.2 In order to respond to the Inspector, three options are set out below.

OPTION 1 – NO HOUSING CONTINGENCY

- A1.3 The Core Strategy plans for a growth in around 11,000 houses and 8,700 jobs by 2026. This compares with up-to-date evidence commissioned by B&NES that around 11,600 dwellings and 8,700 jobs will be needed. It is acknowledged that this is a tight housing land supply and that there is limited flexibility/contingency. This is a result of the particular circumstances in B&NES and the outcome of consideration of alternatives. In particular it is important to note that;

- the housing supply as identified in SHLAA is around 11,200 dwellings (without Green Belt changes , prioritising brownfield sites and focussing new development on in the most sustainable locations)
- the district's extremely high quality environment (eg Bath is the UK's only city which is entirely a WHS, extensive AONB within the District, high concentration of listed buildings, numerous conservation areas, home to bats of European importance)
- a strong view from local communities that they do not want to see strategic changes to the Green Belt
- new development should be aligned with the provision of necessary infrastructure and infrastructure may be a limiting factor on growth levels
- the spatial strategy should be co-ordinated with that of adjoining authorities

- A1.4 However, the Council may wish not to make any changes and continue to defend this strategy at examination. In addition to the above points, the Council's case would focus on the following points;

- The strategy entails a significant uplift in past rates of housing delivery from around 380 to 550 per annum.
- The strategy enables delivery of the substantial Council's economic growth reflecting national objectives
- The Council has a new focus on delivery and is address past problems of non-delivery
- There is some scope, albeit limited, for contingency within the existing strategy through flexibility on densities and mix of uses and in the assessment of housing need in the Stage 2 Report.

Risks of Option 1

- A1.5 The risks of not identifying a contingency are significant;
- Increased likelihood of an unsound Core Strategy
 - inability to progress the Community Infrastructure Levy (CIL) which is dependent on adoption of the Core Strategy. CIL must be in place by March 2014 when the ability to seek developer contributions is significantly scaled back
 - A delay in the Core Strategy means that the Governments new presumption in favour of development will result in loss of control over the location of new housing.
 - Changes to Local Government funding mean that the Council is increasingly dependent on local sources of funding eg the New Homes Bonus, CIL, rates and a failure in housing delivery will have a significant impact on resources
 - There is the risk that housing needs will not be met, thereby exacerbating affordable housing needs and potentially limiting economic growth

OPTION 2 - WITHDRAW THE CORE STRATEGY

- A1.6 This option would be relevant if the Council decided that it wanted to re-assess the locational strategy afresh and identify locations not included in the 2009 Spatial Options Document. The Council cannot withdraw a submitted plan but it can request that the Secretary of State direct that the Core Strategy is withdrawn. This option is therefore only relevant if the Council is prepared to contemplate strategic changes to the Green Belt

Risks of Option 2

- A1.7 The risks are similar to option 1 because of the delay in getting an up-to-date plan in place.

OPTION 3 - IDENTIFYING A HOUSING CONTINGENCY

Need for a contingency in B&NES

- A1.8 It is acknowledged that some of the points made by the Inspector in para 2.1 above are valid and there is limited scope to react if development does not progress as planned. In particular, it is recognised that;
- housing supply is tight : the Core Strategy plans for 11,000 dwellings to 2026 and although the Housing Land Availability Assessment (SHLAA) identifies 11,200 dwellings, the likely requirement is just over 11,000 dwellings.
 - The District does not have a good track record on housing delivery. For instance there was a shortfall of around a 1000 dwellings during the Local Plan period for which the District is not seeking to address. Whilst the Council is improving its delivery mechanisms, a significant proportion of the housing supply is on brownfield sites which are recognised as being difficult to bring forward.
- A1.9 In light of the tight housing land supply and the potential for sites not to come forward as planned, there is considerable merit in identifying a contingency. It is suggested that this could be up to 10% ie 1000 dwellings. The Core Strategy would need to identify a feasible location with sufficient capacity.

The trigger for contingency

- A1.10 The precise arrangements for triggering a contingency will need to be agreed by Council and submitted for examination. It is recommended that a contingency will only be required if monitoring of housing development during the first 5 years of the plan period revealed that the Council's planned housing delivery is not being achieved or if growth rates are significantly greater than those being planned for in the Core Strategy and that this is having major implications for meeting housing needs or constraining economic growth. A

decision from Council would then be needed to agree the precise extent and location of the development. The change needed now to the Core Strategy would be to amend Policy DW1 and the Key Diagram (Diagram 4) with wording similar to that in the adopted Bristol Core Strategy as follows:

Preamble to Overall Strategy Policy DW1

Amend para 1.36 as follows;

“1.36 Contingency: The Core strategy recognises the need to be responsive in light of future uncertainty and unforeseen circumstances. There is the scope for flexibility in the mix of uses and density of some of the large redevelopment sites such as at Somerdale in Keynsham and the MoD sites in Bath. In addition, there is scope in Bath’s western corridor to vary the mix of uses to respond to needs for development. This flexibility maintains the overall strategy of a priority on urban focussed brownfield opportunities. The Council will monitor delivery rates in the plan period which will shape the early review of the Core Strategy which is programmed for around 2016. **The Core Strategy is based on the regeneration of brownfield land and the Council is not planning for the release of land from the Green Belt to meet development needs. However, if after the first 5 years following adoption, monitoring demonstrates that the planned housing provision has not been delivered at the levels expected, and flexibility on existing sites is insufficient to address this, then the use of some Green Belt land at Hicks Gate as a long-term contingency for the development of new homes will be considered. This will require close liaison with Bristol City Council**”

Add to Policy DW1

Contingency

If monitoring shows that planned housing provision will not be delivered at the levels expected the use of some Green Belt land at Hicks Gate as a long-term contingency for the development of new homes will be considered.

The broad location is indicated on the Key Diagram.

Preamble to Green Belt Policy CP8

Amend Para 6.63 as follows

“6.63 Core Policy CP8 conforms to national policy which also states that the general extent and detailed boundaries of the Green Belt should be altered only exceptionally. The Core Strategy does not envisage that the general extent of the Green Belt in B&NES should be altered in the plan period. This reflects the very high value attached by the communities in bath & North east Somerset to the openness of the Green Belt. **However Policy DW1 acknowledges that should the need be clearly demonstrated at the review of the Core Strategy in around 2016, land is identified as a housing contingency at Hicks gate on the edge of Bristol.**

Monitoring & Review

Add new para 7.07

“The need for the contingency development area at Hicks Gate will not be considered before 5 years following adoption. If, after 5 years following adoption, the Council cannot demonstrate a 5 year housing land supply, to the extent that there is a substantial shortfall, in the order of around 1000 or more units, it accepts that the need for the contingency development area will be triggered, unless additional brownfield housing land supply can be identified as being available and developable beyond the next 5 years”.

A1.11 The spatial strategy does not therefore entail the release of land from the Green Belt. However, the need for development may warrant a review of the Core Strategy.

Risks of Option 3

A1.12 It is anticipated that identification of a contingency will address the Inspector’s concerns although this will only be clarified through the examination process. If the contingency is ever triggered, then the harm to the environment will be realised.

Identifying a greenfield contingency location

A1.13 If it is accepted that greenfield contingency is required, then the appropriate location(s) will need to be considered. It is recommended that only the locations previously arrived at through the development of the Core Strategy should be revisited. These locations underwent technical analysis, public consultation and sustainability appraisal. If there is a desire by the Council to re-assess locations not in the 2009 options document then the Core Strategy will need to be withdrawn, reverting to an earlier stage in the process in order to avoid vulnerability to a legal challenge on procedural grounds.

A1.14 The potential locations for a contingency based on previously identified as urban extension options are described in more detail in the following section. The locations are;

- **Bath: West of Twerton**
- **Bath: Odd Down/South Stoke Plateau**
- **SE Bristol: Whitchurch**
- **SE Bristol: Hicks Gate**

A1.15 Whilst the Hicks Gate area was assessed along with the locations above, it was not put forward as an urban extension option partly because there was insufficient capacity to accommodate the identified development need, the impact on the Green Belt gap and lack of support from Bristol. However since then, land in this location has been identified as a contingency for Bristol in their adopted Core Strategy. Therefore, because it was investigated and consulted upon alongside the other sites, it should also be considered now as a contingency area.

Options excluded

A1.16 Although the locations above were assessed as urban extension locations and not a contingency location, the development issues are similar for both. Other locations not pursued are described in the Table 1 below.

Table 1: Locations for growth previously discounted

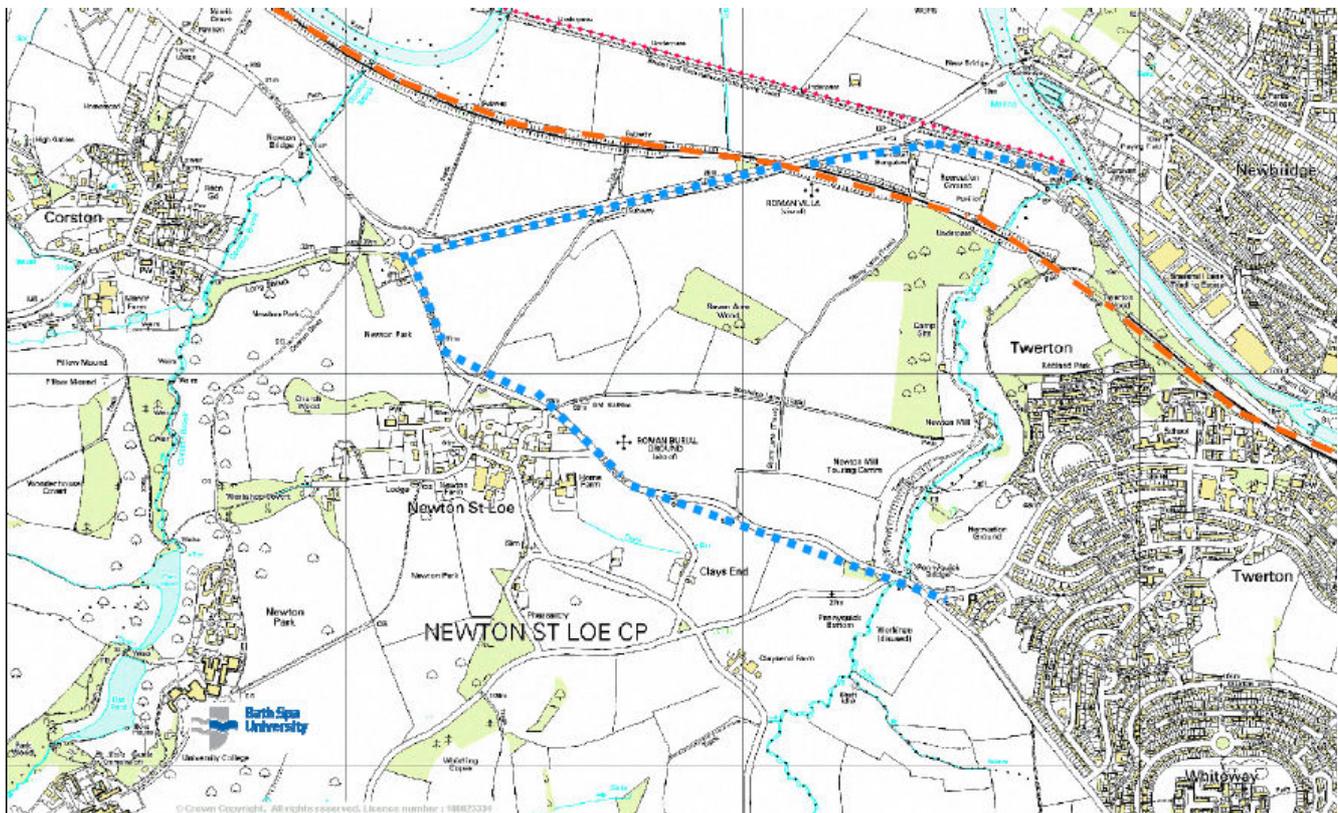
LOCATION	COMMENTS
Keynsham	<p>The locational strategy agreed across the West of England is to avoid significant development at the less sustainable market towns and instead focus new development & economic growth on the urban areas.</p> <p>Keynsham already has a significant growth planned during the Plan period at the SW Keynsham site (an urban extension of over 500 dwellings) and at Somerdale (potentially 600 dwellings plus employment growth)</p> <p>Keynsham is arguably in one of the most vulnerable parts of the Bristol Bath Green Belt lying in the A4 corridor in the strategic gap between Bath & Bristol. An expansion of the town to the east, west or north would impinge on this vulnerability.</p> <p>The Keynsham Town Plan seeks to maintain the town’s separate identity</p>

South of the District beyond the Green Belt (ie Midsomer Norton, Radstock & Westfield area)	This location was rejected as a significant housing location at an early stage in the Core Strategy process as part of the First Detailed Proposals. There are already significant outstanding housing commitments (2,500 dwellings) and the areas have a vulnerable local economy with decreasing employment opportunities and very high levels of outcommuting. Opportunities for job creation and major infrastructure investment are limited; especially transport and adding more housing to this area would be very unsustainable
Rural areas	Two thirds of the district is Green Belt wherein there is very limited scope to expand villages The Core Strategy currently enables a level of development to rural areas to meet local needs and allows a fair degree of flexibility to meet local aspirations in light of the new localism agenda. However a dispersed approach of spreading a significant level of development across the rural areas is contrary to national policy (to which the Core Strategy must still conform) , is significantly out of step with west of England colleagues and is highly unsustainable leading to increased commuting, and an unsustainable pattern of development
Other locations around Bath	Land east & north of Bath fall within the Cotswolds Area of Outstanding Natural Beauty and were eliminated at an early stage. It was concluded that other locations South West of Bath are technically unsuitable due to topography.
Stockwood vale	Technically unsuitable due to topography and damage to the landscape

Assessment of the 4 options

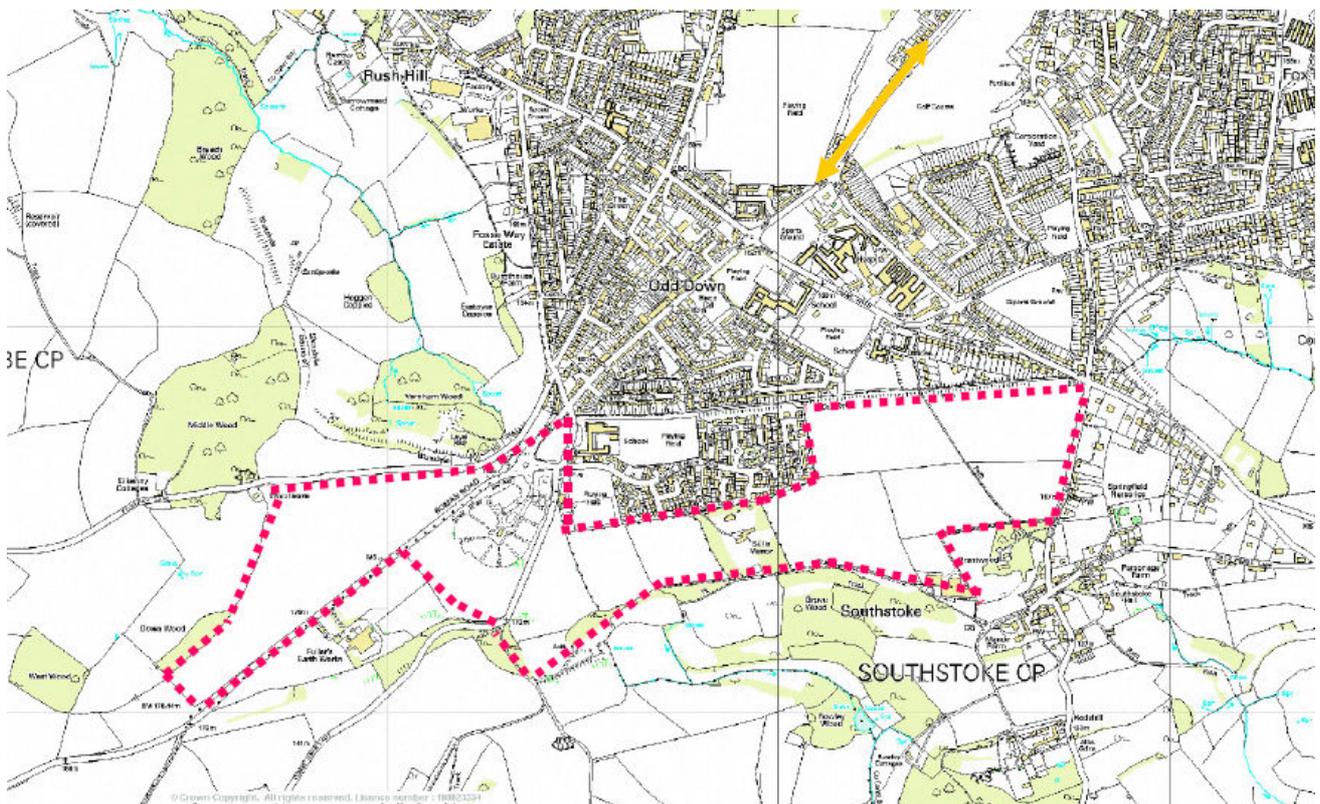
A1.17 An assessment of the four locations has been undertaken and the results are set out below. Assessment of the four locations has taken into account that the scale of development is less than that in the Spatial Options document. Whilst the outcome of this assessment should not be prejudged, set out below is a brief analysis of some of the key points in relation to the potential for each location to be identified as a greenfield contingency:

Contingency Option 1: West of Twerton (more than 1000 dwellings)



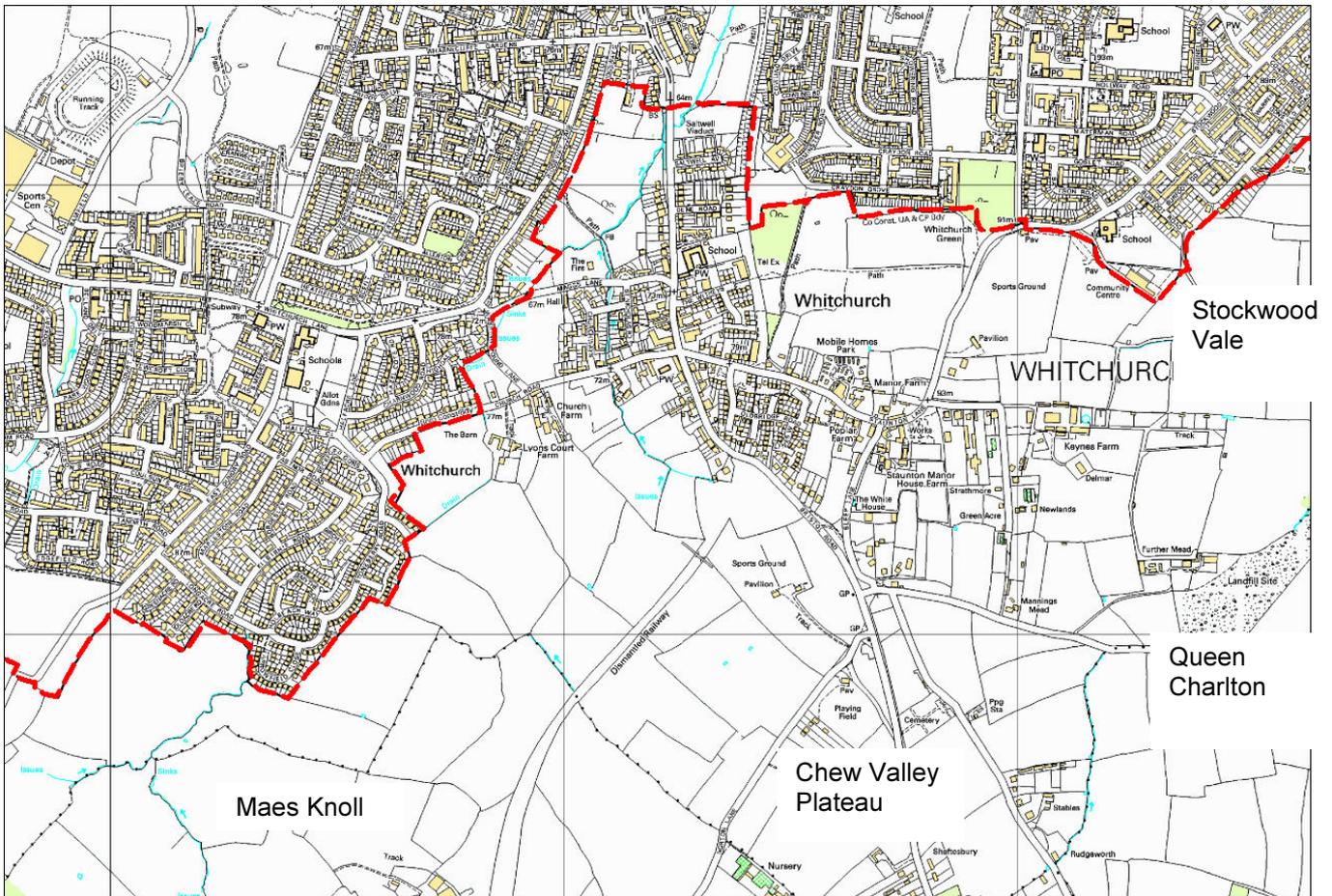
Issue	Description
Historic Environment	<p>Negative Impact on the setting of the World Heritage Site</p> <p>Assessments undertaken using the Council's <i>World Heritage Site Setting Study</i> has established the high impact of development in this location on the World Heritage site in terms of its landscape, visual and historic setting. Development would be prominent on the skyline and from key views within and on the approach into Bath, the location also forms an important part of the green hillside setting of the World Heritage site. Development would extend beyond the defined edge of the city creating a physically separated settlement. There are no real opportunities to mitigate these impacts.</p> <p>English Heritage now strongly objects to development in this location on the basis of this evidence and this objection is backed by national policy. In light of this it would be highly challenging to present as a feasible contingency.</p>
Landscape	<p>Negative Impact on the setting of Cotswolds Area of Outstanding Natural Beauty</p> <p>Development in this location would have high adverse impact on the landscape, while it is outside the Cotswold Area of Outstanding Natural Beauty, there would be significant impact on the setting of this nationally designated landscape. It would be extremely difficult to bring forward effective measures to mitigate these impacts.</p> <p>This issue has been raised as an objection to development in this location by Natural England and is backed by national policy and case law.</p>
Green Belt	<p>The green belt here plays a significant role in the separation of Bristol and Bath and is valuable in checking urban sprawl, preserving the setting/special character of Bath and in safeguarding the countryside from encroachment.</p>

Contingency Option 2: Odd Down/South Stoke Plateau (around 750 dwellings)



Issue	Description
Landscape & Visual Impact	While the reduced capacity option would still have significant landscape impact, high negative impacts on the landscape can be avoided in a reduced capacity option. There are opportunities to effectively mitigate the landscape impacts of this lower level of development.
Cotswold Area of Outstanding Natural Beauty	The reduced contingency option is located entirely within with AONB, exceptional circumstances and a lack of suitable alternatives outside the AONB would need to be demonstrated to identify this area as a contingency to avoid direct conflict with national policy.
Historic Environment	Development in this location would impact on the Wansdyke Scheduled Ancient Monument and the setting of South Stoke Village Conservation area . These impacts could in part be mitigated by drawing development back from the plateau edge and vegetation screening to South Stoke lane. A 30 metre buffer around the Wansdyke could also be introduced. However, it is not possible to fully mitigate these impacts to historic assets.
World Heritage Site setting	High negative impacts on the World Heritage Site setting can largely be avoided in the lower development capacity option - by avoiding development of the land either side of the A367, by drawing development back from the South Stoke plateau edge to the south and by enhancing tree cover. There would still be a medium impact of developing in this location particularly the historic setting of the WHS as this breaches the containment of the city boundary provided by the Wansdyke.
Ecology	This area is located within the main feeding area and flight corridor for horseshoe bats (European protected species) associated with the Bath & Bradford-upon-Avon Special Area of Conservation . To comply with EU Habitat Regulations it must be demonstrated that development must cause no adverse effects upon the integrity on protected species or the SAC. While it is considered there would be potential to mitigate these impacts by a number of design and management methods, the details of these mitigation arrangements would need to be demonstrated at the stage of identifying this site as a contingency. A detailed mitigation strategy is not currently in place.
Slope, Geological Instability & Undermining	The Councils <i>Slope, Geological Instability & Undermining Study (2010)</i> these issues in the Odd Down/South Stoke Plateau area - however they can be overcome by engineering solutions at cost. This lower capacity option could avoid areas with these issues.
Transport	A transport modelling assessment has been carried out for this reduced capacity option; there is no significant reduction in impact from a higher level of development. The area has good public transport accessibility.

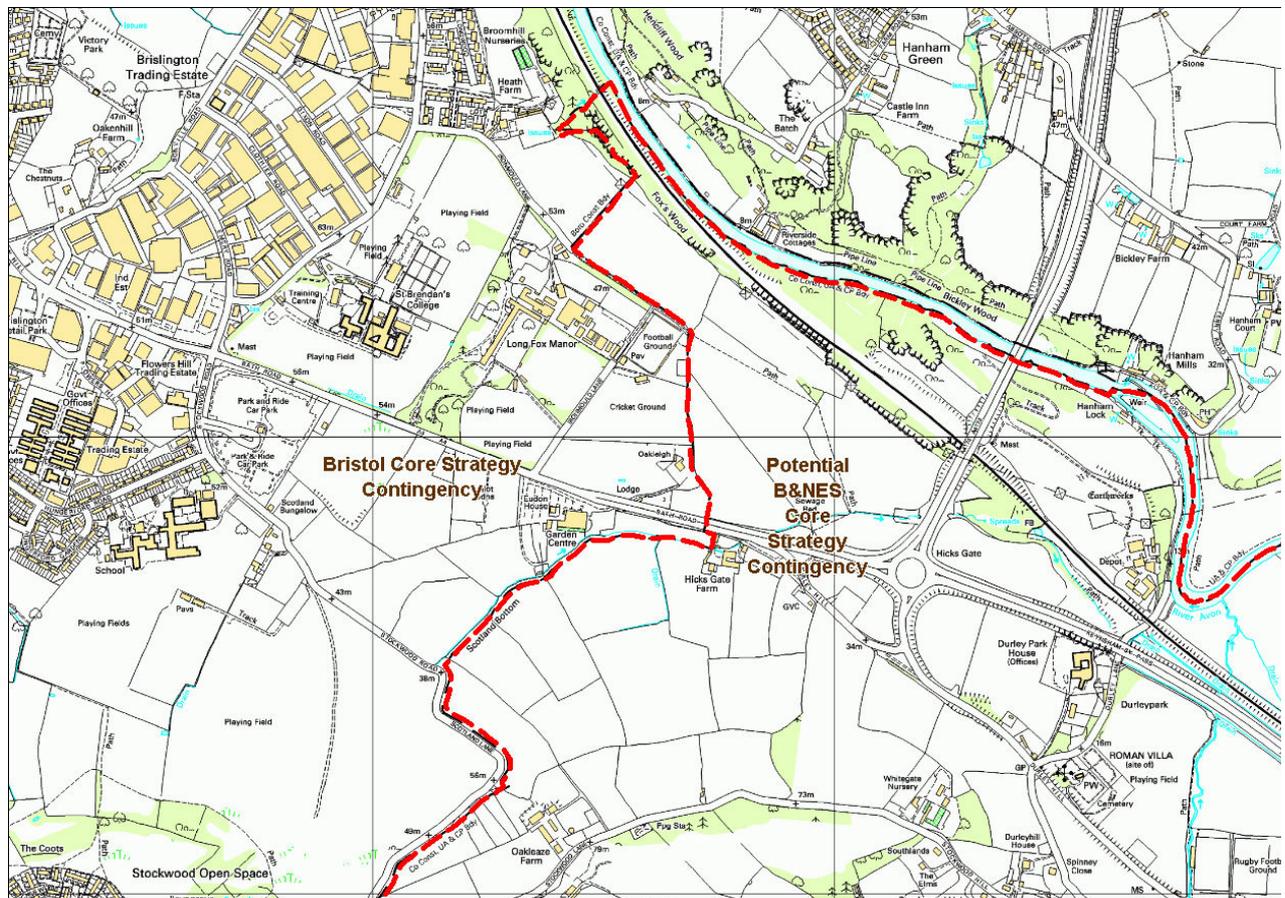
Contingency Option 3: Whitchurch (around 800 dwellings)



Issue	Description
Transport	<p>Existing transport capacity problems in this location is a major constraint to development. The developer has argued that up to 800 dwellings could be developed without the need for significant transport infrastructure being provided. However, an assessment of this transport modelling work has challenged its findings:</p> <ul style="list-style-type: none"> - While the developer has modelled walking catchments to existing bus stops, the current service to Whitchurch village is limited - Signal junctions in Whitchurch village are heavily congested particularly accessing onto the A37 and would be worsened by development, and additional traffic would be attracted to inappropriate side roads worsening existing highway network problems.
Relationship to Bristol	<p>Bristol has identified South Bristol as a major area for regeneration in their Core Strategy, greenfield development in the immediate vicinity could serve to threaten these regeneration aspirations. However, Bristol has indicated that it will not support a corollary in B&NES.</p>

<p>Environmental Impact</p>	<p>The environmental impact on the Maes Knoll Scheduled Ancient Monument, Mediaeval field patterns, protected habitats & species and the impact on the Chew Valley skyline could be considerably mitigated and avoided if development is limited to 800 dwellings.</p> <p>However, the loss of the open rural setting of Whitchurch village and the setting of Grade II* Listed Lyons Court Farm would be not be possible to fully mitigate.</p>
<p>Housing need</p>	<p>The main focus for housing need in the district is at Bath, although development in this location will be contributing to a B&NES housing target it is not located in the main area of need. At a lower development capacity there is less opportunity to provide employment at this location; this is likely to support economic growth within Bristol rather than B&NES.</p>

Contingency Option 4: Hicks Gate (up to 700 dwellings)



Issue	Description
Relationship to Bristol	<p>At the Core Strategy Options stage Hicks Gate was not included as a potential urban extension location primarily as it did not have the capacity to accommodate anywhere near the required 3,650 dwellings. Furthermore, at this time development of the land at Hicks Gate on the Bristol City Council side of the boundary was not being considered. It was investigated and consulted on which enables the site to be considered as a contingency at this stage.</p> <p>Bristol's Core Strategy identifies land at Hicks Gate as a long term development contingency for up to 800 homes, should they fail to deliver across other sites in Bristol this location would be revisited. However Bristol has indicated that it will not support a corollary in B&NES.</p> <p>It should be noted that B&NES Council expressed "extreme concern" in relation to this Hicks Gate contingency because of its impact on the separation of Bristol and Keynsham at the examination stage and noted that the area has significant constraints and performed poorly in Bristol's sustainability appraisal.</p>
Urban Design Issues	<p>There are challenges to developing a high quality development in this location. The A4 splits the site and acts as a strong physical barrier and air quality and noise issues are also a concern. The immediate area that this area would be an extension to consists of bulky retail, light industrial warehousing and distribution, this is not entirely compatible with residential development and the residential community here would be relatively isolated.</p>
Green Belt	<p>The Hicks Gate area has a critical role in the Bristol-Bath Green Belt maintaining the separation of the Keynsham and Bristol. Development at this location would significantly impact on this green belt gap. However, by keeping development back from the ridge-line the highest landscape impact can be significantly avoided. This could also maintain the principle of the green belt gap.</p>
Transport	<p>This area has the potential to be well served by public transport and does not appear to have the transport capacity issues presented at Whitchurch. There may be a need for access points from the Bristol City Council side of the boundary.</p>
Housing need	<p>The main focus for housing need in the district is at Bath, development in this location although it will be contributing to a B&NES housing target is not located in the main area of need. Due to the limited development capacity in this area there is less opportunity to provide employment at this location although the location is more desirable as an employment location than Whitchurch</p>

Conclusion

A1.18 That the existing strategy of brownfield regeneration is maintained but allow for a housing contingency location at Hicks Gate only if the need is clearly demonstrated. This will not be before at least 5 years after the adoption of the Core Strategy and only if specific criteria are met. The changes are set out in para A1.10 above and in Annex G.

Annex B: Gypsy & Traveller site requirements

The Issues

A2.1 The Draft Core Strategy makes a reference to the needs of gypsies, travellers and travelling showpeople and includes a criterion based policy for dealing with applications. Whilst the Inspector is content that site allocations can be dealt with through a separate Gypsies and Travellers Site Allocations Development Plan Document (G&T DPD), he points out that the Core Strategy should set out the strategic approach for the G&T DPD by indicating:

- the scale of accommodation needs
- the broad approach to be taken to accommodating these needs and
- how needs beyond 2011 will be assessed

A2.2 The lack of either permanent residential or transit sites in the District has led to a number of unauthorised sites and private sites without planning permission and continues to raise a number of enforcement issues which are costly to the Council.

Legal requirements

A2.3 It is a requirement under the 2004 Housing Act (Section 225) for the Council to carry out a Gypsy & Traveller accommodation needs assessment and to take a strategic approach in order to address a lack of suitable accommodation for Gypsies and Travellers. The Council therefore has a statutory obligation to make suitable site provision. The Council also has a statutory general duty under the Equalities Act 2010 to 'pay due regard' to the need to eliminate unlawful racial discrimination, to promote equality of opportunity and to promote good race relations between different racial groups.

Scale of need

A2.4 The [West of England Gypsy & Traveller Accommodation Assessment](#) (GTAA), undertaken in 2007, identifies the scale of need for gypsies, travellers and travelling showpeople for the period to 2011 and is summarised in Table 2 below. The GTAA also provides an indication of forecast need up to 2016 based on an allowance for the growth of families recognising that whilst it is possible to identify current need, accurate projections of future needs are likely to be more difficult. The GTAA and its findings are publicly available as part of the Council's Local Development Framework evidence base and is already referred to in the draft Core Strategy.

Table 2: GTAA identified needs in B&NES

Type of requirement:	2006 - 2011	Growth 2011 - 2016	Total 2006 - 2016
Permanent pitches for Gypsies & Travellers	19	3	22
Transit pitches for Gypsies & Travellers	20	0	20
Plots for Travelling Showpeople	1	0	1

Note:

- Provision of permanent authorised sites will help integration and inclusion with the settled communities
- Transit provision facilitates movement amongst Gypsy and Traveller communities, addresses the need for short-term stopping places and can minimise disruption that unauthorised encampments can cause

A2.5 Whilst the draft Core Strategy makes reference to the GTAA it does not specify the scale of identified needs. By changing the text of the Core Strategy to refer to the scale of needs to

be met through the G&T DPD as evidenced in the GTAA (and summarised in Table 2), the Council will be confirming that it will meet the established accommodation needs by identifying sufficient suitable and deliverable sites. This is a contentious issue as Members will need to discuss and agree the position in respect of the following questions, whether:

- the G&T DPD should address permanent pitches only or also include transit pitches
- the needs of Travelling Showpeople are also addressed in the G&T DPD
- the G&T DPD should make site provision to meet the need up to 2011 and also the indicative need to 2016

Approach to accommodating needs

A2.6 The draft Core Strategy currently confirms that the Local Development Framework must consider the accommodation needs of gypsies, travellers and travelling showpeople and it sets out criteria in Policy CP11 against which applications for such accommodation will be determined. In order to address the Inspector's concern a change to the text would be needed to confirm that the needs will be met through identification and allocation of sites in the G&T DPD (in conjunction with the change outlined above to specify which identified needs will be addressed in the DPD). Policy CP11 would also need to be amended to make it clear that identification of the sites through the DPD will use the same criteria already outlined in the policy. This represents a relatively minor change to the wording of the policy.

Assessing needs beyond 2011

A2.7 Assessing the needs beyond 2011 will be achieved through a process of reviewing and updating the GTAA. No reference is currently made to this in the Core Strategy but this could be included in the Core Strategy text.

Options for addressing the Issues

Option 1

A2.8 Make no amendments to the text of the Gypsies, Travellers & Travelling Showpeople section. In not addressing the issues raised by the Inspector and not setting out the scale of need in the Core Strategy and how this need will be met through the planning process the Council:

- will be in breach of its statutory obligations in meeting identified accommodation needs of gypsies, travellers and travelling showpeople
- will not be able to demonstrate its commitment to meeting existing and future needs when assessed
- without identifying sites, will continue to be vulnerable to losing planning appeals with the potential risk of sites being allowed in unsuitable locations

Option 2

A2.9 In the light of issues raised above, make changes to the Core Strategy, which will address the Inspector's concerns, as follows:

- Acknowledge the local shortage of authorised sites for gypsies, travellers and travelling showpeople and clarify the scale of accommodation needs to be met (as identified by the West of England GTAA)
- Confirmation that this scale of need will be met through the G&T DPD
- Confirmation that the future accommodation needs of gypsies, travellers and travelling showpeople (beyond 2011) will be met once assessed

- Change policy GT.11 to make it clear that the criteria already outlined for assessing applications will be used in the process of identifying and allocating sites in the separate DPD

Conclusion

Amend the section on Gypsies, Travellers and Travelling Showpeople (pages 124-125 of the draft Core Strategy) as set out above. The wording of these changes is set out in the schedule in annex G.

Annex C: Minerals Policy

The Issues

- A3.1 Whilst the Draft Core Strategy has a dedicated section on minerals (paragraphs 6.65 - 6.69), there is no accompanying policy setting out the overall approach to minerals at a strategic level because this issue is already addressed in the Local Plan. However, the Inspector points out that the Core Strategy would normally be the place for the overall policy approach to minerals to be set out with any detailed policies and designations to be included as part of the Placemaking Plan or equivalent.
- A3.2 The Inspector also makes reference to the representation from the Coal Authority (as a statutory consultee) in relation to mineral safeguarding, land stability and other matters from the coalfield legacy. The Inspector advises that the Core Strategy should refer to the need to define Mineral Safeguarding Areas in relation to coal and other minerals within the district to accord with national minerals planning policy. The Core Strategy should also make mention of the coalfield legacy and land stability. The Inspector has asked that any additional text is agreed with the Coal Authority.
- A3.3 There is now an obligation on all Mineral Planning Authorities to define Minerals Safeguarding Areas. The Minerals Consultation Areas as shown on the existing Proposals Map reflect an outdated approach and now only relevant in the case of a two tier authority and should be based on the Mineral Safeguarding Areas.

Options for addressing the Issues

Option 1

- A3.4 Make no amendments to the text of the Minerals section. However by maintaining the current approach in the Core Strategy and not addressing the issues identified by the Inspector effective implementation of national minerals planning policy will not be achieved. This can be remedied by making a number of textual changes to the Core Strategy for the purposes of clarification as set out below.

Option 2

- A3.5 Changes could be made to the minerals section to address the Inspector's concerns which would:
- clarify that the Mineral Safeguarding Areas (already referred to in the text of the Core Strategy) will relate to coal as well as other minerals
 - highlight in the text the need to take into account the coalfield legacy and land stability and indicate the general extent of the surface mining coal resource areas within the District in a diagram
 - include a broad strategic minerals policy
- A3.6 The changes would also clarify the strategic policy framework for minerals and provide the context for review of the more detailed Local Plan Policies on minerals to address the requirements of Minerals Policy Statement 1: 'Planning and Minerals' and Minerals Planning Guidance 3: 'Coal mining and colliery spoil disposal', and to ensure mineral resources are not needlessly sterilised by non-mineral development.

Conclusion

Amend the section on Minerals (page 121) of the draft Core Strategy). The wording of these changes is set out in the schedule in annex G and reflected comments following informal consultation with the Coal Authority.

Annex D: Changes to Core Strategy arising from changes to the Bath Transport Strategy

The Issue

- A4.1 Since the preparation and publication of the draft Core Strategy the Council has made a number of changes to the Bath Transportation Package (BTP). These changes resulted in the elements listed below no longer forming part of the best and final bid for the BTP submitted to the Department for Transport:
- The Bus Rapid Transit (BRT) Segregated Route
 - The A36 Lower Bristol Road Bus Lane
 - The A4 London Road Lambridge Bus Lane
 - New A4 Eastern P&R (1,400 spaces), plus bus lane priority on the A4/A46 slip road
 - Restrict the expansion of the 500 space Newbridge P&R site to 750 rather than 1000 spaces.
- A4.2 The Inspector has raised concern as to whether and how the changes to the BTP affect the spatial strategy for Bath.
- A4.3 Whilst the changes to the BTP have implications for the transport strategy for Bath the Council is still able to demonstrate that it has a coherent strategy for addressing the transport problems in the city that will also enable the growth directed to the city by the Core Strategy to be delivered in a way that minimises travel related environmental harm.
- A4.4 The effect of the loss of a significant proportion of the additional park & ride spaces will be ameliorated by further improvements to public transport, In particular, the recently announced electrification of the Swindon-Bath-Bristol main rail line will provide the opportunity for substantial additional passenger capacity. This will help to compensate for the delay in establishing an east of Bath Park & Ride site, options for which are being reviewed.
- A4.5 The Council remains committed to the strategy of reducing the availability of long stay parking within the city centre. However, in the short term current parking capacity will have to be retained.
- A4.6 The implications for the transport strategy for Bath of changes to the BTP as outlined above will need to be reflected in changes to the Core Strategy. As such changes to the Core Strategy will:
- Confirm the Council's broad transport strategy for the city
 - Outline the measures that will be delivered to achieve this strategy, including reference to the BTP; other public transport improvements (including electrification of the main rail line) and improvements to cycling and walking infrastructure (including Local Sustainable Transport Fund)
 - Refer to the need to maintain existing central area parking levels in the short term
 - Factual amendments to the measures included in the BTP

Conclusion

Amend the transport section of the Bath chapter (pages 56 & 57 of the draft Core Strategy) as outlined above. The wording of these changes is set out in the schedule in annex G.

Annex E: Other Changes to the Core Strategy arising from the inspector's issues

The Issues

A5.1 The Inspector has raised various other concerns in his preliminary assessment of the Core Strategy. Most of these issues do not necessitate consideration of a change to the Core Strategy. Those issues that do are as follows:

- Rural areas – clarity in policies relating to different types of villages
- Design policy – requirement to meet Building for Life standard
- Clarification of retrofitting policy
- Sustainable Construction and District Heating policies – concern that the requirements of the policy should not make development unviable
- Affordable Housing policy and references to the viability of development (see also Affordable Rented Tenure issue in annex F below)
- Monitoring – effectiveness of the monitoring framework

Rural Areas

A5.2 The Inspector has raised concerns regarding the operation of policy RA1. In particular the Inspector is unclear as to whether the indicative list of villages meeting the criteria of policy RA1 set out in the Core Strategy is fixed now or whether the policy criteria are to be applied at the time of an application. He also considers reference to the list of villages being included in the review of the Core Strategy to be confusing. Furthermore the Inspector considers the Core Strategy is unclear as to whether demonstrating local support for development through the views of the relevant parish council applies only now or whether it applies throughout the plan period.

A5.3 The policy framework for the rural areas is not proposed to be changed and inclusion of an indicative list of villages currently meeting the criteria of policy RA1 is also proposed to be retained in the Core Strategy. However, some minor changes to the text accompanying policy RA1 is proposed in the schedule attached as Annex G in order to clarify the operation of the policy. These changes will make it clear that the indicative list reflects the current position and could be subject to change during the lifetime of the plan and that assessing whether there is local community support for development throughout the plan period will be demonstrated via the views of the parish council or an alternative mechanism should one be introduced through the localism bill.

Design

A5.4 Policy CP6 Environmental quality in the draft Core Strategy requires that all major housing schemes meet CABE's Building for Life (BfL) good standard as a minimum. The Inspector has asked the Council to reconsider the appropriateness of embedding within a development plan policy a requirement to meet a specific standard for BfL, bearing in mind the formal process required to assess buildings under that scheme and the fact that the reduced activities of CABE may affect the BfL accreditation process.

A5.5 Given that the Inspector proposed a similar change to the Bristol Core Strategy it is prudent to consider a change to the B&NES Core Strategy policy. The objective of the policy could still be achieved by changing it to require that schemes are assessed using the BfL methodology or an equivalent methodology if the BfL scheme is discontinued and that as a guide schemes should meet the good standard.

Climate Change Policies

A5.6 The Inspector is unclear whether policy CP1 which encourages retrofitting of energy efficiency measures only applies to existing buildings within the applicant's site or whether the Council intends to seek retrofitting for existing buildings unconnected with the site. The latter would be difficult to justify and the policy was only ever intended to apply to buildings

within the applicant's site. A minor change to the wording of the policy is suggested in the schedule in annex G to clarify this.

- A5.7 In relation to both policies CP2 (sustainable construction) and CP4 (district heating) the Inspector has raised a concern about the impact of the requirements on the viability of development. The Inspector states that a change to both policies to make it clear that their requirements should not apply if it can be demonstrated that it would not be viable is likely to be necessary for the soundness of the Core Strategy. As such the Council does not appear to have much choice but to propose changes to both policies. The wording of the relevant changes is set out in the schedule of changes (see Annex G).

Affordable Housing

- A5.8 The draft Core Strategy policy on affordable housing (CP9) sets out the average proportion of affordable housing that will be sought on large sites (i.e. 35%) and sets out the circumstances under which a higher or lower proportion may be sought. The Inspector makes it clear that development viability needs to be more fully embedded in the policy and not viewed as an exceptional circumstance if the policy is to be sound in this regard. A policy wording change is set out in the schedule attached as Annex G.

Monitoring Framework

- A5.9 The Inspector has raised concern that some of the monitoring indicators in the framework set out in chapter 7 do not have a 'Quantification of objective' (or target in conventional terms) and as a result there is no means of measuring whether the policy is achieving its objective. He suggests that the Council should look again at the effectiveness of the monitoring framework.
- A5.10 In the draft Core Strategy a target was only included where it was quantifiable. However, having reviewed both the draft Core Strategy framework and those in other adopted Core Strategies it appears to be acceptable and appropriate to also include qualitative targets. Therefore, for a number of indicators qualitative targets are now proposed which give a clear indication of the direction of travel. For other indicators a quantitative target that could not previously be identified is proposed. These changes will result in a more effective monitoring framework (thereby addressing the Inspector's concern) and are set out in the schedule attached as Annex G.

Conclusion

That the changes referred to above and set out in the schedule of changes in annex G are agreed and published for public consultation.

Annex F: Changes to National Planning Policy

New Affordable Rent Tenancy (ART)

- A6.1 “Affordable Rent” is a new tenure for affordable housing introduced in to national policy earlier in 2011 under the coalition government. “Affordable rented housing” is rented housing provided by registered providers of social housing. It has the same characteristics as social rented housing except that it is outside the national rent regime – based instead on up to 80% of local market rents. It has the same controls in terms of eligible households as social rent.
- A6.2 Research has been undertaken by the Council to assess how this change to national policy should be incorporated into the Core Strategy. The findings suggest that this will not have such a positive impact in the B&NES area and that as such the existing Core Strategy tenure split is still appropriate. However, the Council will need to consider the provision of ART in lieu of social rent where a need is identified or where there is a positive impact on viability allowing policy compliant levels of affordable housing to be met. Minor changes to this effect will be needed to the Core Strategy to reflect the Government’s proposals on the new Affordable Rent system. The wording of the changes is included in the schedule of changes set out in annex G.

Draft National Planning Policy Framework

- A6.4 The Government has published a draft version of the new National Planning Policy Framework (NPPF). This NPPF entails a review of existing national planning policy and its replacement with a single national policy document. The NPPF is due to be adopted by the end of the year. The Government has made it clear that the NPPF will provide the basis for all local planning policy documents and every Development Management decision. Whilst the planning system remains plan led, there will be a presumption in favour of sustainable development. This means that if local plans or Core Strategies do not accord with the NPPF, planning permission should be granted.
- A6.5 The Core Strategy was prepared under the framework of existing national policy and so the Inspector has asked for an assessment to be undertaken of whether the B&NES draft Core Strategy accords with the draft NPPF. Following this assessment it is evident that there are a number of minor changes and clarifications that would be necessary and these can be considered through the LDF Steering Group before Council. The Inspector has also asked that these potential changes be consulted upon, alongside the changes made to the Core Strategy at this time.
- A6.6 Local Planning Authorities are still required to maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing sites. However, the NPPF introduces a significant new requirement that the five year supply should include an additional allowance of at least 20% to ensure choice and competition in the market for land. The SHLAA will need to be updated to take this into account. If the SHLAA cannot demonstrate a five year +20% supply of housing land then the NPPF states that applications would be permitted in accordance with the presumption in favour of sustainable development.
- A6.7 This is a significant issue for B&NES and many other authorities because we do not have a five year +20% supply of housing land. The Council may want to object to this change as part of the public consultation on the NPPF.
- A6.8 Other main implications arising from the NPPF include:
- Incorporate the presumption in favour of sustainable development
 - Ensure that any ‘local standards’ within the Core Strategy do not threaten viability of development (eg ‘Building for Life’)

- Ensure that Core Strategy sustainable construction policies are consistent with the Government's zero carbon buildings policy. NPPF states we should adopt nationally described standards.
- Removing office development from 'town centre first' policy
- Removing the 60% brownfield target for housing development.
- Removing the maximum non-residential car parking standards for major developments
- Introduce a new protection for locally important green space that is not currently protected by any national designation.

A6.9 The schedule at the end of this annex sets out the likely changes that would need to be made to the Core Strategy to bring it in line with the draft NPPF. However, because the NPPF is only draft it is not considered appropriate to formally make changes to the Core Strategy at this stage. Instead, the schedule will be forwarded to the Inspector for consideration during the examination process and any necessary changes can be made through the examination process. The schedule of likely changes will also be subject to consultation alongside the proposed changes set out in annex G and referred to in paragraph 4.1 in the Council Report.

Conclusion

That the schedule of likely changes below are noted, subjected to public consultation and forwarded to the Inspector during the examination process

SCHEDULE OF LIKELY CHANGES ARISING FROM THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK (Annex F)

Ref	NPPF Policy Change	Page No. of Draft Core Strategy	Plan Ref.	Proposed Change	Significant or Minor
NPPF1	All plans should be based upon and contain the presumption in favour of sustainable development as their starting point		DW1	<p>District-wide spatial Strategy</p> <p>The overarching strategy for B&NES is to promote sustainable development by <u>There is a presumption in favour of sustainable development in B&NES. Sustainable development is promoted by:</u></p> <p>1: focussing new housing, jobs and community facilities in Bath, Keynsham, Midsomer Norton and Radstock particularly ensuring:</p> <p>a: there is the necessary modern office space in Bath within or adjoining the city centre to enable diversification of the economy whilst maintaining the unique heritage of the City</p> <p>b: sufficient space is available in Keynsham to reposition the town as a more significant business location whilst retaining its separate identity</p> <p>c: there is deliverable space to enable job growth in the towns and principal villages in the Somer Valley to create a thriving and vibrant area which is more self-reliant socially and economically</p> <p>d: development in rural areas is located at settlements with a good range of local facilities and with good access to public transport</p> <p>2: making provision for a net increase of 8,700</p>	Significant

			<p>jobs and 11,000 homes between 2006 and 2026, of which around 3,400 affordable homes will be delivered through the planning system</p> <p>3: prioritising the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites</p> <p>4: retaining the general extent of Bristol - Bath Green Belt with no strategic change to the boundaries</p> <p>5: requiring development to be designed in a way that is resilient to the impacts of climate change</p> <p>6: protecting and enhancing the district's biodiversity resource including sites, habitats and species of European importance</p> <p>7: ensuring infrastructure is aligned with new development</p> <p>In order to respond to changing circumstances, flexibility in the nature, density and mix of uses in the Western Corridor of Bath and on MoD sites will provide contingency in line with the principles of the overall strategy.</p> <p>In order to respond to changing circumstances, flexibility in the nature, density and mix of uses in the Western Corridor of Bath and on MoD sites will provide contingency in line with the principles of the overall strategy</p>	
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NPPF2	<p>Para 75. Avoid long term protection of employment land or floorspace etc</p> <p>Para 77. Sequential test applicable to retail and leisure development but not office development</p>		<p>B3</p> <p><i>Note re Para 75: Evidence based reason for protection of employment land in Newbridge Riverside. Policy framework is more flexible at Twerton Riverside and amended to reflect NPPF</i></p> <p>Changes from PC33</p> <p>4. Scope and Scale of Change</p> <p><i>Industrial land and premises</i></p> <p>(a i) There is a presumption in favour of retaining land at Newbridge Riverside for industrial use. Refurbishment, redevelopment or intensification will be welcomed.</p> <p>(a ii) Refurbishment, redevelopment or intensification for industrial use will be welcomed at Twerton Riverside.</p> <p>(a iii) Proposals for the loss of industrial land and floorspace at Twerton Riverside will be assessed against evidence of current and future demand, the availability of suitable alternative provision within Bath for displaced occupiers and the <u>relative need</u> benefits of <u>for</u> non industrial uses.</p> <p><i>Offices, other workspaces, <u>retailing and leisure uses</u> and other economic development uses</i></p> <p>(bj) Proposals for offices <u>and</u> other workspaces and other economic development uses</p>	Significant
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				<p>(including retailing) must have regard to the sequential and impact tests of PPS4. <u>should have regard to (aiii).</u></p> <p>(bii) <u>In addition, proposals for retailing and leisure uses should also have regard to 4ai-iii and the sequential and impact considerations of the NPPF</u></p> <p>Non-economic development uses</p> <p>(c i) Proposals for residential and other non economic development uses will be acceptable as part of mixed-use employment-economic development-led proposals.</p> <p>(c ii) Residential-led or non-economic development led proposals will be acceptable only where economically-led development would not be commercially viable or where retailing and leisure uses would fail the sequential and impact considerations tests of <u>the NPPF PPS4 or is not commercially viable.</u></p>	
NPPF3	National policy in relation to sequential approach on flood risk remains the same. However, change to policy would be needed to remove reference to PPS25.		CP5	<p>Flood Risk Management Development in the district will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy (PPS25). Any development in areas at risk of flooding will be expected to be safe throughout its lifetime, by incorporating mitigation measures, which may take the form of on-site flood defence works and / or a contribution towards or a commitment to</p>	Minor

				undertake such off-site measures as may be necessary. All development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere. All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk Management Strategy.	
NPPF4			CP12, Delivery section	<p><i>The place-based sections for Bath, Keynsham, Midsomer Norton and Radstock will set out more detail on the approach to the centres contained in those settlements.</i></p> <p><i>The boundaries for all of the centres listed within the hierarchy are defined on the Proposals Map. Other than the Bath city centre boundary these boundaries reflect those established in the Bath & North East Somerset Local Plan. The Placemaking Plan will review these boundaries and identify sites for development. It will also review and define, where appropriate, the primary shopping areas and retail frontages in the larger centres. These designations will be supported by development management policies in the Placemaking Plan to guide decisions on individual planning applications.</i></p> <p><i>An updated retail study will be undertaken during 2010/11 to support future planning decisions and guide the Placemaking Plan.</i></p> <p><i>PPS4 'Planning for Sustainable Economic Development' contains national planning policies towards development in town centres and for</i></p>	Significant

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				<i>economic development in general which are a material consideration and will inform decisions on specific proposals. <u>Retail and leisure uses will be subject to the sequential and impact tests set out in the NPPF.</u></i>	
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ANNEX G

Bath and North East Somerset Draft Core Strategy

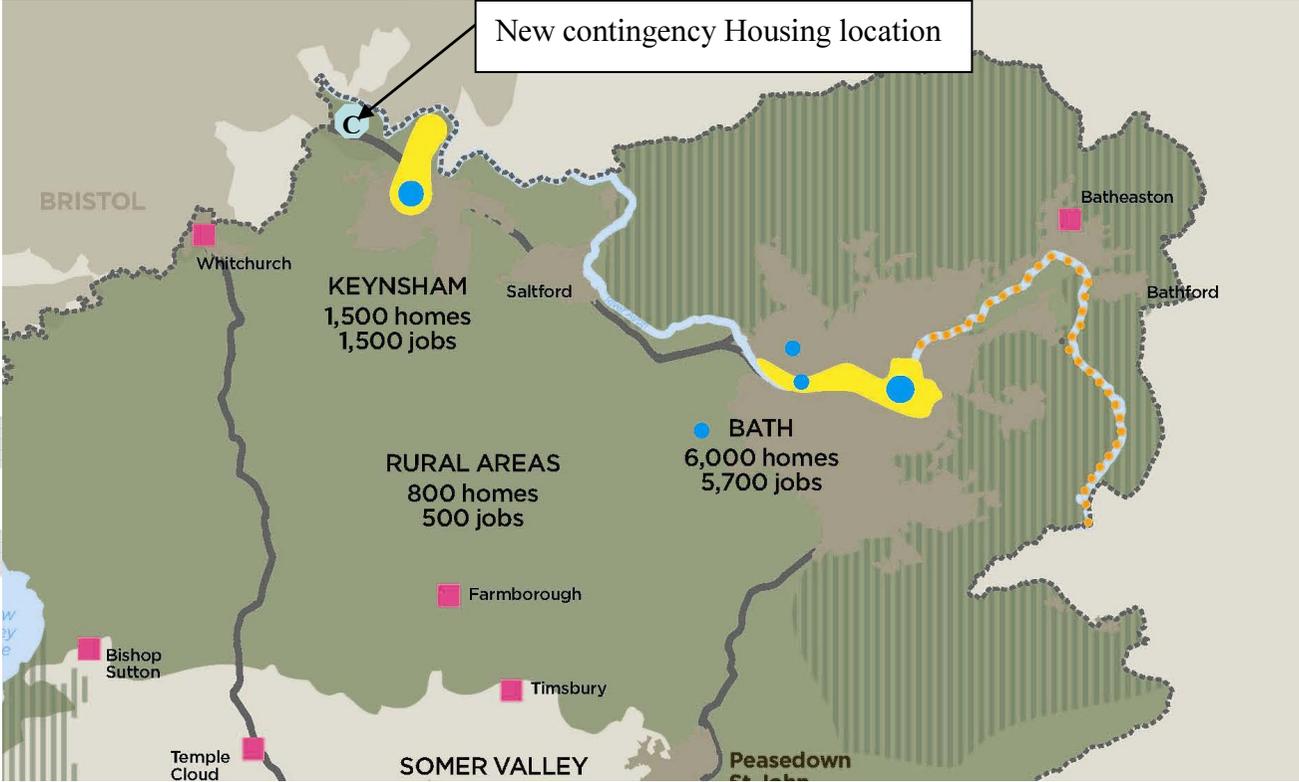
Composite Schedule of Significant Changes

September 2011

Introduction

The schedule below outlines further proposed “significant” changes to the draft Core Strategy. These changes result from issues raised through the [preliminary comments and questions from the Inspector \(ID/1\)](#) appointed to conduct the Core Strategy Examination and are in addition to those incorporated in the [Schedule of Proposed Changes \(March 2011\)](#) approved under the delegated arrangement agreed by Council on 2 December 2010. Deletions of existing text are shown as strike through and additional text is shown as underlined.

Page No Draft Core Strategy	Plan Reference	Proposed Change
20	Para 1.36	<p>1.36 Contingency: The Core strategy recognises the need to be responsive in light of future uncertainty and unforeseen circumstances. There is the scope for flexibility in the mix of uses and density of some of the large redevelopment sites such as at Somerdale in Keynsham and the MoD sites in Bath. In addition, there is scope in Bath’s western corridor to vary the mix of uses to respond to needs for development. This flexibility maintains the overall strategy of a priority on urban focussed brownfield opportunities. The Council will monitor delivery rates in the plan period which will shape the early review of the Core Strategy which is programmed for around 2016. <u>The Core Strategy is based on the regeneration of brownfield land and the Council is not planning for the release of land from the Green Belt to meet development needs. However, if after the first 5 years following adoption, monitoring demonstrates that the planned housing provision has not been delivered at the levels expected, the use of some Green Belt land at Hicks Gate as a long-term contingency for the development of new homes will be considered. This will require close liaison with Bristol City Council</u></p>
20	Policy DW1	<p><i>Add the wording below to Policy DW1:</i></p> <p><u>Contingency</u></p> <p><u>If monitoring shows that planned housing provision will not be delivered at the levels expected the use of some Green Belt land at Hicks Gate as a long-term contingency for the development of new homes will be considered.</u></p> <p><u>The broad location is indicated on the Key Diagram.</u></p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
21	Diagram 4	<p>Amendment to Diagram 4 (Key Diagram) to show housing contingency allocation</p>  <p>The map displays the following housing and job allocations:</p> <ul style="list-style-type: none"> KEYNSHAM: 1,500 homes, 1,500 jobs RURAL AREAS: 800 homes, 500 jobs BATH: 6,000 homes, 5,700 jobs <p>Other locations marked include Bristol, Whitchurch, Saltford, Bathford, Batheaston, Farmborough, Bishop Sutton, Timsbury, Temple Cloud, and Peasedown. A callout box labeled 'New contingency Housing location' points to a blue circle near Keynsham.</p>
33	Diagram 5	Delete notation and label for East of Bath Park & Ride (NEW)

Page No Draft Core Strategy	Plan Reference	Proposed Change
40	Policy B2	<p>Amend Policy B2 as follows:</p> <p><u>3. Key Development Opportunities</u></p> <p>Figure 7 illustrates the general extent of the city centre, identifies neighbouring areas with the most capacity for significant change and key regeneration opportunities. The precise extent of the city centre, including that of the primary shopping area is shown in the proposals map (see Appendix 3). Within the context of PPS4, <u>economic development led</u> mixed use development proposals at the following locations that accord with parts 1 and 2 of policy B2 and contribute to the scope and scale of change listed in part '4' of this policy will be welcomed.</p> <p>Remainder of Policy B2 remains unchanged.</p>
48	Para 2.21	<p>It is beyond the remit of this chapter of the Core Strategy to consider local aspects of change within outer Bath and to present a bespoke neighbourhood plan for each area. A number of general matters, such as the network of open spaces and other infrastructure are covered in the Core Policies section. The spatial strategy focuses on key areas or issues requiring strategic guidance. Core Strategy Policy in relation to a number of generic matters /topics is covered in the Core Policies section. The spatial strategy focuses on key areas or issues requiring strategic guidance. Crucially, suburban Bath is expected to yield about 2,500 <u>2800</u> new homes, making a significant contribution to the overall target of 6,000 and contains <u>a district centre</u> and local centres that need to be identified as part of the retail hierarchy.</p>
56	Paras 2.44 to 2.46	<p>2.44 The Council has secured programme entry for a £54m major scheme of Transport Proposals for Bath and is currently working towards full Government approval. The Transport Proposals will:</p> <ul style="list-style-type: none"> • Expand the City's three existing Park & Rides and create a new Park & Ride to the east of the City, thereby increasing Park & Ride capacity from 1,990 to 4,510 spaces • Create a segregated park and ride bus route for 1.4km of the journey from Newbridge Park and Ride to the city centre. • Upgrade nine bus routes to 'showcase' standard including raised kerbs for better access, off-bus ticketing to speed up boarding and real time electronic information for passengers. • Create a more pedestrian and cyclist friendly city centre through the introduction of access changes on a number of streets and the expansion and enhancement of pedestrian areas.

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<ul style="list-style-type: none"> • Introduce active traffic management with real-time information to direct drivers to locations where parking spaces are available. <p>2.45 The proposals will help to enable the programme of development set out in the spatial strategy in conjunction with further measures to enable convenient and sustainable circulation and access within the city. In addition the Council is committed to reducing the need to use cars for many trips within Bath. Therefore improvements to other public transport, walking and cycling infrastructure and the implementation of 'Smarter Choices' for transport will be pursued e.g. through the development of travel plans for new and existing sites and the expansion of car clubs.</p> <p>2.46 The Greater Bristol Metro Project will allow for increased train frequencies serving Bath and Oldfield Park rail stations.</p> <p><u>2.44 The Council's Transport Strategy for Bath is one of reducing the use of cars for travelling to and within the city, by progressing improvements to public transport and making walking or cycling within the city the preferred option for short trips. This will be achieved through a variety of measures including:</u></p> <ul style="list-style-type: none"> • <u>Bath Transport Package – comprising a range of measures including three extended Park & Ride sites; upgrading nine bus routes to showcase standard including upgrades to bus stop infrastructure and variable message signs on key routes into the city displaying information about car parking availability</u> • <u>Improvements to the bus network through the Greater Bristol Bus Network major scheme including key routes from Bristol and Midsomer Norton,</u> • <u>Rail improvements, such as the electrification of Great Western Railway mainline by 2016; the new 15 year GWR franchise (including the Greater Bristol Metro Project); and increasing the capacity of local rail services travelling through Bath Spa rail station, improving ease of access to and attractiveness of rail travel to and from Bath</u> • <u>The West of England authorities (including B&NES) have been awarded Local Sustainable Transport</u>

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<p><u>Fund key component funding for a number of measures and also been invited by the Department for Transport to submit a major bid to the Local Sustainable Transport Fund for £25.5million</u></p> <ul style="list-style-type: none"> • <u>Creating a more pedestrian and cyclist-friendly city centre through the introduction of access changes on a number of streets and expansion and enhancement of pedestrian areas.</u> • <u>Other improvements to walking and cycling infrastructure through the Councils Integrated Transport annual settlement and the implementation of 'Smarter Choices' for transport e.g. through the development of travel plans for new and existing sites and the expansion of car clubs</u> <p><u>2.45 To complement these public transport and cycling/walking improvements the Council will update its Parking Strategy for Bath which will broadly maintain central area car parking at existing levels in the short term and continue to prioritise management of that parking for short and medium stay users. This is necessary in order to discourage car use for commuting and provide sufficient parking to help maintain the vitality and viability of the city centre as a shopping and visitor destination. It will also result in a relative reduction in the amount of central area parking that is available as the economy grows, jobs are created and demand increases.</u></p> <p><u>2.46 The proposals set out above will help to enable the programme of development set out in the spatial strategy to be delivered in a way that minimises travel related environmental and air quality harm whilst providing convenient and sustainable access within the city.</u></p>
57	Table 5	IDP Ref Key Infrastructure Phasing Cost

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<p>Funding and Delivery</p> <p>BI.1</p> <p>Transport Proposals for Bath:</p> <ul style="list-style-type: none"> • Rapid Transit Routes • New showcase bus corridors • New and eExtended park and ride sites • <u>Upgraded bus stop infrastructure on 9 service routes</u> • Safe routes for pedestrians and cyclists • Other essential transport links and improvements <p>2011-16</p> <p>£54m-£50.1m</p> <p><u>£31.85m</u></p> <p><u>Discussions are underway with DfT in the light of the Comprehensive Spending Review 2010 regarding how this essential infrastructure can be brought forward at the earliest opportunity. Bath Transport Package accepted into 'development pool' of schemes by DfT. Final-bid to be submitted for funding to DfT in September 2011. DfT decision anticipated in December 2011.</u></p> <p>BI.2</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<p>Improvements to Flood Defences of Bath City Centre and Riverside</p> <p>2010-26</p> <p>£7.6m</p> <p>Flood Risk Management Strategy – ongoing work between B&NES and Environment Agency. Options for on-site compensatory flood mitigation measures within the river corridor or introduction of a more strategic flood storage area.</p> <p>Bl.3</p> <p>Public Investment into Bath Western Riverside</p> <p>2010-15</p> <p>£27.6m</p> <p>Homes and Communities Agency Funding through the West of England Single Conversation: West of England Delivery and Infrastructure Plan.</p> <p>Bl.4</p> <p>Improvements to Bath Train Station and Enhanced Service Frequency from Bath and Oldfield Park to Bristol</p> <p>2017-2020</p> <p>£19.7m for Greater Bristol Metro Rail Project</p> <p>Network Rail with Bath & North East Somerset Council. Evidence included in the Great Western Mainline Route Utilisation Strategy (2010). The Council Will continue to press for this urgently needed investment</p>

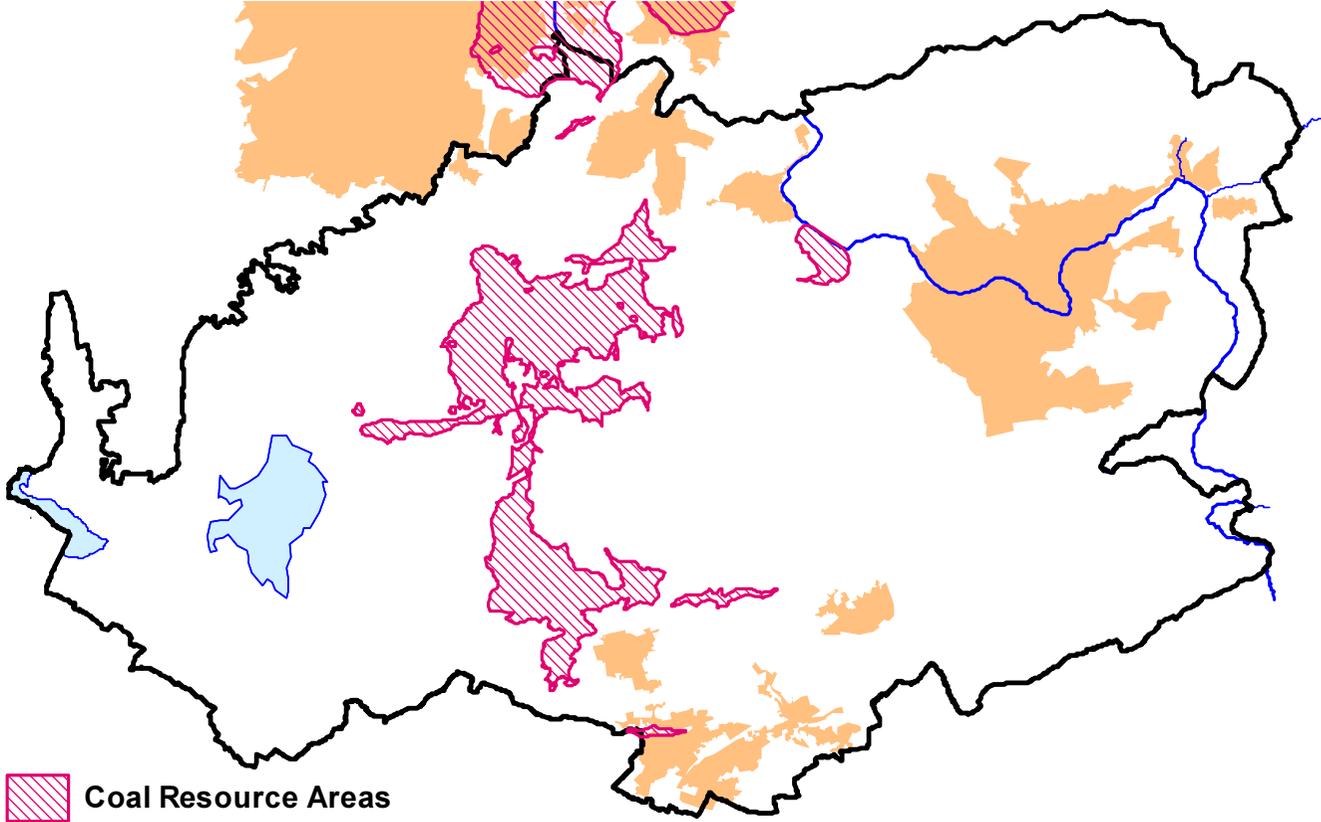
Page No Draft Core Strategy	Plan Reference	Proposed Change
		through its Memorandum of Understanding with the Rail industry.
96	Para 5.17	<p>A number of villages have been identified where:</p> <ul style="list-style-type: none"> • access to facilities and public transport is best • there is capacity for development • there is community support for some small scale development <p>These villages are to be the focus for new small scale development under policy RA1. Community support is demonstrated by the views of the Parish Council as the locally elected representative of those communities.</p>
96	Para 5.18	<p>The villages which currently meet these criteria <u>set out in policy RA1</u> and that have some capacity for development are: Batheaston, Bishop Sutton, Farmborough, Temple Cloud, Timsbury and Whitchurch. These villages are shown on the diagram 18. This indicative list of villages <u>may be subject to change over the lifetime of the Core Strategy</u>. It will be formally reviewed as part of <u>will be included in the review of the Core Strategy and consideration will be given to any demonstrated change of circumstances against the criteria in the interim</u>. Local community support for the principle of development is <u>demonstrated by the views of the Parish Council as the locally elected representative of those communities or through alternative mechanisms introduced in the Localism Bill</u>.</p>
99	Para 5.29	<p>This policy will apply to all market housing developments across the District. Villages which meet the criteria of policy RA1 will benefit from this policy and sites will be allocated through the Placemaking Plan. Beyond this, local need for affordable housing across the rural areas will be primarily met through the rural exceptions policy. There may also be opportunities to convert rural buildings into affordable housing under the <u>Government's emerging proposals for the 'home on the farm' scheme</u>. <u>If there are rural buildings which are no longer required for local food production, there may also be opportunities to convert them to affordable housing under the Government's emerging proposals for the 'home on the farm' scheme</u>. Any development proposals coming forward under the Community Right to Build are to be considered separately from the rural exceptions policy.</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
101	Para 5.49	Private developers will play an important role in bringing forward and developing small scale housing developments in the 'Policy RA1' villages and to the delivery of employment sites. Further assessment of the potential for development in Farmborough to help fund a sustainable transport link to local shopping facilities also needs to be undertaken through the Placemaking Plan.
106	Policy CP1 (as amended by PC8)	<p>Retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and the appropriate incorporation of micro-renewables will be encouraged.</p> <p>Priority will be given to facilitating carbon reduction through retrofitting at whole street or neighbourhood scales to reduce costs, improve viability and support coordinated programmes of improvement.</p> <p>Masterplanning and 'major development' (as defined in the Town & Country Planning (Development Management Procedure (England) Order 2010) in the district should demonstrate that opportunities for the retention and retrofitting of existing buildings <u>within the site</u> have been included within the scheme. All schemes should consider retrofitting opportunities as part of their design brief and measures to support this will be introduced.</p> <p>Retrofitting Historic Buildings</p> <p>The Council will seek to encourage and enable the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings (including listed buildings and buildings of solid wall or traditional construction) and in conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future.</p> <p>Proposals will be considered against national planning policy.</p>
107	Policy CP2	<p>Sustainable design and construction will be integral to new development in Bath & North East Somerset. All planning applications should include evidence that the standards below will be addressed:</p> <ul style="list-style-type: none"> • Maximising energy efficiency and integrating the use of renewable and low-carbon energy <u>(i.e. in the form of an energy strategy with reference to policy CP4 as necessary)</u>;

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<ul style="list-style-type: none"> • Minimisation of waste and recycling during construction and in operation; • Conserving water resources and minimising vulnerability to flooding; • Efficiency in materials use, including the type, life cycle and source of materials to be used; • Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting; • Consideration of climate change adaptation. <p>Applications for all development other than major development will need to be accompanied by a B&NES Sustainable Construction Checklist</p> <p><u>Major Development</u></p> <p>For major development a BREEAM and/or Code for Sustainable Homes (CfSH) (or equivalent) pre-assessment will be required alongside a Planning Application. Post-construction assessments will also be required. These assessments must be undertaken by an accredited assessor.</p> <p>The standards set out in the table below will be requirements for major development over the plan period:</p> <p><u>An exception to these standards will only be made where it can be demonstrated that meeting the provisions of this policy would render development unviable.</u></p>
109	New para	<p><u>New para after 6.24 (6.25):</u></p> <p><u>Any impact of this policy on the viability of schemes will be given careful consideration.</u></p>
110	Policy CP4	<p>The use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged. Within the identified “district heat priority areas”, shown on diagram 19, development will be expected to incorporate infrastructure for district heating, and will be expected to connect to existing systems where and when this is available, <u>unless demonstrated that this would render development</u></p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<p><u>unviable.</u></p> <p>Masterplanning and major development in the district should demonstrate a thermal masterplanning approach considering efficiency/opportunity issues such as mix of uses, anchor loads, density and heat load profiles to maximise opportunities for the use of district heating.</p> <p>The Council will expect all major developments to demonstrate that the proposed heating and cooling systems (CHP/CCHP) have been selected considering the heat hierarchy, in line with the following order of preference:</p> <ol style="list-style-type: none"> 1 Connection with existing CHP/CCHP distribution networks 2 Site wide CHP/CCHP fed by renewables 3 Gas-fired CHP/CCHP or hydrogen fuel cells, both accompanied by renewables 4 Communal CHP/CCHP fuelled by renewable energy sources 5 Gas fired CHP/CCHP
114	Para 6.37	<p>All development schemes with a residential component Housing schemes will be assessed using the expected to demonstrate how they have been designed to meet Building for Life methodology standards (or equivalent, as identified by the Council, should these be superseded within the strategy period). The Council will expect proposals to achieve as a minimum, a 'good' standard as defined by BfL or an equivalent future standard.</p>
117	Policy CP6	<p>1 High Quality Design</p> <p>The distinctive quality, character and diversity of Bath and North East Somerset's environmental assets will be promoted, protected, conserved or enhanced through:</p> <p>a high quality and inclusive design which reinforces and contributes to its specific local context, creating attractive, inspiring and safe places.</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<p>b All ensuring that all major housing development schemes with a residential component should be assessed using the Building for Life design assessment tool (or equivalent methodology) meet GABE's. As a guide development should meet its "good" standard. Building for Life (BfL) good standard, as a minimum.</p> <p><i>Note: Rest of policy CP6 remains unchanged.</i></p>
120	Para 6.64	<p>In light of the opportunities for development in the plan period Keynsham continues to be excluded from the Green Belt and an Inset boundary is defined on the Proposals Map. There are a number of villages which meet the requirements of national policy in PPG2 'Green Belts' para 2.11 and continue to be insets within the Green Belt as established in the Bath & North East Somerset Local Plan. These villages are these which are the most sustainable <u>villages in the Green Belt rural locations</u> for accommodating <u>some</u> limited new development in the plan period <u>under the provisions of either policy RA1 where the criteria are met, or where not, policy RA2</u>. There are no exceptional circumstances which would justify amending these Inset boundaries and therefore, they remain unchanged. Some sites may come forward in the Green Belt under the Government's proposals for Community Right to Build.</p>
121	Minerals Para 6.66	<p>Amend section on Minerals with new policy as follows:</p> <p>Limestone is the principal commercial mineral worked in the District. There are currently two active sites – one surface workings and one underground mine. Upper Lawn Quarry at Combe Down in Bath and Hayes Wood mine near Limpley Stoke both produce high quality Bath Stone building and renovation projects. <u>Bath & North East Somerset also has a legacy of coal mining and there are also still coal resources within Bath & North East Somerset which are capable of extraction by surface mining techniques. Although no longer worked, there are potential public safety and land stability issues associated with these areas. The general extent of the surface coal Mineral Safeguarding Area within the District is illustrated in Diagram 20a.</u></p> <p>Historically Bath & North East Somerset has never made any significant contribution to regional aggregates supply and because of the scale and nature of the mineral operations in the District and the geology of the area it is considered that this situation will continue. Bristol is also in no position to make a</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
	New Diagram	 <p data-bbox="712 1145 1102 1193">Coal Resource Areas</p> <p data-bbox="638 1316 2033 1380"><u>Diagram 20a: General extent of the surface coal Mineral Safeguarding Area (based on data supplied by the Coal Authority, 2009)</u></p> <p>The diagram shows a map of a region with a black outline. It features several areas: a large central area with pink diagonal hatching, several smaller areas with orange shading, and a few blue-shaded areas. A legend at the bottom left shows a pink hatched box labeled 'Coal Resource Areas'. A caption at the bottom right reads 'Diagram 20a: General extent of the surface coal Mineral Safeguarding Area (based on data supplied by the Coal Authority, 2009)'.</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
120	Preamble to Green Belt Policy CP8	<p><i>Amend Para 6.63 as follows</i></p> <p>"6.63 Core Policy CP8 conforms to national policy which also states that the general extent and detailed boundaries of the Green Belt should be altered only exceptionally. The Core Strategy does not envisage that the general extent of the Green Belt in B&NES should be altered in the plan period. This reflects the very high value attached by the communities in bath & North east Somerset to the openness of the Green Belt. However Policy DW1 acknowledges that should the need be clearly demonstrated at the review of the Core Strategy in around 2016, land is identified as a housing contingency at Hicks gate on the edge of Bristol.</p>
123	Policy CP9	<p>Amend Policy CP9 to as follows:</p> <p>Large sites</p> <p>Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare (whichever is the lower) and above. An average affordable housing percentage of 35% will be sought on these large development sites. This is on a grant free basis with the presumption that on site provision is expected.</p> <p>Small sites</p> <p>Residential developments on small sites from 5 to 9 dwellings or from 0.25 up to 0.49 hectare (whichever is the lower) should provide either on site provision or an appropriate financial contribution towards the provision of affordable housing with commuted sum calculations. The target level of affordable housing for these small sites will be 17.5%, half that of large sites, in order to encourage delivery.</p> <p>In terms of the 17.5% affordable housing on small sites, the Council will first consider if on site provision is appropriate. In many instances, particularly in the urban areas of Bath, Keynsham, Midsomer Norton and Radstock the Council will accept a commuted sum in lieu of on site provision. This should be agreed with housing and planning officers at an early stage.</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
		<p><u>Viability</u></p> <p><u>For both large and small sites the viability of the proposed development should be taken into account, including:</u></p> <ul style="list-style-type: none"> • <u>Whether the site is likely to have market values materially above or below the average for the district</u> • <u>Whether grant or other public subsidy is available</u> • <u>Whether there are exceptional build or other development costs</u> • <u>The achievement of other planning objectives</u> • <u>The tenure and size mix of the affordable housing to be provided</u> <p><u>A higher (up to 45%) proportion of affordable housing may be sought or provision below the average of 35% may be accepted.</u></p> <p>Higher affordable housing proportions (up to a maximum of 45%) may be sought in individual cases, taking account of:</p> <p>a whether the site benefits from above average market values for the district;</p> <p>b whether grant or other public investment may be available to help achieve additional affordable housing.</p> <p>In some cases the scheme viability may justify the Council accepting a grant free provision of</p> <p>affordable housing below the average of 35%. This may be applicable on schemes where market values are significantly below the district average or where the build costs are exceptionally high and taking into account whether grant or other public investment may be available.</p>

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		<p>Sub-division and phasing</p> <p>Where it is proposed to phase development or sub-divide sites, or where only part of a site is subject to a planning application, the Council will take account of the whole of the site when determining whether it falls above or below the thresholds set out above.</p> <p>Tenure</p> <p>The tenure of the affordable housing will typically be based on a 75/25 split between social rent and intermediate housing.</p> <p><u>The Council will consider the provision of affordable rent or other affordable housing products in lieu of social rent when it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated.</u></p> <p>Property Size and Mix</p> <p>Residential developments delivering on-site affordable housing should provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities. The size and type of affordable units will be determined by the Council to reflect the identified housing needs and site suitability.</p> <p>The type and size profile of the affordable housing will be guided by the Strategic Housing Market Assessment and other local housing requirements but the Council will aim for at least 60% of the affordable housing to be family houses including some large 4/5 bed dwellings.</p> <p>Other</p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
		All affordable housing units delivered through this policy should remain at an affordable price for future eligible households. Affordable Housing should be integrated within a development and should not be distinguishable from market housing.
124-125	<p>Para 6.81</p> <p>Para 6.82</p> <p>New para 6.82a</p> <p>New para 6.82b</p>	<p>Gypsies, Travellers & Travelling Showpeople</p> <p>Local Development Frameworks must consider the accommodation needs of gypsies, travellers and travelling showpeople. <u>There is currently a national and local shortage of authorised sites for these communities. Taking steps to address this will help to improve access to services for gypsies, travellers and travelling showpeople (including health care, schools and shops) and also help to reduce conflicts that can arise from the setting up of unauthorised camps.</u></p> <p>Gypsies, travellers and travelling showpeople are not one single group and their differing cultural needs relating to residential homes and stopping places must be considered. There are currently no authorised gypsy and traveller sites within the District.</p> <p>The West of England Gypsy and Traveller Accommodation Assessment (WoE GTAA) undertaken in 2007 investigates accommodation requirements of the gypsy and travelling communities in B&NES for the period 2006-2014. <u>recommends that 19 permanent pitches and 20 transit pitches are found for the gypsy and travelling communities in Bath & North East Somerset for the period to 2011. The WoE GTAA also indicates that one plot is provided for travelling showpeople in Bath & North East Somerset for this period.</u></p> <p>Provision for gypsies, travellers and travelling showpeople will be decided in line with Circulars 01/2006 'Planning for Gypsy and Traveller Caravan Sites' and 04/2007 'Planning for Travelling Showpeople'. These Circulars state that a criterion based approach needs to be taken in the Core Strategy when looking at the location of sites. Core Policy CP11 sets out the criteria to <u>The Council will identify suitable and deliverable sites to meet the established accommodation needs of gypsies, travelers and travelling showpeople through separate Development Plan Documents (DPDs) for the period to 2011. The criteria in Policy CP11 will be used to guide the identification of suitable sites for inclusion in the relevant DPDs and to identify sites meet future accommodation needs when assessed. These criteria will also be used when considering planning applications that may happen before the DPDs are prepared or in addition to sites being allocated.</u></p>

Page No Draft Core Strategy	Plan Reference	Proposed Change
	Policy CP11	<p>POLICY CP11 - GYPSIES, TRAVELLERS & TRAVELLING SHOWPEOPLE</p> <p><u>The following criteria will be used to guide the identification of suitable sites to meet the established accommodation needs of gypsies, travellers and travelling showpeople to 2011 and their accommodation needs beyond 2011 once assessed.</u></p> <p>Proposals for sites for gypsies, travellers and travelling showpeople accommodation will be considered against the following criteria:</p> <p>a: local community services and facilities, including shops, schools and health facilities, should be accessible by foot, cycle and public transport</p> <p>b: satisfactory means of access can be provided and the existing highway network is adequate to service the site</p> <p>c: the site is large enough to allow for adequate space for on-site facilities and amenity, parking and manoeuvring, as well as any commercial activity if required</p> <p>d: the site does not harm the character and appearance of the surrounding area</p> <p>e: adequate services including utilities, foul and surface water and waste disposal can be provided as well as any necessary pollution control measures</p> <p>f: use of the site must have no harmful impact on the amenities of neighbouring occupiers</p> <p>g: the site should avoid areas at high risk of flooding and have no adverse impact on protected habitats and species, nationally recognised designations and natural resources</p> <p><i>Delivery:</i></p> <p><u>Delivery will be through the Development Management process. Sites will be identified through the Gypsies and Travellers DPD to meet identified accommodation needs up to 2011 and beyond once assessed.</u></p>

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134	Para 7.04	<p><u>Progress against</u> many objectives/policies can be measured quantitatively and this is <u>reflected in the targets</u> set out in the framework below. <u>Where appropriate the target is set out in a way that will help to inform review of the Core Strategy in accordance with the programme set out in paragraph 7.05 below.</u> However, others <u>objectives/policies</u> do not lend themselves to this <u>quantification</u> and <u>where appropriate a qualitative target is included in order to enable performance is to be measured in a different way.</u> Monitoring performance against the indicators set out is principally undertaken through the Annual Monitoring Report (AMR). The AMR is published in December each year and in addition to setting out monitoring information includes analysis of whether and how the policies are being delivered. In so doing it will inform the process of Core Strategy policy review and provides evidence to inform formulation of policies in other Local Development Documents.</p>
134	New para 7.07	<p>Monitoring & Review Add new para 7.07</p> <p>“7.07 The need for the contingency development area at Hicks Gate will not be considered before April 2016. If, at April 2016 or at a date thereafter, the Council cannot demonstrate a 5 year housing land supply, to the extent that there is a shortfall of 1000 or more units, it accepts that the need for the contingency development area will be triggered, unless additional brownfield housing land supply can be identified as being available and developable beyond the next 5 years”.</p>
135	Table 9	Amend heading of column 4 from ‘Quantification of objective’ to <u>‘Target’</u>
135	Table 9	Amend the ‘Target’ column for the respective indicators for strategic objective 1 and Policy CP1 to read: <u>Increase in the number of residential and non-residential properties that have installed photovoltaic cells</u>
136	Table 9	Amend the ‘Target’ column for the respective indicators for strategic objective 2 and Policy CP6 to read: <u>Maintain or increase the area of priority habitats by 2026</u> <u>Annual increase in the proportion of assessed housing schemes that meet the Building for Life (BfL) good standard</u> <u>Reduce the number of principal listed buildings recorded as ‘at risk’ on the Council’s Buildings at Risk Register</u>

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		<u>Increase the number of up to date Conservation Area Appraisals and Management Plans in place</u>
136	Table 9	<p>Amend the 'Indicator' column for strategic objective 4 and Policy CP12 to read:</p> <p><u>Health of the centres as indicated by</u> retail floorspace losses, vacancy rates and land use mix changes in each of the centres listed in the hierarchy (city/town centres – annually and district/local centres – periodically)</p> <p>Amend the 'Target' column for the indicator above for strategic objective 4 and Policy CP12 to read:</p> <p><u>Health of each centre as measured by the indicators specified is maintained or enhanced</u></p> <p>Amend the 'Indicator' column by adding the following indicator for strategic objective 4 and Policy CP12:</p> <p><u>Market share of comparison goods spending in Bath city centre and the town centres</u></p> <p>Amend the 'Target' column for the indicator above to read:</p> <p><u>The market share of comparison goods spending as measured by household surveys undertaken about every 5 years is maintained or enhanced</u></p>
	Table 9	<p>Amend the 'Target' column for the respective indicator for strategic objective 5 and Policy DW1 to read:</p> <p><u>National target of 60%</u></p> <p><u>At least 80% of new housing provided between 2006 and 2026 should be on previously developed land</u></p>
	Table 9	<p>Amend the 'Target' column for the respective indicator for strategic objective 5 and Policy CP9 to read:</p> <p><u>3,400 affordable homes completed by 2026</u></p> <p>Average of 35% of <u>all</u> homes provided on large sites across the District <u>should be affordable homes</u></p>

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	Table 9	Amend the 'Target' column for the indicator for strategic objective 5 and Policy CP11 to read: <u>Delivery of 22 permanent and 20 transit pitches for Gypsies and Travellers by 2016</u>
	Table 9	Amend the 'Target' column for the Air Quality indicator for strategic objective 6 and Policy CP13 to read: <u>By 2016 within the Bath AQMA and Keynsham AQMA annual average concentrations of Nitrogen Dioxide (NO₂) not to exceed 40µg/m³</u>
	Table 9	Amend the 'Indicator' column for strategic objective 7 to read: 47 <u>11 transport related targets indicators</u> are monitored as part of JLTP3. <u>http://www.travelplus.org.uk/media/187017/12%20targets%20and%20monitoring.pdf(page2)</u>

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 September 2011
TITLE:	Youth Justice Plan 2011-12
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Youth Justice Plan 2011-12	

1 THE ISSUE

1.1 Production of an annual Youth Justice Plan is a statutory requirement. It sets out work planned to prevent youth offending and re-offending within Bath and North East Somerset. The Plan will be submitted to the Youth Justice Board for England and Wales.

2 RECOMMENDATIONS

Council is asked to agree that:

2.1 The Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board

2.2 The Youth Justice Plan is adopted as part of the Council's Policy and Budget Framework

3 FINANCIAL IMPLICATIONS

3.1 Responsibility for enabling local work in preventing youth offending is shared by the statutory partners, as set out in the Crime and Disorder Act 1998. The Council makes a significant contribution into the overall budget for the Youth Offending Team, which also receives staff and/or funding from the Police, Health, Probation, Community Safety Partnership, the Youth Justice Board and the Department for Education. For 2011-12, the overall budget is £1,006,391, towards which the Council is contributing £305,193 (and is also awarding £202,442 contribution from the Early Intervention Grant). Partners also support the work of preventing youth offending making in-kind contributions to the Youth Offending Team and by their own delivery of services.

3.2 Reductions in funding from the Youth Justice Board, Probation and Health have been managed by planned efficiencies and loss of two posts. The Youth Offending Team Service Manager has responsibility for delivering services within the budget, which is agreed by the Responsible Authorities Group and overseen by the Youth Offending Team Management Board, including representatives from all the statutory partners.

4 CORPORATE PRIORITIES

- Building communities where people feel safe and secure
- Improving life chances of disadvantaged teenagers and young people

5 THE REPORT

5.1 The principal aim of the youth justice system is to prevent youth offending. The Youth Justice Plan sets out how Bath and North East Somerset will resource and deliver services to achieve this, in accordance with National Standards, guidance and a performance monitoring framework, whilst ensuring that locally agreed priorities receive due attention.

5.2 Submission of a Youth Justice Plan is a statutory requirement under Section 40 Crime and Disorder Act 1998 and the plan is part of part of the Council's Policy and Budget Framework. The work programme contained within the plan contributes to making Bath and North East Somerset a safer place and to helping young people involved in offending to work towards more positive outcomes.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 Equalities issues are addressed within the Youth Justice Plan, including data that highlights that young people from mixed race backgrounds are over-represented in the youth justice system, locally and nationally. Improvements are anticipated, as no young people from mixed race backgrounds entered the local youth justice system for the first time in 2010-11

8 CONSULTATION

8.1 Cabinet members; Trades Unions; Scrutiny and Development Panel; Staff; Other B&NES Services; Service Users;

8.2 This Plan is informed by feedback from young people receiving services from the Youth Offending Team. It has been consulted with staff in small working groups and has been discussed by the Youth Offending Team Management Board. A report on last year's Youth Justice Plan and outturns has been discussed at the relevant Scrutiny and Development Panel. The Lead Member has been briefed and a copy has been sent to the Trades Unions.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

Social Inclusion; Customer Focus; Young People; Other Legal Considerations

10 ADVICE SOUGHT

10.1 This report has been cleared for publication by the Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and the Section 151 Officer (Divisional Director - Finance)

Contact person	Sally Churchyard, 01225 396966
Background papers	<i>Youth Justice Plan 2010-11</i>

Please contact the report author if you need to access this report in an alternative format

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Bath and North East Somerset

Youth Justice Plan 2011 – 2012

“Working in partnership to prevent youth offending”

**Bath & North East
Somerset Council**



NATIONAL PROBATION SERVICE
for England and Wales

Avon & Somerset



**Bath and
North East Somerset**

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1. Introduction	

The Youth Offending Team (YOT) in Bath and North East Somerset works with children and young people aged 8-17 to help them not to offend or re-offend and enable them to take steps towards reaching their full potential. The Youth Offending Team plays a key role in the drive to reduce crime and the fear of crime and to represent and support the voice of the victims of crimes committed by young people.

Multi-agency Youth Offending Teams were established in April 2000 under the Crime and Disorder Act 1998 and include staff seconded from or with backgrounds in Police, Health, Social Care, Education, Parenting and Connexions, alongside staff who have lead roles in victim liaison, reparation, parenting, remand and intensive supervision. Compass and the Family Intervention Project make up the Prevention Team within the Youth Offending Team.

The Youth Offending Team is managed within Bath and North East Somerset's Children's Service and is overseen locally by the Youth Offending Team Management Board and nationally by the Youth Justice Board. The work of the Youth Offending Team contributes to the statutory responsibility to prevent offending and the three key outcomes that government is seeking from the youth justice system; reduction in first time entrants, reduction in re-offending and a reduction in the use of custody.

In the spring of 2011, the Youth Offending Team embarked on a significant re-organisation in how the statutory functions of the team are delivered. The statutory services will be delivered by an Assessment and Planning Team and an Interventions Team. This will enable the service to be delivered in a manner which will enable the young people to experience greater consistency and continuity in assessment and interventions to reduce their risk of offending and strengthen their ability to achieve positive outcomes. An organisational chart can be found in the appendices.

This Youth Justice Plan, written in accordance with requirements in the Crime and Disorder Act 1998, summarises the progress the Youth Offending Team made in 2010-2011 and sets out the work plan for 2011-2012. This plan will prepare us for anticipated national changes in how youth justice services are to be delivered and outlines the actions we will take to deliver a high quality service to young people, their families and to victims of crime.

2. The National Picture

The year 2011-2012 will be a year of considerable change and will continue to reflect the new political landscape. We anticipate the functions of the Youth Justice Board being incorporated into the Ministry of Justice and await legislation arising from the recent government criminal justice Green Paper. The Youth Offending Team will be consolidating its internal re-organisation and will be well-placed to deliver on the three key outcomes for youth justice outlined in this plan.

2.1 National vision for youth justice

In March 2011, the period for consultation on the government's Green Paper "Breaking the Cycle" was concluded. This paper set out a future vision and direction of travel for the justice system in England and Wales, including youth justice. There is a renewed focus upon early intervention and maximising opportunities for diversion from crime, with a greater value being placed on restorative justice and community involvement. The Green Paper introduces payment by results as an incentive to improve performance, an opportunity to review providers, and to increase accountability at a local level.

The past year has seen the introduction of The Apprenticeship, Skills, Children and Learning Act 2009 which has given young people in custody the same entitlement to education as young people in mainstream education and places the responsibility for securing suitable education in custody with local authorities. This Act has also placed a number of duties on local authorities designed to ensure the continuity of education provision from custody to the community.

3. Interface with Key Local Strategic Plans

All plans delivered within the local authority sit beneath the Local Strategic Partnership (LPS). Governance of the Youth Offending Team is reflected in this partnership through the Community Safety Partnership's Responsible Authorities' Group (RAG)

3.1 Children and Young People's Plan 2011-14

The Children's Trust Board's (CTB) Children and Young People's Plan sets out the vision that has been developed in consultation with children, young people, parents and carers and professionals. The plan sets out its action plan under the five Every Child Matters outcomes and the actions relating to the Youth Offending Team are found under "Delivering a positive contribution". The actions the Youth Offending Team has agreed to lead on are as follows:-

1. Establish the Housing Challenge as part of the Family Intervention Project, in partnership with Somer Community Housing Trust and Knightstone Housing Association.
2. Align the Deter Young Offenders scheme with the Integrated Offender Management Scheme, locally known as Impact, to ensure effective transitions for young people transferring to supervision by the Probation Service.

3. Under the section entitled “to prevent offending and re-offending by children and young people” the Youth Offending Team will
 - secure continuing funding for the Family Intervention Project
 - integrate the Compass and Family Intervention Project
 - decide on future models for youth crime prevention work
 - secure necessary partnership services for all young people coming out of custody

4. The Youth Offending Team and Children’s Social Care also undertake to ensure that children in care are well-supported have the best outcomes possible.

3.2 Reducing Re-Offending Strategy

The Community Safety Strategy incorporates the Reducing Offending Strategy which outlines the wider plan to reduce offending and cut crime in Bath and North East Somerset. The Youth Offending Team is a partner in the multi-agency integrated offender management team known locally as Impact which manages a selected and locally defined cohort of offenders who cause the most concern. This includes the cohort of young offenders who are in the Deter Young Offender (DYO) Cohort. The Reducing Re-Offending Strategy sets out the lead responsibility that the Youth Offending Team takes in reducing offending with young people and outlines the contributions it will make to the delivery of the plan.

3.3 Local Safeguarding Children Board Annual Report 2010 - 2011 and Work Programme 2011 - 2012

The Youth Offending Team has a statutory duty under Section 11 of the Children’s Act to safeguard and promote the welfare of the child. The Youth Offending Team contributes to the Local Safeguarding Children Board (LSCB) and related sub-groups (Training Management Committee and Children in Care Quality sub-group). The LSCB has undertaken to input to the Reducing Re-offending Strategy and Youth Justice Plan.

The LSCB Work Programme for 2011 - 2012 highlights the following:

- children in custody and leaving custody are recognised by all service providers as a priority vulnerable group who will receive proper provision in order for them to be safe
- young people in custody will be placed in suitable accommodation
- fewer children will be victims of crime and anti-social behaviour

The work programme requires exception reports from the Youth Offending Team if a child/young person has not had access to appropriate accommodation, education, training and employment opportunities, health care, family/parenting support and annual reports on young victims of crime.

3.4 Youth Crime Prevention Strategy

The Youth Crime Prevention Board oversees the partnership working to reduce first time entrants to the youth justice system and reports to the Youth Offending Team Management Board. The local Youth Crime Prevention Strategy contains a comprehensive action plan for the partnership and highlights its priorities for youth crime prevention work as well as outlining challenges for the future.

4. **Review of 2010-2011**

- 4.1 This section of the plan reviews progress made since the publication of the Youth Justice Plan 2010-11. The first part reports on actions and priorities and the second part reports on performance against government indicators in 2010-11, whilst also highlighting work undertaken to support improvements
- 4.2 The work programme for the Youth Justice Plan 2010-2011 was preceded in 2010 by two inspections which highlighted actions necessary to improve Assessment, Planning, Interventions and Supervision (APIS) and particularly to manage the risk of young people's harm to others. Following completion and review of inspection actions, we have seen an improvement in the timeliness of assessments being completed which enables us to be confident in our interventions planning. We have seen an improvement in the quality of assessments, both in Assets, risk of serious harm and vulnerability assessments. We have established a system for receiving feedback from court and this, in turn, has helped inform our work in quality-assuring Pre Sentence Reports. These developments in practice have contributed to our improved performance and any actions that remain ongoing will be reflected in our overall plan.
- 4.3 Assessment, planning, intervention and supervision underpin all work that the Youth Offending Team delivers and will remain an ongoing practice priority. The progress made against this area of our work has been significant and has enabled us to review the organisation of service delivery and prepare for change in a positive way which will consolidate the efforts the team have made and support them to play to their strengths and skills to ensure better outcomes for all our service users. From June 2011, the two statutory teams re-organise their functions and this, combined with the progress which has enabled the shift, will position us to confidently meet the challenges presented through national and local changes and the focus on and alignment to three performance measures. The re-organisation of the team's service delivery will introduce an Assessment and Planning Team to ensure that the assessment of re-offending, risk and vulnerability are carried out to a high standard and form the basis of a plan of interventions delivered by the Interventions Team. Both teams will work together to reduce the risk of young people offending.
- 4.4 In 2010-2011, the Youth Justice Plan outlined five new areas of work for consolidation; the introduction of the Youth Rehabilitation Order, the Family Intervention Project, the Deter Young Offenders Scheme, the Resettlement Consortium and Restorative Justice Services. Each of these areas plays a significant role in our capacity and capability to deliver on our priorities for 2011-2012 and feature in the priorities below for this year's work:-

1. The Youth Rehabilitation Order was implemented nationally at the end of November 2009 and is now firmly embedded in the practice of the team. 57 Youth Rehabilitation Orders were made in 2010-11 and there has been an immediate simplification of community sentencing which does not lose any of the stringency of previous community disposals and provides a range of robust conditions to reduce re-offending.
2. The Family Intervention Project (FIP) was set up to provide intensive support to families on a long term basis (12-18 months). The project is targeted at families where young people within the family are at significant risk of offending, re-offending or involvement in anti-social behaviour, following alternative, less intensive interventions. The project had dedicated national funding until March 2011, including a grant that has been match-funded by Somer Community Housing Trust and Knightstone Housing Association. Early partnership support of the effectiveness of the project has led to continued funding and the work continues to be overseen by a dedicated steering group which reports to the Youth Offending Team Management Board.
3. The Deter Young Offenders scheme derived from the national Prolific and Other Priority Offender Strategy and enables key agencies to focus both attention and resource on an identified group of young people with the highest likelihood of re-offending and harm. Cohorts of young people (the national aim is 10% of the Youth Offending Team caseload) are identified on a quarterly basis and remain on the scheme until significant change is evident. The effectiveness of this scheme is measured by a reduction in re-offending. Locally, this relates to our partnership commitment to community safety through effective, efficient, equitable and sustainable management of resources.
4. The South West Resettlement Consortium was established in 2010 as a pilot and is made up of partners representing six local authorities, HMP and YOI Ashfield and Eastwood Park, Vinney Green Secure Unit, Probation, Police and voluntary sector providers, under the governance of the Youth Justice Board. The aim of the consortium is to reduce the risk of re-offending, to manage the risk of harm to the public and improve outcomes for young people leaving custody. The Consortium works to provide an enhanced offer of support for young people to assist with their resettlement and local young people have benefited from additional support from a number of agencies, helping them with accommodation and employment. The Youth Justice Board have agreed to extend the pilot, which is being externally evaluated, until 2012.
5. In the last year the Youth Offending Team has acknowledged and embraced the shift towards a restorative justice approach to reducing re-offending. In accordance with this one of the police secondments has been given over exclusively to that of Victim Liaison Officer. As a result, where appropriate, all victims of youth crimes known to the Youth Offending Team are now contacted by the Victim Liaison Officer. The victims are given the opportunity to participate in a restorative intervention with the young person who has offended against them. This participation can be as complex as face to face mediation or as simple as a phone call to update them on the progress of the case. If required, the victims are contacted on a regular basis and feedback is given regarding the progress of the work undertaken by the Youth Offending Team, throughout the order. As a result of the creation of the Victim Liaison Officer post, restorative justice has become a significant consideration in the work undertaken on all orders and these are now increasingly victim focused and led.

6. The Youth Offending Team is committed to promoting the participation of young people in aspects of service delivery and ensuring that we act upon the feedback that we receive. Article 12 of United Nations Convention on the Rights of the Child (UNCRC) states that 'Children have a right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.' The Youth Offending Team has been working to increase the level of participation from young people using its service. This is building on the achievement of Compass, which was awarded the Children and Young People's Rights Charter Silver Award in December 2011. Over the next year the Youth Offending Team will work towards achieving the Children and Young People's Rights Charter Bronze Award for its work with young people subject to statutory interventions. To achieve this, the Youth Offending Team has established a participation group, which is a working group of staff from across the service. The Children's Society has been commissioned to assist with the development of participation work within Bath and North East Somerset and is advising this piece of work. We have begun work towards achieving the Bronze Award by seeking direct feedback from young people, including the establishment of a young person's forum at Youth Offending Team. We will be using this feedback to develop our service over the next year to include the views of young people with whom we work.

Performance: National Indicators 2010-2011

4.5 Reduce first time entrants to the youth justice system

National Indicator	2008 - 9	2009 – 10	2010 – 11	Comparators
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NI 111: First time entrant rates The number of young people aged 10-17 who receive their first substantive outcome (a Reprimand, Final Warning or conviction in court). Local target for 2010-11: 5% reduction	160 -31.6%	151 -5.6%	169 +11.9%	South West = - 10.5% Family = - 21.1% England = - 25.3%
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Effective prevention of youth crime contributes to a wide range of improved outcomes for children, young people, their families and communities. The practice of targeted early prevention is well established locally and is recognised as a worthwhile investment in young people's lives. In this area, we have seen significant reductions in the number of first time entrants over four consecutive years. However, as first time entrants have continued to decrease nationally, there is concern locally at an increase of 18 young people (11.9%) in 2010-11. The increase is being monitored by the Youth Crime Prevention Board in order to identify any patterns and trends which may require more targeted work. For example, direct referrals from the police has been low, so promotional work of preventative work within the Police district is underway, as is an appraisal of referral systems to improve access for Police.

The Youth Offending Team has a well established youth crime prevention project, Compass, and is involved in the commissioning of Mentoring Plus, a well regarded voluntary sector service. It also manages a Family Intervention Project which works with whole families where at least one young person at high risk of offending, (as well as families with young people engaged in anti-social behaviour or at high risk of re-offending). Compass and the Family Intervention Project are very much complementary services which provide a proportionate amount of support to children and young people. Both projects work on a key-worker model and the staff are often the lead professional in team around the child meetings. Compass has taken great strides in demonstrating the benefits of this model within the Children's Service over the last twelve months. When a young person already has a team of professionals working with them, they have co-ordinated the delivery of an intervention plan through the team around the child model. The Family Intervention Project likewise endeavour to work in an integrated way with other partners in children's and adult's services and act as a key worker for the families they are engaged with.

This Indicator remains for 2011-12, reported as a rate per 100,000 young people, taken from Police National Computer rather than YOT data.

4.6 Reduce re-offending

National Indicator	2008 –2009	2009 - 2010	April- December 2010 (9 months performance)	Comparators
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<p>NI 19: Re-offending rates</p> <p>The average number of further proven offences committed by the January – March 2010 cohort of young people within 12 months of the initial substantive outcome, presented as a rate of offences per 100 young people (compared with 2005 baseline of 0.75)</p> <p>Local target for 2010-11: 2.5% reduction</p>	<p>1.10</p>	<p>1.06</p>	<p>0.58</p> <p>(-23.3% reduction compared with same 9-month period last year)</p>	<p>South West = 0.82</p> <p>Family = 0.94</p> <p>England = 0.88</p>
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Data is only available for a nine-month period, as this measure follows up re-offending of young people dealt with between January and March each year; twelve month data will be available at the end of September. At the nine-month stage, re-offending had reduced significantly and was at a lower rate than all comparators for the same period.

A core function of the Youth Offending Team is the supervision of young people on statutory court orders including the Referral Order, the Youth Rehabilitation Order (YRO), and the Detention and Training Order (DTO). Each young person will be assessed by the Assessment and Planning Team using the standard Asset assessment tool. Asset identifies areas of concern and strength in a young person's life and informs the intervention plan which is subsequently delivered to reduce the risk of re-offending. The intervention plan is completed by either the case manager or by the community panel volunteers who decide on contracts for young people on a Referral Order. The team uses the "scaled approach" which uses the measure of the risk of re-offending and harm to determine the frequency of reporting to the Youth Offending Team to ensure that resources are targeted at those who present the most risk. For those young people who do commit further offences, the focus of our work is to help them reduce the frequency and seriousness of offending, their risk of harm and provide a service which is tailored to meet their individual needs. For young people who present a serious risk of harm, the Youth Offending Team has internal risk management meetings chaired by a team manager and these will be fully inclusive of partners within the wider children's workforce. These meetings present an opportunity to make realistic plans to safeguard the public from the risk the young person has been assessed as posing and to manage this as effectively across the agencies as possible. The Intensive Supervision and Surveillance requirement of a Youth Rehabilitation Order can be one such measure. For those who present the most serious risk of harm, Multi Agency Public Protection Arrangement procedures are employed.

The Deter Young Offender scheme derived from the national Prolific and Other Priority Offender Strategy and enables key agencies to focus both attention and resource on an identified group of young people with the highest likelihood of re-offending and harm. Cohorts of young people are identified on a quarterly basis and remain on the scheme until significant change is evident. The Deter Young Offender Strategy was outlined as an area for consolidation in last year's plan and is a key area to focus on in the coming year to enable us to maintain the good progress with reducing re-offending and to prepare for the impact of payment by results.

Over the last twelve months the Youth Offending Team has worked to ensure that the assessments it produces for Court and for Referral Order panels, in the form of pre-sentence reports and referral order reports, are of a high quality. Pre-sentence report training was commissioned and this took place in August 2010. A feedback form for Magistrates in regard to pre-sentence reports has been introduced. The Youth Offending Team also introduced a quarterly audit process for pre-sentence reports and referral order reports, which reflects on the standard and the quality assurance of those reports. The audit provides an opportunity to identify learning and feedback good practice to report authors.

This Indicator will also remain in 2011-12 and will be based on data from the Police National Computer

4.7 Reduce the use of Custody

National Indicator	2008 – 09	2009 – 10	2010 – 11	Comparators
NI 43: Custodial sentences Reduce the proportion of young	8.6% (18/209)	8.6% (18/209)	5.4% (8/148)	South West = 3.5% Family = 4.2%

people receiving a conviction in court who are sentenced to custody.				England = 5.6%
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There has been a significant improvement in this area and Bath and North East Somerset has had its lowest number of custodial sentences since 2000.

Any targets relating to the reduction of the use of custody are inextricably linked to reducing re-offending. In order to have confidence in a reduction in custody, the Youth Offending Team, partners and the public need to feel confident that robust, evidence based and closely monitored community sentences are being delivered. This relies on strong partnerships and a commitment to ensuring public safety. The Youth Offending Team actively works with partner agencies to look at effective ways of reducing re-offending and the subsequent use of custody. A Custody Panel is held quarterly to review the cases of young people who have been sentenced to custody. The Asset and Pre Sentence Report are reviewed and, reflecting the learning environment of the team, give useful indications for ongoing improvement and training needs. The membership of the Custody Panel is being reviewed to ensure partners are able to contribute fully to these discussions. This will further demonstrate our commitment to delivery on actions reflected in the Children and Young People's Plan, the LSCB Action Plan and the Reducing Offending Strategy.

One of the factors behind this improvement has been the availability and use of a more robust community sentence as an alternative to custody. This has been delivered through the use of the twelve month Youth Rehabilitation Order with an extended Intensive Supervision and Surveillance requirement. This has enabled young people whose offences have placed them at risk of custody to be subject to intensive supervision and monitoring for a longer period. The Youth Offending Team has also recommended the use of other requirements, such as the Prohibitive Activity Requirement and Exclusion Requirement, in the Youth Rehabilitation Order, to support victim safety and public protection whilst working to address young people's offending in the community. These are stringent conditions and require a level of support and monitoring that should increase public confidence.

The Youth Offending Team provides an efficient and reliable service to Bath Youth Court and Bristol Crown Court, with a remand service and timely, informative Pre -Sentence Reports which enable the courts to sentence in an appropriate way.

The Youth Offending Team works to support the successful resettlement of young people leaving custody who are returning to the community. Our participation in the South West Resettlement Consortium provides an enhanced offer of services to young people and their families to reduce the risk of re-offending manage the risk of harm to the public and improve outcomes for young people leaving custody through effective, efficient, equitable and sustainable management of resources.

Youth Offending Team case managers supervising young people on custodial sentences will co-ordinate the planning for their resettlement immediately following sentence. The continuity and co-ordination of services when children and young people transfer into and out of the secure estate, is a vital element of safeguarding practice and resettlement planning. This includes ensuring that young people have suitable

supported accommodation, help with mental health and substance misuse issues and with identifying appropriate education, training or employment. To support this work, the Youth Offending Team has access to services from other partners within the wider Children's Service, and from third sector partner agencies with a specific role in supporting the resettlement of young people.

This Indicator remains for 2011-12 but will change to measurement of the rate of custodial sentences per 1,000 young people aged 10-17 in the general population

4.8 Race Disproportionality

National Indicator	2008 – 09	2009 – 10	2010 – 11	Comparators
<p>NI 44: Race Disproportionality</p> <p>The difference in the proportions of each Black or Minority Ethnic group of young people on youth justice disposals against the proportions of each Black or Minority Ethnic group in the equivalent local population</p>	<p>White -2.6%</p> <p>Mixed 4%</p> <p>Asian -0.9%</p> <p>Black 0.5%</p> <p>Chinese -1%</p>	<p>White 0.2%</p> <p>Mixed 1.2%</p> <p>Asian -0.1%</p> <p>Black -1.0%</p> <p>Chinese -0.3%</p>	<p>White -0.2%</p> <p>Mixed 1.9%</p> <p>Asian 0.7%</p> <p>Black 0.2%</p> <p>Chinese -0.9%</p>	<p>Not available by comparators</p>

Young people with mixed race backgrounds continue to be over-represented in the youth justice system nationally and locally, by comparison with the general population (rather than the 10-17 population). Whilst our local population of black and minority ethnic young people is low, those within the youth justice system have specific needs that we need to be aware of within our service and the interventions that we provide. In the period from April 2010-11, there were no mixed race first time entrants into the service and so it is likely that the over-representation will fall in 2011-12

There is no longer a requirement to report on this Indicator from 2011-12 onwards, but the Youth Offending Team is working with colleagues in the wider Children's Service to continue to monitor and address this issue, in order to help 'narrow the gap' for young people from mixed race backgrounds..

4.9 Engagement in Education, Training and Employment

National Indicator	2008 – 09	2009 – 10	2010 – 11	Comparators (overall percentage)
<p>NI 45: Engagement in ETE</p> <p>The proportion of young people supervised by YOTs who are actively engaged in suitable full time education, training or employment.</p> <p>Statutory school age</p> <p>Above statutory school age</p> <p>Overall percentage</p>	<p>78% (90/115)</p> <p>89% (93/104)</p> <p>83.6%</p>	<p>86% (68/79)</p> <p>92% (69/75)</p> <p>89%</p>	<p>95.9% (71/74)</p> <p>84.5% (60/71)</p> <p>90.3%</p>	<p>South West = 70.9%</p> <p>Family = N/A</p> <p>England = 72.8%</p>

This year saw a further improvement and performance is consistently better than all comparators.

Education, training and employment are vital components of reducing re-offending and resettlement plans for young people. The introduction of the Apprenticeship and Learning Skills Act 2008 has placed the responsibility on local authorities for young people's education whilst in custody. The Youth Offending Team's performance in the education training and employment indicator remains very good, above the national average, and the strongest in the south west. There is no longer a requirement to report on this indicator centrally. However the Youth Offending Team has elected to continue on a voluntary basis, in order to retain an overview of performance, but also to sustain it as an internal mechanism for managing our education recording. Greatest concern is post 16 access to education training and employment and so funding has been maintained for a Connexions Officer.

5. Resources

5.1 Budget summary 2011- 2012

This year sees reductions in Health, Probation and Youth Justice Board funding. This has been reflected in loss of a youth justice post in the statutory service and a health worker from the Family Intervention Project, together with reductions in a number of budgets for running costs.

Source	Staffing costs	Non-staffing costs	Payment in kind	Pooled budget	Total
Police	82,833	0	Police computer with access to Police National Computer	26,442	109,275
Probation	43,378	0	Unpaid work requirements	0	43,378
Health	29,218	0	CAMHS consultation	14,885	44,103
Local Authority	258,884	29,041	IT, financial, human resources and other corporate services	17,268	305,193
Youth Justice Board (Youth Justice Grant)	212,389	89,611	0	0	302,000
Department for Education (locally awarded element of Early Intervention Grant)	158,342	44,100	0	0	202,442
Total	785,044	162,752	Not costed	58,595	1,006,391

6. Governance and Leadership

- 6.1 Bath and North East Somerset Council as the relevant local authority is the lead partner; and has the primary responsibility to the relevant Secretary of State to ensure that the Youth Offending Team is able to fulfil requirements and deliver services required under the Crime and Disorder Act 1998, and any subsequent criminal justice legislation and also that it meets the requirements of all relevant

legislation applicable to young people. The statutory partners (Social Care, Police, Probation, Education and Health) have a duty to ensure that, through the provision of resources and other support, that statutory requirements are met.

- 6.2 Governance of the Youth Offending Team rests with the Community Safety Partnership's Responsible Authorities Group (RAG), but immediate oversight and accountability is provided by the Youth Offending Team Management Board, with representation from the key statutory partners and Community Safety. The Board has a Partnership Agreement in place, setting out its responsibilities for the strategic direction, resourcing and operational delivery of youth offending services. A member of the Youth Offending Team Management Board represents the Youth Offending Team's interests at the Children's Trust Board.
- 6.3 This Youth Justice Plan will be monitored by the Youth Offending Team Management Board, and there will be continue to be some oversight by the regional Youth Justice Board. There is also quarterly exception reporting to the Responsible Authorities Group. An annual report is made to the Council's relevant Development and Scrutiny Panel.
- 6.4 The Youth Offending Team is managed within the Children's Service and now sits within the Learning and Inclusion Division.

7. Partnership Arrangements

- 7.1 The Youth Offending Team is very well established within the authority and makes a substantial contribution to the work of a range of other partnerships and work streams. It regards these as opportunities to learn and share good practice and to influence other strategies to ensure they take account of the interests of young people at risk of offending and re-offending, their parents/carers and victims.
- 7.2 Relationships with other key partner agencies within the authority and across Avon and Somerset are set out in written protocols, including arrangements for transfer of young people to the supervision of the probation service when they are eighteen.

8. Work Plan 2011-2012

Priority area	What will be done	Who will do it?	Timetable for completion
1) Developments in the Youth Offending Team	a) Form two new service teams with new line management structures - the Assessment and Planning team and the Interventions Team.	Team Managers- Assessment and Planning Team and Interventions Team	June 2011
	b) Complete and deliver against a protocol outlining roles and responsibilities and expectations for communication between the two teams	Team Managers – Assessment and Planning Team and Interventions Team	December 2011 for review
	c) Hold a local launch event to mark the re-organisation and promote the work of the service.	Service Manager	March 2012
	d) Revise and implement the team's information management policy	Information Manager	March 2012
	e) Ensure the impact on carbon emissions is taken in to account in any new service developments	Service Manager	March 2012
2) Establishing a restorative Youth Offending Team	a) The management group will receive training in implementing a restorative service.	Service Manager	June 2011
	b) A working group will be established to agree the vision and deliver training in restorative interventions to the broader service.	Service Manager	October 2011
	c) Restorative justice principles will underpin all interventions with	Team Managers	March 2012

	young people.			
3) Inter-agency working	a) Ensure all the actions in partnership plans (outlined on pages 4, 5 and 6) are addressed	Service Manager and Team Managers	March 2012	
	b) Agree protocol between the Youth Service and the Youth Offending Team	Service Manager	December 2011	
4) Workforce Development	a) Prepare and deliver a workforce development plan, including training requirements, arising from anticipated new legislation	Service Manager	March 2012	
	b) Introduce core training for case managers and interventions team staff to develop skills in assessment, planning, intervention and supervision.	Assessment and Planning Team Manager and Interventions Team Manager	March 2012	
	c) Increase the skills of staff participating in Referral Order panels by identifying training in restorative justice conference facilitation.	Assessment and Planning Team Manager	March 2012	
	d) Ensure refresher training is provided for case managers on assessment of vulnerability and production of vulnerability management plans.	Assessment and Planning Team Manager	December 2011	
	e) Ensure training events are delivered across the Preventions Team to help the understanding of role and processes.	Preventions Team Manager	March 2012	

5) First time entrants (a national impact indicator)	a) Ensure skills training is delivered to support production of ONSET, Whole Family Assessment and Asset assessments	Preventions and Assessment and Planning Team Managers	March 2012
	b) Target areas where referrals need to be increased with the Police.	Preventions Team Manager	March 2012
	c) Improve early identification of young people demonstrating early indications of offending behaviour by liaising with primary school head teachers and promoting Compass and FIP	Preventions Team Manager	March 2012
	d) Continue to promote preventative projects across the authority.	Preventions Team Manager	March 2012
	e) Introduce twilight sessions on preventative work for pastoral staff in schools	Preventions Team Manager	December 2012
	f) Integrate Compass and the Family Intervention Project to ensure a whole family approach is provided to young people at risk of entering the youth justice system	Preventions Team Manager	December 2011

	<p>g) Ensure the quality of assessment in Onsets and FIP assessments is of a high standard and leads to a robust intervention plan and references parenting strengths and areas that could be addressed by the Parenting worker</p>	Preventions Team Manager	March 2012
	<p>h) Work with Police and other partners to review pre-court decision-making, in light of anticipated new legislation</p>	Service Manager	March 2012
	<p>i) Ensure that crime prevention work remains a priority within new commissioning arrangements for 11-17 year olds</p>	Service Manager	March 2012
	<p>j) Ensure that the Family Intervention Project plays a key role in the development of local work with families with multiple problems</p>	Service Manager	March 2012
<p>6) Reduce re-offending (a national impact indicator)</p>	<p>a) Ensure the quality of assessment is of a high standard and leads to a robust intervention plan and that all assessments reflect young people's health needs and have an assessment of parenting.</p>	Assessment and Planning Team Manager	March 2012

	<p>b) Ensure the quality of all risk of harm assessments, risk management plans and vulnerability assessments is of an acceptable standard and are shared with all partners supporting the plans</p>	Assessment and Planning Team Manager	March 2012
	<p>c) Establish monthly risk management meetings for all young people with a high risk of harm which are inclusive of young people and their parents/carers</p>	Assessment and Planning and Interventions Team Managers	September 2011
	<p>d) Establish team around the child meetings following sentence which use the Asset as the basis of planning interventions</p>	Assessment and Planning Team Manager	December 2011
	<p>e) Introduce an Asset peer review process</p>	Assessment and Planning Team Manager	December 2011
	<p>f) Ensure that restorative approaches are fully integrated across the team's caseload and inform all assessments</p>	Assessment and Planning Team Manager	December 2011
	<p>g) Review and catalogue intervention materials</p>	Interventions Team Manager	December 2011
	<p>h) Review assessments to ensure that interventions are available to address identified need and equalities</p>	Interventions Team Manager	December 2011

	<p>i) Introduce a set of workbooks with materials to address offending behaviour issues with young people</p>	Interventions Team Manager	March 2011
	<p>j) Develop interventions for young women and girls who are offending</p>	Interventions Team Manager	March 2012
	<p>k) Collate and act on young people's feedback and evaluation from interventions provided by the YOT</p>	Interventions Team Manager	March 2012
	<p>l) Work with partner agencies to support young people's work readiness</p>	Interventions Team Manager	March 2012
	<p>m) the YOT will work with 16+ year olds to identify learning and training opportunities</p>	Interventions Team Manager	March 2012
	<p>n) Ensure that all young people with ethnic minority backgrounds have continuing support when they finish their statutory contact</p>	Assessment and Planning Team Manager	March 2012
	<p>o) the YOT will work to improve the attendance of young people in education and will increase mental and physical health support through the integration of the school nurse role</p>	Interventions Team Manager	March 2012

<p>7) Reduce the use of custody (a national transparency indicator)</p>	<p>p) the YOT will help young people to set up bank accounts</p>	<p>Interventions Team Manager</p>	<p>March 2012</p>
	<p>q) the YOT will target strategic accommodation issues through the B&NES Young People's Housing Group</p>	<p>Interventions Team Manager</p>	<p>March 2012</p>
	<p>r) Analyse performance data to improve understanding of trends of offending and outcomes for young people</p>	<p>Service Manager</p>	<p>March 2012</p>
	<p>a) Ensure the quality of assessment is of a high standard and leads to a robust community intervention plan presented in a pre-sentence report.</p>	<p>Assessment and Planning Team Manager</p>	<p>March 2012</p>
	<p>b) Ensure that all pre-sentence reports are delivered to court on the day before sittings in order that they are available for the bench.</p>	<p>Assessment and Planning Team Manager</p>	<p>December 2011</p>
	<p>c) Plan updated training events with the local Youth Court Magistrates</p>	<p>Assessment and Planning Team Manager</p>	<p>December 2011</p>
	<p>d) Facilitate procedures for assessing young people in custody who have learning difficulties</p>	<p>Assessment and Planning Team Manager</p>	<p>September 2011</p>

	<p>e) Ensure the Custody Panel is embedded in local practice and is supported by actions in the CYPP and LSCB action plan</p>	Service Manager	December 2011
	<p>f) Improve the systems for monitoring health input into release plans for young people leaving the secure estate</p>	Interventions Team Manager	December 2011
	<p>g) Continue to ensure that the enhanced offer is reflected in DTO Plans</p>	Interventions Team Manager	March 2012
	<p>h) Wherever possible, establish a restorative intervention for young people whilst they are in custody.</p>	Interventions Team Manager	March 2012

9. Partner Organisation Commitment

Partner Organisation	Name of chief Officer	Signature	Date
Local Authority	John Everitt Chief Executive		
Children's Service	Ashley Ayre Strategic Director, People and Communities Department		
Health Service	Jeff James Chief Executive Officer NHS BANES and NHS Wiltshire		
Police Service	Geoffrey Spicer Bath and North East Somerset District Commander		
Probation Service	Anne King Assistant Chief Officer		

Appendices

Appendix 1: Main areas of work undertaken by the Youth Offending Team

- Voluntary support to young people aged 8-17 who are assessed as being at high risk of offending – including Compass and the Family Intervention Project.
- Appropriate Adult services to safeguard a young person's interests when they are being questioned by the police and a parent/carer is unable to attend.
- Help with arrangements for young people remanded to the care of the local authority.
- Support to young people who are bailed by the courts, which can attach conditions to maintain contact with the Youth Offending Team.
- Work with young people who are subject to police Final Warnings.
- Preparation of reports to help with key decision-making about young people who have offended (supporting contract requirements for referral order panels, proposing sentencing options to the courts and providing assessment information to the Parole Board).
- Supervision of young people on court orders – meeting regularly to help them to face up to the consequences of offending and address the factors that make it likely that they will re-offend. The main court orders are now referral orders, reparation orders and youth rehabilitation orders. Those with a high likelihood of re-offending may be placed on the Intensive Supervision and Surveillance Programme.
- Restorative justice services designed to provide victims with the information they want and to engage them and young people in meetings or activities to repair the harm caused by offending. Young people can also make indirect reparation through community projects.
- Support for young people sentenced to custody and supervision of them when they return to the community. The most common youth custodial sentence is the detention and training order, lasting up to two years. Longer sentences apply for more serious offences.
- In all suitable cases, individual work with parents and carers of young people at risk of offending or re-offending through voluntary support, and access to parenting programmes

Appendix 2: Youth Offending Team staff

The work of the Youth Offending Team would not be possible without its volunteers, who make up a third of the staffing complement. We take this opportunity to thank them for their time, commitment and hard work as Appropriate Adults and Community Panel Members.

Staff in the Youth Offending Team by gender and ethnicity based on census 2001 categories																	
	Strategic Manager		Operational Manager		Practitioner		Administrator		Sessional		Student		Volunteer		Total		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
White British		1	1	2	3	16				4	4			8	11	16	41
White Irish																0	0
White Other					1											1	0
Black Caribbean						1			1				2		3	1	
White and Black African															0	0	
White and Asian															0	0	
Pakistani					1										1	0	
Total	0	1	1	2	5	17	0	6	5	4	1	10	11	21	42		

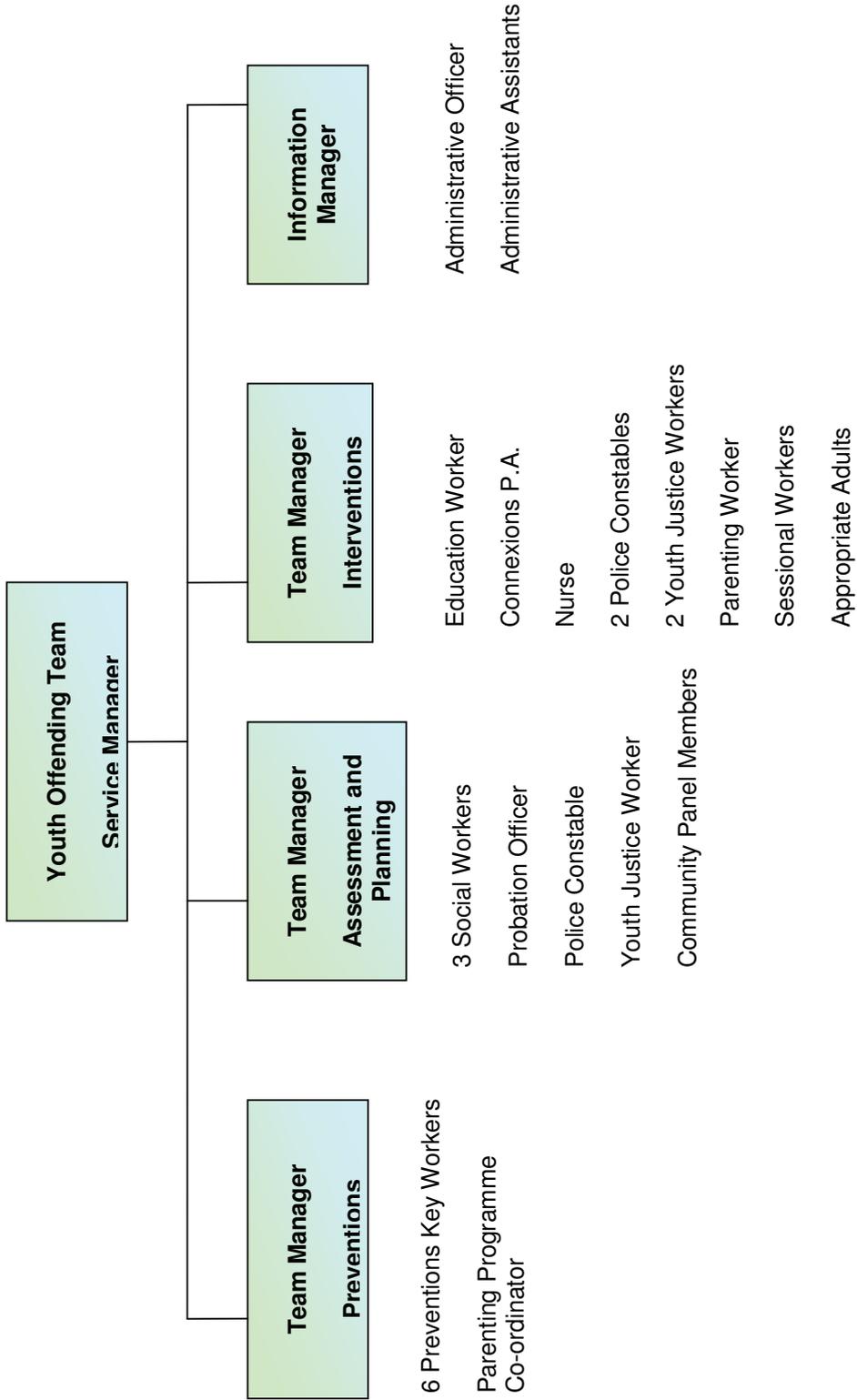
Appendix 3: Glossary of terms

ASSET	A structured assessment tool used by Youth Offending Teams to consider how a range of factors, such as engagement with education or mental health issues, may have contributed - and continue to contribute - to a young person's offending
Common Assessment Framework/CAF	A shared assessment tool for use across all children's services and local areas in England. It is used to support early identification of need and assist the co-ordination of services to address that need
Children and Young People's Plan	The Children and Young People's Plan is the single plan that outlines what all agencies, schools, Local Authority and voluntary groups are going to do to help improve outcomes for Children and Young People across Bath & North East Somerset.
Children's Trust Board	Children's Trust Boards are the co-operation arrangements and partnerships between local organisations with a role in improving outcomes for children and young people. It is a partnership that has overall responsibility for planning and delivery of services for children and young people. The trust in Bath and North East Somerset is responsible for publishing this Children and Young People's Plan and for making sure that services deliver the commitments outlined in that Plan.
Compass	The Compass Project, managed within the Youth Offending Team, provides intensive support to children and young people aged 8-17, who have been assessed as being at high risk of offending.
Connexions	A universal service to provide a wide range of support for 13-19 year olds, particularly regarding education, training and employment. It gives priority to those considered most vulnerable
Criminal Justice Board	A partnership of criminal justice services, locally serving the Avon and Somerset area
Deter Young Offenders	Cohort of young people representing approximately 10% of the caseload of a Youth Offending Team who have the highest likelihood of offending and harm. The cohort is reviewed on a quarterly basis
Family Intervention Project (FIP)	The aim of a family intervention is to reduce offending behaviour of children and young people in the family through the provision of co-ordinated multi-agency work, whole family assessment and long term intervention of a dedicated keyworker (12-18 months). The project accepts referrals where it is clear a significant change within family behaviour is needed to reduce youth offending, and prevent further young people entering the youth justice system.

Final Warnings	Final Warnings were introduced by the Crime and Disorder Act 1998, to be issued in place of cautions, to eligible 10-17 year olds who admit an offence to the Police. All young people who receive these Warnings are referred to the Youth Offending Team for help to tackle offending behaviour at an early stage
Intensive Supervision and Surveillance / ISS	Intensive Supervision and Surveillance Programmes provide a rigorous community sentence for eligible young people who have been convicted of an offence or a pattern of offences so serious that they would otherwise receive a custodial sentence. The Programme is also available as a condition of a Bail Supervision and Support programme or as a condition of the community element of a Detention and Training Order
Local Safeguarding Children's Board	The Local Safeguarding Children Board (LSCB) brings together local agencies working with children and families. LSCB is responsible for policy, procedures and services to support children and families in need to prevent significant harm.
Ministry of Justice	The Ministry of Justice (MoJ) is a ministerial department of the UK Government headed by the Secretary of State who is responsible for improvements to the justice system so that it better serves the public. The functions of the Youth Justice Board will be taken over by the MoJ.
Multi-Agency Public Protection Arrangements/ MAPPA	Under the direction of Police, Probation and Prison services, these are a series of processes to safeguard the public from the threat posed by sexual and violent offenders, whilst also attending to the needs of the victim.
Onset	A structured assessment tool to measure a young person's risk of offending
Parenting Orders	Parents whose children offend or persistently truant from school can be made the subject of Court Orders, requiring them to attend parenting support, and sometimes, to exercise specific control over their child's behaviour.
Pre Sentence Report/PSR	Pre-Sentence Report, prepared to assist the Court at sentencing stage, by providing an offence analysis, in the light of risk of continued offending and risk to the public, and outlining suitable sentencing options.
Protective Factors	Aspects of young people's lives that mitigate against offending, such as consistent parenting, engagement in education or involvement in constructive leisure

Referral Order	Available since April 2002, these are mandatory sentences for all young people appearing in Court for a first offence and pleading guilty. They refer a young person to a Community Panel, led by trained members of the public and attended by their parents and the victim[s] of their offence[s]. The Panel agrees a contract for how the young person is to make amends for their behaviour. If they complete the contract successfully, the offence is not recorded; if they do not, they are referred back to Court for re-sentencing.
Reprimand	These were introduced by the Crime and Disorder Act 1998 and are issued by the Police when a young person aged 10-17 who has not previously had a Final Warning, admits an offence that isn't serious enough to merit a Final Warning.
Resettlement Consortium	A south west partnership pilot between Police, YOTs, the secure estate, voluntary sector partners and Probation which aims to provide an enhanced offer of service to young people being released from custody to assist with their resettlement .
Restorative Justice/RJ	Restorative Justice describes a range of approaches to resolving a situation where serious harm, usually an offence, has been caused. It focuses on victim satisfaction, offering a range of services by which the victim can gain an understanding of the offence, have a chance to be fully heard, and agrees to any suitable reparation.
Responsible Authorities Group	The Responsible Authorities Group oversees the delivery of the creating and maintaining safer communities. It is comprised of senior managers from the statutory agencies, an elected Council Member and other partners who together pool their combined knowledge to identify the key issues within the community and understand clearly how best to tackle them. This Partnership accepts that fighting crime is not just the job of the Police, but the responsibility of all organisations whether public, private or voluntary, and works towards the creation of safer and stronger communities.
Scaled Approach	A system whereby the level of intervention for a young person during the course of their Court order is determined by their assessed likelihood of re-offending

Sustainable Community Strategy	<p>The Sustainable Community Strategy (SCS) sets out what type of place Bath & North East Somerset should become. It deals with a range of challenges and changes that impact on our daily lives. The strategy sets out the challenges but also how they are going to be addressed. It is aspirational and high level, but these aspirations will be worked towards to make them a reality.</p> <p>The strategy is the outcome of listening to what is important for the community and responding with a vision for the area.</p>
Team around the Child	<p>A multi-agency planning meeting with the child and parent/carer present. The young person can help decide the agenda and should be enabled to fully participate in the meetings and the planning.</p>
Victim Liaison Officer	<p>Member of the Youth Offending Team who makes contact with the victims of crimes we are notified about. They discuss the impact of the crime with the victim and enable them to consider a restorative approach.</p>
Youth Rehabilitation Order	<p>The Youth Rehabilitation Order (YRO) is a generic community sentence for young offenders and can combine a number of requirements into one generic sentence. It is the standard community sentence used for the majority of children and young people who offend. It simplifies sentencing for young people, while improving the flexibility of interventions.</p>
Young Offender Information System/YOIS	<p>This is a standard database used by the Youth Offending Team for case management and monitoring.</p>
Youth Offending Team/YOT	<p>These multi-agency teams were established under the Crime and Disorder Act 1998, with a principal aim of preventing youth offending. They include representatives from Police, Probation, Health and the Local Authority, and their work is overseen by local steering group made up of key stakeholders.</p>
Youth Justice Board/YJB	<p>The Youth Justice Board for England and Wales is a non-departmental public body responsible to the Home Secretary for overseeing the youth justice system, including by monitoring performance, providing advice and guidance and disseminating good practice.</p>



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Bath & North East Somerset Council

MEETING:	Council
MEETING DATE:	15 September 2011
TITLE:	Update on the establishment of the Community Interest Company for the Provision of Community Health & Social Care Services
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1: Summary of Conditions for the Transfer of Community Health and Social Care Services to a Social Enterprise arising from Decisions of B&NES Council and NHS B&NES Board	

1. THE ISSUE

- 1.1 The Council and NHS Bath & North East Somerset (NHS B&NES/'the PCT') are committed to working in partnership to provide integrated community health and social care services and to commission health, social care and housing for the benefit of patients, clients and taxpayers.
- 1.2 The Council and the NHS B&NES Board considered a report on the options for such a divestment in the context of maintaining the integration of services at their meetings on 16th and 18th November 2010 respectively. The Council and the NHS B&NES Board confirmed their commitment to a direction of travel that aims to transfer integrated community health and social care services into a social enterprise.
- 1.3 In pursuit of this agreed policy direction, and progress having been subject to further scrutiny undertaken through authority delegated to the Chief Executive at the Council meeting in November, a Social Enterprise was established in April 2011. In preparation for trading, this organisation has now registered with Companies House as Sirona Care & Health Community Interest Company.
- 1.4 Any recurring costs falling outside the Council's existing approved budget need to be approved by full Council within the context of the overall savings being delivered and the forthcoming Budget round for 2012/2013.

2 RECOMMENDATIONS

That the Council:

- 2.1 Notes the progress against the conditions set out by the Council and the NHS B&NES Board in approving the transfer of community health & social care services as set out in Appendix 1.

- 2.2 Confirms the extent of the authority delegated to the Chief executive as outlined in paragraphs 5.1-5.2 as amended in paragraph 5.6.
- 2.3 Confirms the funding for Non-Delegated Statutory Functions be agree as a priority commitment for the purposes of the 2012/2013 Budget Planning process.
- 2.4 Agrees to provide a guarantee to the Avon Pension Fund in respect of pension liabilities for Council TUPE transferred staff.
- 2.5 Confirms the intent from October 1st to transfer the provision of adult social care services to Sirona Care & Health Community Interest Company (“Sirona”/ “the CIC”), subject to agreement of recommendations at 2.3 and signing of both the Business Transfer Agreement and the Community Services Contract by the Chief Executive under delegated authority as outlined in paragraphs 5.1-2 as amended in paragraph 5.6.
- 2.6 Notes the intention of NHS B&NES to enter simultaneously into the same agreement, to transfer the provision of community health services to Sirona Care & Health, and to sign both the Business Transfer Agreement and the Community Services Contract.

3 FINANCIAL IMPLICATIONS

- 3.1 As previously reported to Council, the financial model for the CIC was based upon the future known and anticipated savings targets for the Council and PCT, which have been factored into future income streams for the CIC. This equates to the delivery of recurring annual savings of £1.9m for the Council by year five of the contract period. Total cumulative savings for the Council will be £7.4m over the 5-year period. There will be a similar level of savings generated for the PCT.

Non-Delegatable Statutory Functions

- 3.2 Funding of a staffing resource employed by the Council to undertake the “audit and assurance” and adult safeguarding activities set out in sections 5.7 to 5.11 in relation to these statutory functions is in the range of £240,734 - £256,586 per annum. This represents a team of six people, including administrative support and is judged to be the minimum necessary resource.
- 3.3 This new growth item has been added to the draft Adult Social Care & Housing Financial Plan 2012/13 and the Council will need to agree this as a priority commitment for the purposes of the 2012/2013 Budget Planning process.

Pension Scheme Guarantee

- 3.4 The Council is required to provide a guarantee to the Avon Pension Fund in relation to any future liabilities arising in respect of pension payments for Council TUPE transferred staff. This guarantee would only be called upon in the event the CIC was unable to meet future pension liabilities brought about by the company ceasing to trade. It is difficult to forecast with any accuracy the extent of this potential liability given the range of factors involved, particularly the future performance of the investments which underlie the assets of the pension fund. However, the majority of this risk is effectively no more than the position for the Council if it had retained this service in-house. The governance arrangements in place will ensure the financial standing and viability of the CIC are regularly reviewed.

4 CORPORATE PRIORITIES

- 4.1 The future of integrated community health and social care services is integral to the achievement of the Council's and the PCT's Health and Well Being Partnership's strategic vision.
- 4.2 The work on Transforming Community Services is consistent with the strategy set out by the Partnership for 2010 - 2015.
- 4.3 The implementation of the decisions by the Council and NHS B&NES therefore directly impacts on the following corporate priorities:
- Promoting the independence of older people
 - Improving life chances of disadvantaged teenagers and young people.

5. THE REPORT

- 5.1 Following the "in principle" decision of Council in November 2010, decisions have been taken pursuant to the delegation granted at that meeting as set out in 5.2 below.
- 5.2 At that meeting Council delegated authority to the Chief Executive with the agreement of the Leader of the Council and the Leader of the Liberal Democrat Group, in consultation with the Labour and Independent Group Leaders, the Cabinet Member for Adult Social Care & Housing, the Chair of the Healthier Communities and Older People Overview & Scrutiny Panel, a further member of the Liberal Democrat group, the Monitoring Officer, and the Council's Section 151 Officer, to:
- Take all steps necessary or incidental to work with NHS Bath and North East Somerset and General Practitioner Commissioning Representatives to develop the potential social enterprise option.
 - Implement the option including the organizational form of the potential social enterprise and the development and award of the contracts relevant to Council services, subject to the detailed Integrated Business Plan demonstrating to his satisfaction the viability of the new social enterprise *within budget provision* and support for the option being agreed with the GP Commissioning representatives and the Strategic Health Authority.
- 5.3 In accordance with that decision on 17 February 2011, NHS B&NES and B&NES Council (via delegated authority) approved the establishment of a Social Enterprise in the form of a 'Community Interest Company' for the future provision of health and adult social care services currently provided by B&NES Community Health and Social Care Services. This approval and previous decisions were subject to contract, proportionate due diligence, and a number of other key conditions being met, which are set out in Appendix 1.
- 5.4 A summary of the conditions for the transfer of community health and social care services to the CIC arising from decisions of B&NES Council and NHS B&NES Board is attached at Appendix 1.

Current Position

5.5 The current position may be summarised as follows:

- Registration of the CIC limited by guarantee was achieved on 30th March 2011 in the working name of “Community Health and Care Services CIC”. Following work with over 150 staff, volunteers and stakeholders to choose a new name and logo, “*Sirona Care & Health Community Interest Company*” (“Sirona”) has been chosen and registered with Companies House.
- The appointment of Chair Designate (Simon Knighton) and Chief Executive Designate (Janet Rowse) was completed in March and April 2011, and they started their roles on 1 June 2011. Since then three further Non Executive Director appointments have been made, including the nominee put forward by the Council (Lorraine Morgan–Brinkhurst) and an Interim Director of Finance has been appointed. All remaining Board positions will be filled, at least on an interim basis, by 1st October.
- Strategic Health Authority approval was granted at the beginning of June 2011.
- A VEAT (Voluntary Ex Ante Transparency Notice) in the European Journal. The notice was issued on 30th June 2011. The notice announced the intention to award the contract to B&NES Community Health & Care Services CIC and provided a period of 10 days following publication during which a challenge can be made from dissatisfied potential bidders. No challenge was made during this period and the contract can, therefore, be awarded with no possibility of the contract being set-aside in any future challenge to the process.
- Statutory TUPE consultation started on 11th July and closed on 14th August. Updates were provided for staff throughout the consultation period and the outcome was communicated to all staff by 31st August 2011.
- Separate advisers for Sirona (legal and business) have been appointed to ensure Sirona has independent legal and business advice.
- Sirona has achieved Admitted Body Status in relation to Local Government Pensions and a Directions Order has been obtained in respect of transferring PCT staff.
- The Due Diligence process, which commenced in June 2011, will be completed the first week of September 2011. At the time of writing no significant concerns have arisen for any of the Council, PCT or Sirona from this process.
- Contract negotiations are proceeding well and, subject to the necessary decision-making processes, both the Business Transfer Agreement and Community Services Contract will be signed ahead of the planned effective date of transfer of 1st October 2011.
- Sirona is on track to have the appropriate “critical systems” in place and tested to the satisfaction of both the Council and PCT by 1st October 2011.

5.6 Following the change in administration in May 2011 it is appropriate to now amend the terms of the delegation by the substitution of Conservative for Liberal democrat in line 2, the word “wellbeing” for Adult Social care and housing and “wellbeing” for “Healthier Communities and Older People” in line 4.

- 5.7 As set out in reports to Council and PCT Board in November 2010, certain statutory responsibilities cannot be delegated to Sirona. In particular, the Local Authority retains key decision making duties in relation to the NHS and Community Care Act 1990. This includes assessment of needs, eligibility for services, charging, signing off support plans and reviewing. Although elements of the assessment can be delegated to an external body, it is clear that the following can only be authorised by an officer within the Local Authority who is clearly authorised to take that decision:
- final assessment.
 - support plans
 - annual and unscheduled reviews.
- 5.8 It is possible that changes to primary legislation will enable the Council to delegate these statutory responsibilities at some point in the future. However, in the meantime, it is important to achieve a balance between a viable social enterprise delivering integrated community health and social care services and fulfilment of the Council's retained statutory responsibilities.
- 5.9 The option of retaining a significant staffing resource within the Council in order to review and sign off each individual assessment, support plan and review has been considered. However, this would introduce delays in a system that is already highly complex and would almost certainly affect service user experience.
- 5.10 The preferred approach is, therefore, one that enables service users and carers to have easy access to an assessment of their needs, a support plan (if eligible) and, if eligible, a package of care and support whilst also retaining the integrated community services model. Having considered the options and associated risks, it is proposed that the Council meet its retained statutory responsibilities in the following ways:
- A Single Panel process to review needs assessment and support plans and take decisions on resource allocations and packages of care and support above a threshold. Panel meetings chaired by a commissioner with independent practitioner advice have been in place since March this year.
 - Below the threshold for the Single Panel, Sirona will make relevant employees available to the Council to perform the non-delegatable functions. This means that those Social Enterprise employees will be acting as Council officers, when performing those functions.
 - Experienced, appropriately qualified, practitioners in the commissioning team to undertake sample audits of decisions related to assessments, support plans and resource allocations and reviews to ensure quality, consistency of application of policy and application of all relevant legislation. This new "audit and assurance" function arises from the transfer of Social Care Services and the associated staffing resource is, therefore, outside of existing budget provision; and
 - A clear, accessible procedure for appealing against a decision in respect of, for example, eligibility for a service.
- 5.11 As the operating model for adult social care becomes increasingly devolved, it is vital that the Local Authority has assurance that safeguarding adults arrangements across B&NES are effective and that service users are safe from neglect and abuse. It is proposed that the Council has assurance through experienced, appropriately qualified, practitioners in the commissioning team who will:
- Authorise that the criteria for using the safeguarding procedure have been met;

- Audit decisions made to terminate cases at Stage one to four of the Safeguarding Adults Procedure
- Chair Safeguarding Strategy Meetings;
- Agree Safeguarding Investigation / Assessment report recommendations
- Chair Safeguarding Protection Planning Meetings;
- Chair Safeguarding Review Meetings, including authorisation of termination of the procedure as appropriate.

6 RISK MANAGEMENT

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 6.2 Both Sirona and the commissioning team are continuously developing their risk registers and risk management arrangements.

7 EQUALITIES

- 7.1 In accordance with Corporate guidelines, an Equalities Impact Assessment was carried out on the Integrated Business Plan submitted by the Social Enterprise in January 2011. The potential impacts for groups with protected characteristics along with steps proposed to mitigate them are set out in the table below:

Identify the impact / potential impact of the financial plan on	Examples of how the financial plan promotes equality	Examples of potential negative or adverse impact and what steps have been or could be taken to address this
Disability – Disabled people (ensure consideration of a range of impairments including both physical and mental impairments)	<ul style="list-style-type: none"> • Improved access for people with Learning Difficulties to mainstream services • Contribution to improved mental health care pathway, including increased emphasis on independent living and recovery orientated activities 	Reduced capacity in Employment Development Service, which focuses on people with Learning Difficulties and Physical & Sensory Impairment. Impact mitigated by refocusing of Sirona provided day services on support for independent living and access to employment.
Age – Different age groups	<ul style="list-style-type: none"> • Implementation of Fairer Contributions for personal social care seeks to address an historic imbalance in the extent to which different service-user groups contributed to their personal social care, with older people making a higher contribution than people with, for example, a learning difficulty. 	Focusing Sirona day services on support for independent living and access to employment potentially reduces access for older people, which will be mitigated through the ability to access other forms of day services/ day time activity through the use of a personal budget.

8 CONSULTATION

- 8.1 The consultation and engagement arrangements of the proposed option to transfer services to a social enterprise were reported in detail in the reports to the Council and NHS B&NES Board in November 2010 and 17th February 2011.
- 8.2 Statutory TUPE consultation started on 11th July and closed on 14th August. Updates were provided for staff throughout the consultation period and the outcome was communicated to all staff by 31st August 2011.

9 ADVICE SOUGHT

- 9.1 The Council's Monitoring Officer and Section 151 Officer have had the opportunity to input into this report and have cleared it for publication. The Council and PCT jointly appointed specialist Legal and Financial Advisers. Sirona Care & Health CIC has also appointed independent Legal and Financial Advisers.

Contact person	Jane Shayler, Telephone: 01225 396120
Background papers	Report to Council, 16 November 2010, 'Community Health & Social Care Services – Future Provision' <i>'Community Health & Social Care Services – Integrated Business Plan – Assurance Framework and Outcome'</i> , 17 th February 2011, (Delegated Decision of the Chief Executive under the Decision Making Process Agreed by the Council at its Meeting on 16 th November 2010)
Please contact the report author if you need to access this report in an alternative format	

**Summary of Conditions for the transfer of Community Health and Social Care Services to a Social Enterprise
arising from decisions of B&NES Council and NHS B&NES Board**

Condition	Date of Meeting		Current Status	Planned Completion
	B&NES Council	NHS B&NES Board		
That the proposed option is subject to proportionate due diligence prior to any transfer of services.	16 th November 2010; 17 th February 2011.	18 th November 2010; 17 th February 2011.	No significant issues identified by provider Due Diligence. Sirona Board to receive Due Diligence report at meeting on September 8 th . Information provided by Sirona to commissioners. At the time of writing, no significant issues identified by Council or PCT Due Diligence.	Sirona Board September 8 th . PCT Board September 15 th . Council Delegated Decision Making Group meeting September 16 th . Signing of Business Transfer Agreement and Community Services Contract September 20 th .
To agree, subject to appropriate specification and drafting, the award of a five year contract for the relevant services of the Council (and PCT) to a Social Enterprise Company.	Chief Executive's Decision under Authority Delegated by Council (16 th November 2010) Made on 17 February 2011	17 th February 2011	Drafting of the Business Transfer Agreement (BTA), Community Services Contract (CSC) & associated service specifications and financial schedules is well progressed. No significant areas of disagreement have been identified by legal advisers or during a series of meetings between the parties.	Signing of Business Transfer Agreement and Community Services Contract September 20 th .
The above decision was also subject to:				
<ul style="list-style-type: none"> The approval of NHS South West (the Strategic Health Authority) 	17 February 2011	17 th February 2011	Written approval of the SHA (South West) received 3 August 2011.	Complete
<ul style="list-style-type: none"> A similar five-year contract being awarded by NHS B&NES which will be novated to the Clinical Commissioning Group (with the exception of services indicated in the Commissioning Intentions as being put to tender in that period). 	17 February 2011	–	Both the Council and PCT continue to work on the basis of a five year contract with appropriate break clause & noting the more recent obligations under Any Qualified Provider	Signing of Business Transfer Agreement and Community Services Contract September 20 th .
Condition	Date of Meeting		Current Status	Planned Completion

	B&NES Council	NHS B&NES Board		
<ul style="list-style-type: none"> Satisfactory agreement with the Council of the governance arrangements for the social enterprise. To instruct the relevant officers to report back on the development of the Memorandum and Articles of Association of the social enterprise company. 	<p>March 2012</p> <p>17 February 2011</p>	<p>–</p> <p>–</p>	<p>Membership agreement & Articles approved by PCT and Council Delegated Group (17th March 2011). Council has nominated a Non-Executive Director to sit on Sirona's Board and this has been accepted. Terms of Reference, Sub Committees & Structure & Standing Orders/Standing Financial Instructions all going to Sirona Board 8th September.</p>	<p>8th September 2011</p>
<p>Publication of an appropriate notice in the OJEU prior to the award of the contract by the Council and NHS B&NES.</p>	<p>17 February 2011</p>		<p>VEAT Notice issued 30th June 2011. No challenge was made in the prescribed 10-day period and the contract can, therefore, be awarded with no possibility of it being set aside in any future challenge to the process</p>	<p>Complete.</p>
<p>To note the areas of improvement in the Community Health & Social Care IBP identified during the internal assurance process as set out in the 17 February 2011 Report as follows:</p> <ul style="list-style-type: none"> Development of detailed plans for delivering efficiency and productivity savings from support services taking into account existing commissioner savings targets to ensure that savings are correctly attributed. Detailed delivery plans for all savings proposals. 	<p>17 February 2011</p>	<p>17 February 2011</p>	<p>Detailed plans in place and included in Commissioner update to Integrated Business Plan received by PCT and Council 2nd September.</p>	<p>9th September 2011</p>
Condition	Date of Meeting		Current Status	Planned Completion

	B&NES Council	NHS B&NES Board		
<ul style="list-style-type: none"> Service line understanding of costs against income in order to identify higher value and loss-making areas of business for the SE 	17 February 2011	17 February 2011	Sirona has provided assurance that contribution analysis has been undertaken & that this confirms that assumptions in the IBP are accurate.	Complete
<ul style="list-style-type: none"> Detailed workforce development plans 	17 February 2011	17 February 2011	Workforce strategy approved by Sirona Board in August. More detailed underpinning plans to be developed post transfer for Sirona 2012/13 Business Plan.	Initial work complete. Development of detailed underpinning plans to form part of post-transfer Action Plan. To be monitored through Contract Review meetings.
<ul style="list-style-type: none"> Compliance with relevant registration requirements 	17 February 2011	17 February 2011	CQC registration in hand. Interviews with Registered Managers taking place 21 st & 22 nd September. No issues raised so far by CQC and they have confirmed receipt and are fast tracking.	30 th September latest (letter from CQC required)
<ul style="list-style-type: none"> Business Continuity Plans 	17 February 2011	17 February 2011	Provided as part of Due Diligence Process	Complete
<ul style="list-style-type: none"> Application to the Social Enterprise Investment Fund for set-up costs 	17 February 2011	17 February 2011	Grant received and used to off-set commissioner set up costs	Complete
<ul style="list-style-type: none"> Further consideration of VAT mitigations, including potential for the SE to act as agent for the Council & reduce VAT liability further 	17 February 2011	17 February 2011	Mitigated through savings plans & affordability demonstrated in commissioner update to IBP. Work ongoing to find mechanisms to mitigate – none confirmed as yet.	Initial work complete.
<ul style="list-style-type: none"> Negotiation and agreement of contractual safeguards 	17 February 2011	17 February 2011	Agreed by PCT and Council within the Heads of Terms & reflected in the BTA & CSC.	Signing of BTA & CSC on 20 th September 2011
<ul style="list-style-type: none"> Agreement of those set-up costs that can appropriately be funded by the commissioner and the mechanism for doing so. 	17 February 2011	17 February 2011	Funds agreed and transferred	Complete
Condition		Date of Meeting	Current Status	Planned Completion

	B&NES Council	NHS B&NES Board		
<ul style="list-style-type: none"> Confirmation of payment terms and completion of any appropriate waivers in respect of Financial Standing Orders. 	17 February 2011	17 February 2011	No waivers currently identified as necessary. Payment terms covered in Community Services Contract.	Signing of BTA & CSC on 20 th September 2011
<ul style="list-style-type: none"> A detailed implementation plan for establishing the social enterprise, including banking facilities (including any credit facility) 	17 February 2011	17 February 2011	Detailed implementation plan has been in place since April 2011. Banking facilities in place.	Complete
<p>To note the Conditions Precedent within the Heads of Terms, which must be met in order for the transfer to occur.</p> <p>These conditions include for the Provider:</p>	17 February 2011	17 February 2011	<p>Progress by the Provider:</p>	
<p>1. The terms of the transfer being approved by the Board of the Provider</p>			1. Due to go to Sirona Board 8 th September	Signing of BTA & CSC on 20 th September 2011
<p>2. Relevant registration or any other regulatory requirements at the time of transfer being obtained or agreed with CQC</p>	17 February 2011	17 February 2011	2. All actions in hand by Sirona to achieve registration by due date	30 th September latest (letter from CQC required)
<p>3. Entry by the Provider into an Admission Agreement for the transferring Council staff with the Avon Local Government Pension Scheme</p>	17 February 2011	17 February 2011	3. Admitted Body status approved by Avon Local Govt Pension Scheme. Direction Order for NHS Scheme has been obtained.	Complete
Condition	Date of Meeting		Current Status	Planned Completion

Condition	Date of Meeting		Current Status	Planned Completion
	B&NES Council	NHS B&NES Board		
4. The entry into satisfactory insurance and risk management arrangements.	17 February 2011	17 February 2011	4. NHSLA confirmation received re services in existence at point of transfer. Insurance broker in place & insurance firm identified for services received post 1st October. Risk Register in place & assurance process to go to Sirona Board 8th September, both to be within oversight of Sirona Audit & Assurance Committee	8 th September 2011
5. The entry or significant progress to setting up a pension scheme for new staff	17 February 2011	17 February 2011	5. Sirona Board to review proposals Sept 8th. Specialist advisor in place and has provided assurances that timescales will allow pension to be in place for new starters.	30 th September 2011
6. The completion of the Provider's process of due diligence	17 February 2011	17 February 2011	6. No significant issues identified by provider Due Diligence; Sirona Board to receive Due Diligence report at meeting on September 8 th .	8 th September 2011
The conditions include for the PCT:				
1. Approval by the PCT Board being obtained	17 February 2011	17 February 2011	1. PCT Board meeting 15 th September	15 th September 2011
2. Any necessary approval from the SHA and Department of Health being obtained	17 February 2011	17 February 2011	2. SHA approval confirmed in writing 3 rd August 2011	Complete
3. The completion of the PCT's process of due diligence	17 February 2011	17 February 2011	3. Information provided by Sirona to commissioners. At the time of writing, no significant issues identified by PCT Due Diligence.	Signing of Business Transfer Agreement and Community Services Contract September 20 th .
Condition	Date of Meeting		Current Status	Planned Completion
	B&NES Council	NHS B&NES Board		

<p>These conditions include for the Council:</p> <p>1. The approval of the transaction by the Council's Chief Executive in accordance with the arrangements for delegation made by the Council</p>	17 February 2011	17 February 2011	<p>Progress by Council</p> <p>1. Council Delegated Group meeting 16th September.</p>	
<p>2. The completion of the Council's process of due diligence.</p>			<p>2. Information provided by Sirona to commissioners. At the time of writing, no significant issues identified by Council Due Diligence.</p>	
<p>These conditions include for the PCT and the Provider:</p> <p>1. Each and every condition precedent contained in the Community Services Contract having been satisfied or formally waived in order that performance of the Provider's obligations under that agreement is unconditional with effect from the Transfer Date</p>			<p>1. No waivers currently identified as necessary. Drafting of the BTA & CSC & associated service specifications & financial schedules well progress. No significant areas of disagreement have been identified by legal advisors or during a series of meetings between the parties.</p>	<p>Signing of Business Transfer Agreement and Community Services Contract September 20th.</p>
<p>2. The written agreement to or the obtaining of a Directions Order in respect of the PCT staff transferring under the Transfer agreement.</p>			<p>2. A Directions Order has been obtained.</p>	<p>Complete</p>

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 September 2011
TITLE:	Future Council – statutory responsibilities
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: None	

1 THE ISSUE

- 1.1 In November 2010, proposals for the future organisational model of the council, with a focus on a strategic leadership role and a senior management structure to support its delivery were approved. A Re-structuring Implementation Committee was established to oversee implementation with a requirement to report back on any matters requiring the views of or a decision by Council in respect of the approval of appointment and the designation of Statutory Officers as required.
- 1.2 This report seeks Council’s approval to a number of specific recommendations of the Implementation Committee, made in accordance with the first step principles set out in the originating Council report.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 The post of Director of People and Communities is designated as the Council’s Director of Adult Social Services and Director of Children’s Services in accordance with section 6 of the Local Authority Social Services Act 1970 and section 18 of the Children’s Act 2004 respectively with immediate effect.
- 2.2 The post of Head of Paid Service/Chief Executive is retained within the new senior management structure.
- 2.3 When the Chief Executive exercises his option to retire, all necessary steps be taken to appoint a successor in accordance with the decision at recommendation 2.2 above and Council Standing Orders.
- 2.4 One-off costs associated with the recruitment and selection of the post of Head of Paid Service/Chief Executive of up to £50k is met from the Revenue Budget Contingency.

3 FINANCIAL IMPLICATIONS

- 3.1 It is assumed that the recurring costs associated with the post of Head of Paid Service / Chief Executive will be met from within the existing Budget provision for pay and related employer on-costs.
- 3.2 One-off costs associated with specialist advice, advertising and related expenses in respect of the recruitment and selection process will need to be met. These are estimated to be in the order of £50k. These costs are not provided for within the existing Budget and would therefore represent a reasonable one-off use of the funds from the Revenue Budget Contingency. These costs may be offset with any salary savings accruing should the post be vacant for any period.

4 CORPORATE PRIORITIES

- 4.1 The Council's corporate priorities are derived from the vision for the area contained in the Sustainable Community Strategy. Clearly in the light of the financial position in the country and policy initiatives of central government, certain aspects of the strategy and vision have become more important - in particular, the issues of growth, the recession and localism in the immediate to and medium term. The Cabinet, with the support of the Strategic Directors' Group, has recently commenced a review of the vision and priorities.
- 4.2 The senior management proposals in this report work from the basis that the current vision is still essentially the right one and while the scale of the financial challenge is great and there will be changes in terms of when and how priorities are delivered, the 'Future Council' proposals are targeted to allow the Council the maximum opportunity to deliver on the vision in the new environment.
- 4.3 The Council's role will be changing and as a Strategic Commissioning organisation the role will be to be very clear on the overall needs and opportunities in the area and for commissioning or enabling/encouraging the appropriate outcomes. There will be a need for the Council to continue to prioritise the vulnerable and ensure there is an emphasis on disadvantaged communities.

5 THE REPORT

Designation of statutory Directors of Adult Social and Children's Services

- 5.1 Section 6 of the Local Authority Social Services Act 1970 and Section 18 the Children's Act 2004, requires the Council to designate to statutory posts of Director of Adult Social Services and Director of Children's Services respectively.
- 5.2 The Restructuring Implementation Committee approved the appointment of Ashley Ayre to the new post of Strategic Director – People and Communities with effect from 1 August 2011 (described as 'Director – People' in the originating report). This role includes responsibility for the authority's adult social and Children's services within the new senior management structure.

- 5.3 The committee therefore recommends that Ashley Ayre, as the holder of the appointment of Strategic Director – People and Communities, be designated as the statutory Director of Adult Social Services and Director of Children’s Services.

Options of the discharge of Head of Paid Service responsibilities

- 5.4 In both the local and national context at the time and to allow some flexibility in future senior management/ leadership arrangements, no proposals were made in respect of fulfilling the statutory responsibilities of the Head of Paid Service in the Future Council model considered by Council in November 2010. Options were, however, noted that these could be allocated to one of the Director posts (i.e. a primus inter pares) or to consider retaining the present post within the senior management structure.

- 5.5 The Restructuring Implementation Committee has considered the options available and in reaching its decision took into account the following:

- The ‘primus inter pares’ model gives the opportunity for a cooperative/collegiate approach to the senior management/leadership of the Council and, in ease of transition, may offer stability for the organisation. It can however, give rise to a perceived lack of corporate clarity and objectivity with the dual role of service leadership as well as capacity concerns.
- As well as providing a single point for the delivery of a corporate agenda, a Chief Executive appointment provides a clear focal point for both Members and Officers, critical at a time of significant change and the uncertainty that goes with it. Escalation and decision making routes have a clarity that may not be so evident in the ‘primus inter pares model’.

- 5.6 It was also mindful of comment in the Independent Adviser’s evaluation in the originating report to Council last November. This noted that:

‘. . . whilst the current management structure has served the council well, its size, structure and functionality does appear to need modification in the light of the Council’s stated direction of travel. the Council needs to design a senior management structure that can cope with the major leadership and managerial challenges set out. Managing a shrinking council base and reducing or reconfiguring services places greater pressure on the leading members and the senior management team than running the Council in a period of stability’.

In respect of the Strategic Directorate team, the Independent Adviser went on to note that:

‘Councils can organise their senior management structures in a variety of ways all of which can be effective. What is most critical is that it retains and attracts a committed and talented group of senior managers who can show adaptability and flexibility going forward. . . . The proposed reduction in the number of Strategic Directors is not unreasonable given the size of the authority and comparing the emerging practice in other councils However the key issue is whether the role of Head of Paid Service should be combined with one of the Director posts or be an additional stand alone Head of Paid Service or Chief Executive’.

The Adviser concluded by stating that the Council needs to very carefully assess the feasibility of running the council with only three Strategic Directors, one of whom is 'primus inter pares'/Head of Paid Service.

5.7 Having considered the options the Implementation Committee resolved:

“ To recommend to Council the retention of the present structure i.e. to retain the present post of Head of Paid Service/Chief Executive within the new senior management structure”.

5.8 As Council will be aware, the Chief Executive has indicated that he may shortly give notice of his retirement. The Council is requested to give authority to proceed with the advertising for and recruitment of a successor, when he exercises this option, in accordance with the above recommendation and Council Standing Orders.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has not been undertaken. The Local Authority Social Services Act, 1970 (Section 6) and The Children Act, 2004 (Section 18) place a duty on every Adult Social Service and Children's Services Authority in England to appoint a Director of Adult Social Services and a Director of Children's Services. Statutory guidance issued by the respective Secretaries of State requires that Adult Social Services and Children's Services Authorities must have regard to such guidance as issued in exercising their functions under those sections of the Acts.

7 EQUALITIES

7.1 An impact assessment has been carried out and there was no significant equalities impact arising from these recommendations.

8 CONSULTATION

8.1 Recognised trade unions were formally consulted as part of the decision making process by the Restructuring Implementation Committee. In respect of the role of Chief Executive, the only comments received were from the Bath & North East Somerset Unison Branch which stated as follows (a full copy of the union response is included with the papers for the Restructuring Implementation Committee on 25 July 2011):

“.....UNISON would (also) argue on balance for the Chief Executive's role to continue. That would give us a structure of Chief Executive and three Strategic Directors. The reasons being:

- UNISON is not a fan of the "primus inter pares" or "first among equals" idea. We don't think it would work. It could lead to confusion.*
- The Council needs one Leader in charge to drive the Council forward and some-one that we can go to in the last resort.*
- As it stands at the moment it looks likely that the new Strategic Directors will all be "slotted in" and so with the first amongst equals scenario we will effectively have a Chief Executive who already works for the Council taking over. We don't think this is right or healthy for the Council and its residents.*
- Slotting in the existing Directors and then advertising the Chief Ex's post nationally will allow the Directors to apply for the job but will also allow this Council the*

opportunity to recruit from across the Country. There may well be some extremely capable candidates out there! This Council has reached a certain level. In order to develop further it will need a figure head to champion the needs of the staff and residents in the wider bodies across the region.

- *You can argue that a new Chief Ex will cost us in the region of £160,000 + and we agree that is a lot of money, but if we get an effective Leader, someone we can see that can drive the Council forward and represent the area then that is a price worth paying.*

UNISON does feel very strongly about this. We believe UNISON should be pushing to see a transparent process for selecting a new Chief Executive. . Otherwise we will get one almost "by default" through the other option....."

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 Social Inclusion; Human Resources; Young People; Human Rights; Corporate; Impact on Staff; Other Legal Considerations.

10 ADVICE SOUGHT

- 10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	William Harding Head of Human Resources, tel 01225 477203
Background papers	The Local Authority Social Services Act 1970 The Children Act, 2004 Council Constitution Reports to: Council- 16 November 2010 'The Future Council' Restructuring Implementation Committee- 25 July 2011 'Future Council – implementation proposals'
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 th September 2011
TITLE:	PROPOSED CHANGES TO THE STANDARDS REGIME
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
None	

1 THE ISSUE

- 1.1 At its meeting on 19th May 2011, the Council resolved to ask the Standards Committee to review its procedures for investigation of complaints and report back in September with the intention of submitting proposals for the implementation of the Localism Bill currently before Parliament (in respect of the Member conduct aspects of the Bill), and making the system fairer to those people who are the subject of a complaint.
- 1.2 The Standards Committee considered both issues at its meeting on 23rd June 2011.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 The Council adopts a non-statutory Code of Conduct based on paragraphs 3 - 7 of the current model or a model to be issued by the Local Government Association;
- 2.2 A Standards Committee is established;
- 2.3 The Committee's membership includes Independent Members and an Independent Member chairs the Committee;
- 2.4 Parish/Town Councils within the Council's area which adopt a non-statutory Code of Conduct should, if possible, be offered an opt-in to deal with complaints against Parish/Town Councillors;
- 2.5 The current Local Standards Framework should be reviewed with the aim of making the system fairer and streamlining the current processes and procedures, in the following respects:

- (1) The Monitoring Officer should assess complaints to decide whether the alleged conduct breaches the Code;
- (2) Subject councillors should be given details of the complaint, including the name of the complainant and which parts of the Code they are alleged to have breached. They would be invited to submit comments before the allegation is considered by the Committee;
- (3) If the Committee considers that there has been a breach which is trivial or has been corrected, it would be dealt with at the meeting. Only serious breaches would be referred for investigation;
- (4) The pre-hearing meeting should be abandoned.; and
- (5) Results of hearings should be published on the Council's website. The requirement for expensive notices published in a local newspaper should be abandoned.

3 FINANCIAL IMPLICATIONS

3.1 The proposals will need to be managed within current resources. The Committee considered the proposals represented modest savings compared to the current regime.

4 THE REPORT

4.1 The Localism Bill will place a new duty on local authorities in England to promote and maintain high standards of conduct among elected and co-opted members of the authority but remove the present means of discharging this duty by abolishing the General Principles, the Model Code of Conduct, Standards for England and Standards Committees. There will be a new statutory Register of Members' Interests with criminal penalties for failure to comply.

4.2 **Code of Conduct** - The Bill envisages that authorities may wish to adopt their own non-statutory Code of Conduct. The simplest course would be to re-adopt the general conduct provisions in paragraphs 3-7 of the Model Code, as these are the parts which will not be replaced by the new statutory interests regime. However, the Bill also provides that, where a local authority adopts a non-statutory Code of Conduct, it must then respond to any written complaints that a member or co-opted member has failed to comply with that Code by considering whether the matter should be investigated and, if satisfied by the investigation that a member or co-opted member has failed to comply, decide what action if any to take. The Bill does not give the local authority an express power to impose sanctions on members who fail to comply with a voluntary code. There would, however, be considerable freedom to delegate more of the process, enable speedier investigation and resolution of simple matters than is the case with the current system.

4.3 **Independent Members** - The Standards Committee agreed that an important part of the standards regime is that it is fair and impartial – not seen as Councillors judging Councillors – and that the public perceives it as such. This public perception relies heavily on the presence of independent, co-opted Members and an independent Chair. However, Councillors should note that, in general, co-opted Members do not have voting rights.¹ This issue has been raised with the Government which could, if it considers it to be appropriate, introduce an amendment to the Localism Bill or regulations to allow co-opted members full voting rights on non-statutory standards committees.

4.4 The Bill provides for a statutory Register of Members' Interests (including co-opted members) with criminal penalties for failure to comply.² The Committee also

¹ *The current provisions requiring the appointment of independent members to Standards Committees will be repealed along with the other requirements of the current standards system. Section 102(3) of the Local Government Act would enable the co-option of non-councillors on to a new Standards Committee, but section 13 of the Local Government and Housing Act 1989 prevents them from having a vote on the committee unless it is purely advisory.*

² *These regulations may make provision for i) specifying the financial and other interests be registered, ii) requiring disclosure of interests, iii) preventing or restricting the participation of a member or co-opted member with a disclosed interest in any business of the Council to which the interest relates, iv) enabling the Council grant dispensations in specified circumstances from a prohibition imposed in accordance with iii) above, v) enabling the Council to impose sanctions on a*

noted that the provisions for a statutory Register of Interests will apply to Parish and Town Councils who will have to decide whether to adopt a Code of Conduct and make arrangements for investigating breaches. The Standards Committee proposed that the Council offers to handle complaints for those Parish and Town Councils which adopt a non-statutory Code of Conduct, and, if so, that Parish Councillors be offered places on the Standards Committee, as is the current practice.

4.5 A cross-party group of Peers is to attempt to strengthen the Standards provisions in the Localism Bill by September by pursuing provisions for i) a national Code of Conduct (to be issued by the Local Government Association, if it agrees), ii) Standards Committees with independent chairs and iii) the removal of criminal sanctions.

4.6 It is expected that the Bill will receive Royal Assent in late 2011. The current standards regime will continue to function until a fixed date, probably two months after the Bill receives Royal Assent. Complaints made before that date will be considered under the current, statutory regime.

5 RISK MANAGEMENT

5.1 Public confidence in elected Members is key to effective local government and so a robust complaints system is needed.

6 EQUALITIES

6.1 One key principle of the Code of Conduct is that Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. The Code requires Members to respect the impartiality and integrity of the Authority's Statutory Officers, and its employees.

6.2 It is not considered that the proposals will have any impact on persons with protected characteristics.

7 CONSULTATION

7.1 Standards Committee; Monitoring Officer.

7.2 This is the report of the Standards Committee and represents their conclusions having sought comment thereon.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Social Inclusion; Customer Focus; Human Rights; Corporate.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Vernon Hitchman, Monitoring Officer Sue Toland, Independent Chair of the Standards Committee
Background papers	Report and minutes of Standards Committee
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 September 2011
TITLE:	Policy Development and Scrutiny Panels - Role of Vice Chairs
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
1. Overview and Scrutiny Rules showing proposed changes	

1 THE ISSUE

1.1 As requested by Council at its May meeting, to put forward proposals concerning the role of Vice-Chairs of Policy Development and Scrutiny Panels.

2 RECOMMENDATION

Council is asked to:

2.1 Note any views expressed by Chairs and Vice-Chairs at their meeting on 12 September; and

2.2 Approve the proposed changes outlined in Appendix 1 or such other changes as Council may decide.

3 FINANCIAL IMPLICATIONS

3.1 There are none.

4 CORPORATE PRIORITIES

4.1 None directly relevant

5 THE REPORT

5.1 Council, at its meeting in May, resolved as follows:

“To instruct the Monitoring Officer, in consultation with Group Leaders, to review the Overview & Scrutiny rules and other aspects of the Constitution with a view to identifying appropriate mechanisms to ensure the optimal involvement of Vice-Chairs in the conduct of Overview & Scrutiny business and report thereon to the next meeting of Council. “

5.2 Discussions are to be held with Group Leaders and Chairs and Vice-Chairs of Panels in early September.

5.3 The proposed amendments to the relevant constitutional rules attached as Appendix 1 are the only aspect of the Constitution which requires amendment.

5.4 The Constitution uses the term ‘overview and scrutiny’ to describe the function; however, where it refers to Panels, the term ‘Policy Development and Scrutiny’ is used.

5.5 An update will be given to Council at the meeting on any proposals arising from consultation and discussion.

6 RISK MANAGEMENT

6.1 No risk assessment related to the issue and recommendations has been undertaken, as it is not relevant.

7 EQUALITIES

7.1 There will be no impact on persons with protected characteristics.

8 CONSULTATION

8.1 Policy Development & Scrutiny Panels’ Chairs and Vice-Chairs; Group Leaders; Section 151 Finance Officer; Chief Executive; Monitoring Officer

8.2 Consultation was carried out by email and at meetings.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 None applicable.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Vernon Hitchman, Monitoring Officer, ext 5171
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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4E: OVERVIEW & SCRUTINY PROCEDURE RULES

GENERAL MATTERS

RULE 1 - STRUCTURE AND MEMBERSHIP

Members of all political groups (except members of the Cabinet) may be members of a Policy Development and Scrutiny Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

Any Policy Development and Scrutiny Panel dealing wholly or in part with education matters, shall include in its membership voting representatives of Parent Governors and from the Church of England and Roman Catholic Dioceses. They may vote only on education matters but their views may be sought on other issues discussed at such a Panel. The number of such representatives to be determined by the relevant Policy Development and Scrutiny Panel, but will include at least two representatives of Parent Governors.

A Policy Development and Scrutiny Panel designated as the Crime and Disorder Panel under Police and Justice Act 2006 may include in its membership, voting representation from the Community Safety Responsible Authorities Group, subject to the Panel's discretion. They may vote only on crime and disorder matters, but their views may be sought on other issues discussed at such a body.

RULE 2 – CHAIRING

The roles of Chair and Vice Chair (persons) of Policy Development and Scrutiny Panels will be allocated to political groups on a basis to be agreed by the Council.

~~Other than described in Rule 1, a Chair of an Overview and Scrutiny Panel shall be elected for the whole Council Year.~~

RULE 3 – SUBSTITUTES

The membership of a Policy Development and Scrutiny Panel shall, as far as practicable remain the same throughout the period of a specific review, whether within the programme of reviews or unplanned. For all other business of Policy Development and Scrutiny Panels, substitute members (other than Cabinet members) will be permitted in accordance with the arrangements described in Council Procedure Rule 8 above. All substitutes will be the holder of that seat for the whole duration of that meeting, whether or not in attendance throughout.

RULE 4 – CASUAL VACANCIES

A vacancy on a Policy Development and Scrutiny Panel arises when a Councillor or a co-opted member resigns from membership of the Panel, or dies.

The Chief Executive will use delegated powers to fill vacancies on these Panels, in consultation with the Chair of the relevant Policy Development and Scrutiny Panel, and in accordance with the wishes of the political group which has nomination rights to the vacancy.

RULE 5 – DATES AND TIMES OF MEETINGS

The arrangements for meetings of Policy Development and Scrutiny Panels shall be set out in the diary of meetings as agreed by the Council. Such Panels will have flexibility to make other or additional arrangements for conducting their business, particularly in undertaking detailed service or issue reviews.

RULE 6 – SPECIAL OR EXTRAORDINARY MEETINGS

A special or extraordinary meeting may be called by the Chair or Vice Chair of a Policy Development and Scrutiny Panel.

Alternatively, such a meeting may be called by at least one quarter of the Panel's membership signing a notice to the Chief Executive, setting out the business of the meeting and, if appropriate the time scale in which the meeting is to be held.

The Chief Executive will convene the meeting as soon as practicable.

The Chief Executive may also at his/her instigation convene a special or extraordinary meeting, having first consulted the relevant Chair and Vice chair.

RULE 7 – JOINT MEETINGS

A Policy Development and Scrutiny Panel may have a joint meeting with another such body (or may appoint a sub panel or board to participate in a joint meeting) to discuss matters of mutual interest.

The joint meeting will, by a simple majority vote, elect a Councillor to chair the meeting.

RULE 8 – SUB BODIES

A Policy Development and Scrutiny Panel may appoint sub bodies. These must have a specified short - term task and a specified life span. Their establishment must be consistent with the overall work programme (See Rule 9 below).

RULE 9 – WORK PROGRAMME

A rolling programme of work for each Policy Development and Scrutiny Panel will be drawn up, with individual discretion as to the best means for achieving their individual work programme. Overview and Scrutiny Chairs and Vice Chairs will ensure work plan activities are maximised to the benefit of the whole Overview and Scrutiny function, within shared resources and available budgets.

If there is any doubt or disagreement with regard to the allocation of business between Panels, the Chief Executive is authorised to determine such matters after consultation with Overview and Scrutiny Chairs and Vice Chairs and/or Group Leaders (or their nominees).

The designated "Crime and Disorder Committee" will scrutinise the Community Safety Strategy as a minimum once each year, as required by the Police and Justice Act 2006.

RULE 10– MATTERS WITHIN THE REMIT OF MORE THAN ONE POLICY DEVELOPMENT AND SCRUTINY PANEL

Where a matter for consideration by a Policy Development and Scrutiny Panel also falls within the remit of one or more other such Panels, the ~~Council Solicitor~~Monitoring officer, on behalf of the Chief Executive, and in consultation with the Chairs and Vice Chairs of the relevant Policy Development and Scrutiny Panels will determine (a) which such body will consider it, or (b) which parts will be considered by which body or (c) that the matter will be considered by a joint meeting of the relevant bodies.

RULE 11 – REQUESTS FROM COUNCIL OR CABINET

All requests from the Council and the Cabinet to review particular areas of work will be reported to the Chair and Vice Chair of the relevant Policy Development and Scrutiny Panel who will then place the item on the relevant agenda. In determining such requests the Panel, on advice from its Chair (person), will consider its capacity to deliver on the request within any stated time scales, and will advise the requesting person/body of any issues on this.

RULE 12 – POLICY REVIEW AND DEVELOPMENT

The role of Policy Development and Scrutiny Panels in relation to the development of the Council's Policy and Budget Framework is set out in the Policy and Budget Framework Procedural Rules.

In relation to the development of the Council's approach to other matters, Policy Development and Scrutiny Panels may make proposals or comment to the Cabinet (or other bodies/persons exercising executive functions).

Policy Development and Scrutiny Panels may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, as long as such payments can be met from within existing budgets.

RULE 13 – REPORTS FROM POLICY DEVELOPMENT AND SCRUTINY PANELS

Once it has formed recommendations or proposals (either on its own volition or in response to a request), a Policy Development and Scrutiny Panel will prepare a report of its findings and may submit it for initial consideration by either the Cabinet or the full Council – the choice is that of the Policy Development and Scrutiny Panel, unless specifically directed by the Council.

When a Policy Development and Scrutiny Panel reports to the Council, the Chair shall give an opportunity to the relevant Cabinet Member(s) to comment on any recommendations

contained in the report.

Where the report of the Policy Development and Scrutiny Panel contains recommendations or findings for consideration by a partner body/joint body which performs functions on behalf of the Council or on behalf of the Cabinet, the Policy Development and Scrutiny Panel shall submit its report to that partner body/joint body instead of or as well as reporting to the Council or the Cabinet.

Any report which recommends a change to the Policy and Budget Framework will be made available to all Council members.

Where a Policy Development and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) it has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources or the extent to which that should be seen as a priority for future years' budget considerations.

The Council or the Cabinet as appropriate shall always consider the report of the Policy Development and Scrutiny Panel at the next available meeting.

Minority reports: If a Policy Development and Scrutiny Panel cannot agree on one single final outcome report then a minority report may be prepared and submitted by the dissenting member(s). Officers supporting the particular Policy Development and Scrutiny Panel during the relevant review will offer factual information to the dissenting member(s) in the production of their minority report.

RULE 14 – RIGHTS OF ATTENDANCE BY CHAIRS OF POLICY DEVELOPMENT AND SCRUTINY PANELS AND CABINET MEMBERS

The Chair (or nominee) and Vice Chair of a Policy Development and Scrutiny Panel will have the right to attend any meeting of the Cabinet or other executive body at which a report from her/his Panel is being considered, whether it is in public or private session (for consideration of exempt items). The Chair (or nominee) shall also have the right to present the report to the meeting of the Cabinet.

Similarly, s/he shall have the right to present the findings of a report direct to a Cabinet Member prior to a decision being taken which falls within the portfolio of the Cabinet Member.

A Cabinet Member shall have the right to attend any formal meeting of a Policy Development and Scrutiny Panel at which an issue is being discussed which directly relates to a previous or proposed executive decision or policy issue falling within the Cabinet Member's portfolio. The Cabinet Member may speak at the discretion of the Chair of the Policy Development and Scrutiny Panel.

RULE 15 - RESPONSE OF COUNCIL AND THE CABINET TO REPORTS OF POLICY DEVELOPMENT AND SCRUTINY PANELS

When it receives a report and recommendations direct from a Policy Development and Scrutiny Panel, the Council shall consider

- what it has the power to do given the allocation of functions to the Council, the Cabinet and other Committees of the Council if relevant;
- what comments it wishes to offer to the Cabinet in referring any report to them for action – such comment may take the form of a clear view about the wishes of the Council on the matter which the Cabinet should take account of;
- requesting the Cabinet to report back to Council with an action plan for executive action on the findings of the report;
- making a decision on the findings of the report, where it has the power to do so;
- whether the report should be referred back to the Policy Development and Scrutiny Panel – with comments from the Council on matters to be further considered

When it receives a report direct from a Policy Development and Scrutiny Panel, the Cabinet shall publish its response within 2 months, having considered

- any recommendations contained in the report;
- referring the report to a Cabinet Member for consideration and report back direct to the Policy Development and Scrutiny Panel – where the report covers issues falling within the portfolio of a single Cabinet Member;
- any further Officer advice needed in order to determine its response to the issues raised;
- any impact on the Policy and Budget Framework (in which case the procedure as set out in Policy and Budget Framework Procedure Rule 2 shall apply for any agreed actions)
- an action plan to deliver on those recommendations that are accepted;
- reporting back to the relevant Policy Development and Scrutiny Panel on its decisions and the reasons and rationale for accepting or rejecting the Panel's recommendations.

and may invite the Council to comment on the matter before taking any action.

When a Policy Development and Scrutiny Panel requests the Cabinet or a Cabinet Member to defer taking a decision pending further work by Overview and Scrutiny, the Cabinet or the Cabinet Member

- shall seek advice from the relevant lead Officer and/or the Monitoring Officer/Chief Financial Officer as appropriate; and
- shall have regard to any statutory or other timetable relevant to the timing of the decision

The final decision on the request is that of the Cabinet or Cabinet Member.

RULE 16 – RIGHTS OF MEMBERS TO DOCUMENTS

In addition to their rights as councillors, members of Policy Development and Scrutiny Panels have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules earlier in this volume.

Nothing in this Rule prevents full liaison between the Cabinet and Policy Development and Scrutiny Panels as appropriate.

RULE 17 – MEMBERS AND OFFICERS ATTENDING

A Policy Development and Scrutiny Panel may require any member of the Cabinet or a senior Officer (Chief Executive, Director or Divisional Director) to attend before it to explain any particular decision made or the extent to which the action taken implements Council policy.

If a Policy Development and Scrutiny Panel is convened to consider a petition calling an officer to account, a senior Officer will be required to attend. The Officers of the Council who can be called to account in this way are; the Chief Executive, Strategic Directors, the Monitoring Officer and the Chief Financial Officer (subject to the provisions set out in the Council's Petitions Scheme).

Any member of the Council may be invited to attend a meeting of a Policy Development and Scrutiny Panel to give evidence in a particular review being undertaken or to assist in other business of the meeting.

RULE 18 – ATTENDANCE BY OTHER INVITED PERSONS

Policy Development and Scrutiny Panels may invite any other persons to give evidence. These rights are in addition to public speaking rights. Each Panel will make appropriate arrangements for the presentation of evidence, questioning of participants, time limits etc, subject to the Council approving supplementary rules or guidance if this is deemed to be necessary.

RULE 19 – “CALL IN” OF EXECUTIVE DECISIONS

A Policy Development and Scrutiny Panel shall consider any validated “call-in” of an executive decision referred to it and shall report its findings thereon to the person or body who made the decision. The detailed “call-in” Rules are set out at the end of the Cabinet Procedure Rules within this Constitution.

A Policy Development and Scrutiny Panel will itself have the power to comment on a planned decision as notified to it in the Cabinet Work Programme. A Chair or Vice Chair will have the right to comment directly to the proposed decision maker on any planned decision included in the emerging or published Cabinet Forward Plan.

PREPARATION FOR MEETINGS OF POLICY DEVELOPMENT AND SCRUTINY PANELS

RULE 20 – AGENDA DESPATCH

When a Policy Development and Scrutiny Panel is considering formal business, the items to be considered will be set down in an agenda. The agenda papers will be sent to every

member of the Policy Development and Scrutiny Panel 5 clear working days before the meeting.

In the case of an emergency meeting of the Panel, a shorter period of notice may be given.

The list of agenda items will be made available to councillors who are not members of the relevant Panel.

RULE 21 – ITEMS ON THE AGENDA

Any member of the Council may submit to the Chief Executive a relevant item for the agenda of the next available meeting of a Policy Development and Scrutiny Panel. Written notice of every item, signed by or on behalf of the Member(s) giving notice, with the name of the political group shown after the Member's name (unless the item is to stand in the name of the Member only), must be delivered to the Council Solicitor-Monitoring Officer (on behalf of the Chief Executive) not later than 7 clear working days before the date of the meeting.

The Chair following consultation with the Vice chair of the relevant Panel will determine whether or not to include the item on the agenda and their decision shall be final.

In considering this matter, the Chair will take into account the views of the Chief Executive who shall also give advice about the implications of the request on the delivery of the Overview and Scrutiny work programme.

If the item is accepted, the member will have the right to attend and, at the discretion of the Chair, to speak on the matter.

The meeting has the right to determine with advice from Officers whether it wishes to defer the matter to a future meeting for further Officer report/advice.

RULE 22 - AGENDA CONTENT AND ORDER OF BUSINESS

The following formal business shall be considered by each Policy Development and Scrutiny Panel as appropriate:

- (i) minutes or other record of previous meeting;
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the Panel for a decision in relation to the "call-in" of an executive decision;
- (iv) response of the Cabinet to reports of Overview and Scrutiny activity;
- (v) business otherwise set out on the agenda.

RULE 23 – MEMBERS ATTENDING POLICY DEVELOPMENT AND SCRUTINY PANELS

When the Council or the Cabinet refers any matter raised by a Member to a Policy Development and Scrutiny Panel for consideration, the Member concerned will have the right to attend any meeting which considers the matter. The Member may speak on the matter only at the discretion of the Chair and will not be permitted to vote on the matter unless s/he is a named voting member of that meeting.

Any Member of the Council may attend to observe at a meeting of a Policy Development and

Scrutiny Panel and may speak at the discretion of the Chair (person).

RULE 24 – MINIMUM NUMBER OF MEMBERS PRESENT (QUORUM)

No business shall be transacted at a formal meeting of a Policy Development and Scrutiny Panel unless at least one quarter of the voting councillors or 3, whichever is the greater, are present. Where non-councillor members of a Panel have voting rights, their attendance shall be excluded from the calculation of the minimum number.

If, at the start of or during any meeting of a Policy Development and Scrutiny Panel the Chair, after requiring a count of the number of Members present, declares that there is not a minimum required number present, the meeting shall immediately stand adjourned.

The consideration of any business not transacted shall be adjourned to the next ordinary meeting of the Panel concerned unless the Chair decides following consultation with the Vice Chair that the meeting should be re-convened on another date to transact or complete its business. When this happens, the Chair may also decide the date and time at which the meeting shall re-convene.

RULE 25 - RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting, to assist with the record of attendance.

RULE 26 - RECORDING AT MEETINGS

Anyone wishing to take photographs, make live broadcasts or audio or visual recordings at a meeting must first state their purpose to the Council's Communications and Marketing Manager, who will, if s/he is satisfied as to the legitimacy of the purpose, arrange for permission to be sought from the relevant meeting. The permission of the meeting must be given before any such recording is started.

RULE 27 - SUSPENSION OF RULES

There are occasions when it is helpful to the conduct of a meeting, or for other reasons, not to apply a particular Rule(s). It is therefore open to any meeting to suspend one or more Rule.

In accordance with Article 16.1, it is necessary for the suspension of a Rule to be proposed by a Councillor who should make it clear which Rule is being suspended and for how long. For example, it may be necessary to suspend a Rule for part or all of a meeting.

A majority of members present at a meeting must support the proposal to suspend a Rule.

RULE 28 – CHAIR'S CONDUCT OF MEETING

The Chair is responsible for conducting the meeting. In this s/he will be guided by the Chief Executive.

RULE 29 - POWERS AND DUTIES OF CHAIR

Council Procedural Rule 26 applies with regard to the powers and duties of the Chair. It is accepted that the proceedings of Policy Development and Scrutiny Panels need to be flexible and not structured rigidly in terms of debating and evidence gathering procedures.

Accordingly, there are no formal rules of debate set down for Policy Development and Scrutiny Panels and the Chair has wide discretion to rule on conduct, process and procedural matters.

The Chair will exercise this discretion in a manner which preserves the best interest of the Council and the effective conduct of its business.

RULE 30 – QUESTIONS FROM THE PUBLIC

Members of the public have the right to put forward questions for answer at a meeting of an Policy Development and Scrutiny Panel. This right extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens. All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 5pm on a Monday for a meeting on a Thursday).

All questions will be circulated to members of the Policy Development and Scrutiny Panel, visiting councillors and the public in advance of the meeting.

Questions must only be asked of the Chair (person), on behalf of the Policy Development and Scrutiny Panel.

The Chair (person) may

- nominate another councillor to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

There is no requirement of the questioner to read out the question nor of the Chair (person) to read out the answer if circulated. Where a written answer is circulated in advance, the Chair (person) may add to that answer orally at the meeting.

A question in multiple parts will be treated as a series of individual questions.

A question will not be accepted under this Rule if:

- the answer would require exempt or confidential information to be divulged;

- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

RULE 31 – QUESTIONS FROM COUNCILLORS

A Councillor shall have the right to put forward a question for answer at a meeting of a Policy Development and Scrutiny Panel.

All questions must be submitted in writing (this to include transmission by e mail).

Notice of the question must be given to the Council Solicitor no later than close of business 2 clear working days before the day of the meeting (eg 5pm on a Monday for a meeting on a Thursday).

All questions will be circulated to members of the Policy Development and Scrutiny Panel, visiting councillors and the public in advance of the meeting.

Questions must only be asked of the Chair (person), on behalf of the Policy Development and Scrutiny Panel.

The Chair (person) may

- nominate another councillor to reply on his or her behalf;
- indicate that a written answer will be provided, in which case that written answer shall be provided no later than 5 clear working days after the day of the meeting.

There is no requirement of the questioner to read out the question nor of the Chair (person) to read out the answer if circulated. Where a written answer is circulated in advance, the Chair (person) may add to that answer orally at the meeting.

A question in multiple parts will be treated as a series of individual questions.

A question will not be accepted under this Rule if

- the answer would require exempt or confidential information to be divulged;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where the question/answer process might prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

RULE 32 – PETITIONS, STATEMENTS AND DEPUTATIONS FROM THE PUBLIC OR COUNCILLORS

Members of the public and Councillors have the right to put forward petitions, statements and depositions at a meeting of a Policy Development and Scrutiny Panel. This right extends to any resident of Bath & North East Somerset of any age and includes a homeless person, a traveller currently within the Council area or a member of the Council's staff provided the subject matter relates to their role as a private citizen. This right also exists for a representative of any Bath & North East Somerset organisation or of any South West regional or sub-regional organisation that has legitimate legal activity in the Bath & North East Somerset area or whose work affects Bath & North East Somerset citizens.

There is no minimum number of signatures required for a petition.

Advance notice of the petition, statement or deputation, setting out the subject matter, must be lodged with the Council Solicitor no later than 2 clear working days before the day of the meeting at which the submission is to be made (e.g. Thursday 5pm for a meeting on Tuesday).

A submission under this Rule will not be accepted if

- it seeks to address exempt or confidential matters;
- the subject matter is about an application for a legal consent or permission where there is an alternative process to challenge the decision or to appeal against it or where this Procedural Rule would prejudice the proper consideration of such an application or consent;
- it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint;
- it contains an allegation against, or comments about, the conduct of individual councillors or officers.

There is no overall time limit set down for these submissions. Individual submissions will be limited to a maximum 3 minutes, or of a given time at the Chair's discretion.

If the submission relates to a general matter not on the agenda for the meeting, it will be taken at the start of the meeting. If it relates to an item on the agenda for the meeting, the person making the submission will be invited to address the meeting either at the start of the meeting or immediately before the item is debated, whichever they prefer.

Once the submission has been made, the Chair (person) will invite member of the body to ask any factual questions of the person making the submission. The meeting will then determine what action it wishes to take on the matters contained in the submission.

Nothing in this Rule shall constrain a Policy Development and Scrutiny Panel from making such arrangements as it thinks fit to enable the public and councillors to offer evidence to support any review work it undertakes.

RULE 33 – OTHER OPPORTUNITIES FOR VISITING PUBLIC AND COUNCILLORS TO SPEAK AT MEETINGS

During a meeting of a Policy Development and Scrutiny Panel, the Chair (person) may extend an invitation to the public and councillors in attendance, to ask an oral question about, or to comment on, an agenda item. There is no requirement to have given advance notice.

Where the Chair (person) decides to exercise such discretion the contribution from the public or from visiting councillors will be sought before the meeting moves to a formal debate of the agenda item.

The Chair (person) has absolute discretion in such matters. In choosing whether or not to exercise this discretion the Chair (person) shall have regard to the need for expediency and efficiency in the exercise of the meeting's business.

RULE 34- CONTACT WITH THE MEDIA

All media enquiries seeking an official response about the conduct of Panel business should be referred to the Communications and Marketing team, and the Democratic Services Manager and Panel Chair kept informed. Members of Policy Development and Scrutiny Panels should not contact or respond to queries regarding the Panel's business from the press without authorisation from the Chair except as an individual member not representing the Panel.

RULE 35 – EXCLUSION OF PRESS AND PUBLIC

If the Council, the Cabinet, a Policy Development and Scrutiny Panel, Committee, or sub-Committee pass a resolution pursuant to Section 100A of the Local Government Act 1972 to exclude the press and public from the whole or part of their proceedings, then the effect of such resolution shall extend to Members of the Council present at the meeting who are not Members of the body concerned: (subject to rule 14 above) provided that, except when the body is acting in a judicial or quasi-judicial capacity, such Members of the Council shall be permitted to remain if invited to do so by resolution of the body.

A Personal Assistant and/or nominated note taker for a disabled councillor or other person entitled to remain at a meeting after passing a resolution under this Rule, shall also be entitled to remain, provided they have signed an undertaking in advance not to divulge the nature of any exempt or confidential business discussed or submitted.

RULE 36 – DISORDERLY CONDUCT

If at a meeting any member of the Council, in the opinion of the Chair, misconducts her/himself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the meeting, the Chair or any other member may move "that the member named be not further heard", and the motion if seconded shall be put and determined immediately without discussion.

If the member named continues the misconduct after a motion under the foregoing paragraph has been carried the Chair shall -

EITHER move "that the member named do leave the meeting" (in which case the motion shall be put and determined immediately without seconding or discussion):

OR

adjourn the meeting for such period as s/he shall consider expedient.

In the event of general disturbance, which in the opinion of the Chair renders the due and orderly despatch of business impossible, the Chair in addition to any other power vested in her/him may, without question put, adjourn the meeting of the Council for such period as s/he in her/his discretion shall consider expedient.

Disturbance by Members of the Public

The provisions of Section 100A (exclusion of the public and press) are without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

If a member of the public interrupts the proceedings at any meeting the Chair shall issue a warning. If the person continues the interruption, the Chair shall order the person's removal from the meeting room. In case of general disturbance in any part of the chamber open to the public, the Chair may order that part of the meeting room to be cleared and / or may adjourn the meeting for such period as s/he in her/his discretion shall consider expedient.

RULE 37 – DECLARATION OF A PARTY WHIP

When considering any matter referred to a Policy Development and Scrutiny Panel by the Cabinet, or the review of any decision in respect of which a member of a Policy Development and Scrutiny Panel is subject to a party whip, the member must declare the existence of the whip, and the nature of it, before the commencement of the Panel's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The "party whip" means: -

Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner.

RULE 38 - RIGHTS AND RESPONSIBILITIES OF VICE CHAIRS

The Vice Chair of any Policy development panel will have the right:

1. to attend meetings organised by the Lead director for any Panel or relevant Cabinet Member to discuss or plan agenda items, workloads, priorities and current/future issues or developments and receive information/-briefing material relating thereto;
2. to comment on/be consulted on matters referred to the Chair of the Panel and speak jointly with the Chair to the media/public;
3. to be consulted along with the Chair on all issues relating to their Panel

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 th September 2011
TITLE:	DRAFT SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN AND HONORARY ALDERWOMEN OF BATH AND NORTH EAST SOMERSET
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1 – Draft Scheme for the Appointment of Honorary Aldermen and Alderwomen</p> <p>Appendix 2 – Former Members of Bath and North East Somerset Council who ceased to be Councillors following the May 2011 Council Elections and their Years of Council Service</p> <p>Appendix 3 – Former Wansdyke Area Councillors with 12 or More Years Unbroken Service who served on Bath and North East Somerset Council up to 2007</p>	

1 THE ISSUE

1.1 The Political Group Leaders have asked for consideration to be given to the establishment of a Scheme for the Appointment of Honorary Aldermen and Honorary Alderwomen of Bath and North East Somerset to recognise the contribution to the community made by former long serving councillors.

2 RECOMMENDATION

2.1 [For the Panel

2.1.1 The Resources Policy Development and Scrutiny Panel is asked to recommend to Council whether a Scheme for the Appointment of Honorary Aldermen and Honorary Alderwomen be approved as set out in Appendix 1 to this report, subject to any views the Panel may wish to convey to the Council on the proposal and in particular on the questions raised in the report about:

- (1) The number of years qualifying service – should it be 12 years (3 terms) or 8 years (2 terms)? (paragraph 4.3)*
- (2) Should only unbroken service or cumulative service be counted? (paragraph 4.4)*

- (3) *Should the service counted be only on Bath and North East Somerset Council and one of its predecessor authorities or should service on a principal local authority (unitary, county or district council) anywhere in the UK be eligible? (paragraph 4.4)*
- (4) *What should be the implementation date for the nomination of eligible candidates to be appointed as Honorary Aldermen and Honorary Alderwomen – is it those who ceased to be councillors after the May 2011 Council Elections or does the Council wish to include eligible former councillors who left office at the 2007 or earlier Council Elections? (paragraphs 4.8 to 4.10)]*

2.2 For Council

2.2.1 Council is asked to consider the comments of the Panel which will be circulated to all Councillors after the Panel Meeting on the 12th September 2011

3 FINANCIAL IMPLICATIONS

3.1 The cost of providing a Roll of Honorary Aldermen and Honorary Alderwomen to be signed by each former councillor appointed to the honorary office can be met from Legal and Democratic Services budgets. There are no other additional costs anticipated if the proposal is accepted as outlined which cannot be met from existing budgets.

4 THE REPORT

4.1 The Local Government Act 1972 gives councils the power to confer the title of Honorary Alderman or Honorary Alderwoman on “persons who have, in the opinion of the council, rendered eminent services to the council as past members.” To confer the title requires a special meeting of the Full Council to be held at which the decision to award the title is carried by a majority of not less than two thirds of the members voting on it.

4.2 Whilst the formal decision is subject to these rules, there is no requirement for the agreement in principle on which names should go forward to be decided formally. However, it would be prudent to have a working arrangement that secured sufficient informal agreement in advance amongst Councillors, to ensure that the formal decision at the Full Council Meeting at which the Aldermen/Alderwomen were appointed, would be carried without challenge. If a decision was taken to appoint Honorary Aldermen/Alderwomen, in order to achieve a consensus on those to be appointed, one option would be for the list of candidates to be agreed and put forward on a recommendation to the Full Council from the Leader of the Council, following consultation with the other Political Group Leaders. This is the basis of the draft Scheme set out in Appendix 1.

4.3 If the decision is made to appoint Honorary Aldermen and Honorary Alderwomen, consideration needs to be given to the qualifying criteria. The draft Scheme set out in Appendix 1 is based on length of service of either 3 terms as a councillor or having been the Chair of the Council. This is equivalent to the arrangements which the Charter Trustees of the City of Bath have for nominating Honorary Aldermen of the City (see paragraph 4.7 below).

4.4 A decision needs to be made on how the length of service is counted: Does it only apply to B&NES Council or any of its 3 predecessor councils or would service on

any other principal local authority also count? Must the period of service be unbroken or does cumulative service qualify?

- 4.5 The Honorary Aldermen and Alderwomen appointed by the former Bath City Council and (within the B&NES area) the former Avon County Council automatically became Honorary Aldermen/Alderwomen of Bath and North East Somerset under the transitional regulations when those councils ceased to exist in 1996. Wansdyke Council did not appoint any Honorary Aldermen/Alderwomen. Bath and North East Somerset Council has not appointed any Honorary Aldermen/Alderwomen in its own right since 1996.
- 4.6 There are no rights or privileges specified in law for Honorary Aldermen/Alderwomen. Because councillors of Bath and North East Somerset Council do not wear civic robes it is not proposed that the Honorary Aldermen and Honorary Alderwomen should wear civic robes or medals.
- 4.7 The Charter Trustees of the City of Bath have a scheme for appointing as Honorary Aldermen of the City former mayors or councillors who have served at least three terms in office (12 years). Their names are inscribed in the Roll of Honorary Aldermen of the City of Bath and the Trustees have decided to award them a number of civic privileges relating to that role.
- 4.8 If a decision is made to proceed with the appointment of Honorary Aldermen and Honorary Alderwomen by this Council, it would be necessary to decide which former councillors to honour in that way.
- 4.9 A list of those who ceased to be councillors at the May 2011 Council Elections which indicates their periods of service on this and other local authorities is attached as Appendix 2.
- 4.10 As the former Wansdyke Council did not appoint Honorary Aldermen and Honorary Alderwomen, unlike the other two predecessor authorities Avon County and Bath City Councils, the view may be taken that there is a wish to honour long serving councillors in the Wansdyke area who ceased to be councillors at the May 2007 or earlier Council Elections. A list of those former councillors with 12 or more years unbroken service on B&NES Council and the former Wansdyke Council is attached as Appendix 3.

5 RISK MANAGEMENT

- 5.1 Having regard to the Council's decision making risk management guidance no risks have been identified in respect of this proposal.

6 EQUALITIES

- 6.1 This proposal would improve the Council's arrangements for giving public recognition to long and exceptional service to the community by former councillors.

7 CONSULTATION

7.1 The Political Group Leaders have been consulted on the principle of making a scheme and are in agreement with it.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Public recognition of distinguished service by former councillors would acknowledge their contribution to the local community and thereby contribute towards improving social cohesion and the corporate image and identity of the Council.

9 ADVICE SOUGHT

9.1 The Chief Executive, the Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and the Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Vernon Hitchman, Divisional Director Legal and Democratic Services tel 01225 395171
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1

PROPOSED SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN AND HONORARY ALDERWOMEN OF BATH AND NORTH EAST SOMERSET

The Council has adopted a Scheme for appointing as Honorary Aldermen and Alderwomen of Bath and North East Somerset, those former councillors who have been appointed to this honorary office by resolution of the Full Council in accordance with Section 249 of the Local Government Act 1972.

The normal requirement for appointment as an Honorary Alderman or Alderwoman is for the former councillor to have served at least three terms in office (12 years) or, if they have served for a lesser period, to have occupied the position of the Chair of Bath and North East Somerset Council during their period as a councillor. This requirement can be varied to recognise exceptional service that does not meet the qualifying period upon the recommendation of the Leader of the Council.

The names of the former councillors proposed for this honour shall be presented to Full Council upon the recommendation of the Leader of the Council following consultation with the other Political Group Leaders. A Special Meeting of the Full Council shall be held to consider the Leader's recommendations and confer the title of Honorary Alderman / Honorary Alderwomen on the former councillors nominated.

Honorary Aldermen and Honorary Alderwomen of Bath and North East Somerset shall enjoy the following privileges:

1. To have their names inscribed in the Roll of Honorary Aldermen and Honorary Alderwomen contained in a bound leather book to be held by the Chief Executive.
2. To have their names considered for inclusion in the lists of persons to whom invitations are sent for civic receptions and other civic functions or ceremonies hosted by the Chair on behalf of the Council.
3. To enjoy whatever other facilities are offered to the Honorary Aldermen and Honorary Alderwomen as shall be determined by the Chief Executive following consultation with the Political Group Leaders.
4. To be entitled to describe themselves on public occasions and in correspondence as an Honorary Alderman or an Honorary Alderwoman of Bath and North East Somerset.

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**FORMER MEMBERS OF BATH & NORTH EAST SOMERSET COUNCIL WHO CEASED TO BE COUNCILLORS FOLLOWING
THE MAY 2011 ELECTIONS**

	B&NES	BATH CITY	AVON	WANSDYKE
Vic Clarke	2007 - 2011 retired			
Chris Cray	2003, 2007-2011 retired			
Colin Darracott	Feb 1998 (Weston by-election), 2003, 2007-2011 retired			
Ian Dewey	1995, 1999, 2003, 2007-2011 retired	1970-1988 (break of a year 83/84)	1989-1993	
Armand Edwards	2007-2011 retired			
Terry Gazzard	2007-2011 retired			
David Hawkins	1995, (1999 not elected), 2000 (By-election), 2003, 2007-2011 retired	1987-1996		
Lynda Hedges	1999, 2003, 2007-2011 retired			
Adrian Inker	1995, 1999, 2003, 2007-2011 retired			
Shaun McGall	1999, 2003, 2007-2011 retired			
Marian McNeir	1995, 1999, 2003, 2007-2011 retired			
David Speirs	2007-2011 retired			
Shirley Steel	2003, 2007-2011 retired			1987-1995
Brook Whelan	2007-2011 retired			
John Whittock	2007-2011 retired			1979-1987 as Independent
Gordon Wood	1995, 1999, 2003, 2007-2011 retired			1978-1987, 1988-1996

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APPENDIX 3

**FORMER WANSDYKE AREA COUNCILLORS WITH 12 OR MORE YEARS
UNBROKEN SERVICE WHO SERVED ON BATH AND NORTH EAST SOMERSET
COUNCIL UP TO 2007**

Sheila Bateman - Elected 1987 – Retired 2003

Tony Cox - Elected 1987 – Retired 2007

Trevor Deacon - Elected 1987 – Retired 1999

Alan French - Elected 1991 – Retired 2003

Esme Latchem - Elected 1979 – Retired 1999

Doug Miles - Elected 1973 – Retired 1999

**Betty Perry - Elected 1973 – Retired 2007

Terry Reakes - Elected 1987 – Retired 2003

Tom Rees-Mogg - Elected 1991 – Retired 2003

Les Sell - Elected 1979 – Retired 2003

Bruce Shearn - Elected 1987 – Retired 1999

Julie Stiddard - Elected 1991 – Retired 2003

**Mrs Betty Perry previously served on Avon County Council and was made an Honorary Alderwoman of that Council prior to its dissolution on 31st March 1996 thereby becoming an Honorary Alderwoman of Bath and North East Somerset as the successor principal authority in this area

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	15th September 2011	
TITLE:	Treasury Management Outturn Report 2010/11	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Performance Against Prudential Indicators Appendix 2 - The Council's Investment Position at 31st March 2011 Appendix 3 – Average monthly rate of return for 2010/2011 Appendix 4 – The Council's External Borrowing Position at 31st March 2011 Appendix 5 – Sterling Consultant's Economic & Market Review of 2010/11 Appendix 6 – Interest & Capital Financing Budget Monitoring 2010/11</p>		

1 THE ISSUE

- 1.1 In February 2010 the Council adopted the 2009 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, and to receive a mid year report and an annual report after the end of each financial year.
- 1.2 This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2010/11.
- 1.3 This report was previously presented to Cabinet on 13th July 2011 and Corporate Audit Committee on 28th June 2011 for both to note.

2 RECOMMENDATION

The Council agrees that:

- 2.1 the 2010/11 Treasury Management Annual Report to 31st March 2011, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 2.2 the 2010/11 actual Treasury Management Indicators are noted.

3 FINANCIAL IMPLICATIONS

3.1 The financial implications are contained within the body of the report.

4 CORPORATE PRIORITIES

4.1 This report is for information only and is therefore there are no proposals relating to the Council's Corporate Priorities.

5 THE REPORT

Summary

5.1 Performance against the Treasury Management & Prudential Indicators agreed as part of the annual Treasury Management Strategy is provided in Appendix 1. The outturn position and all treasury activity undertaken during the financial year is within the limits agreed by Council in February 2010, as shown in Appendix 1, as well as the CIPFA Code of Practice and the relevant legislative provisions.

5.2 The average rate of investment return for the 2010/11 financial year is 0.51% above the benchmark rate.

Summary of Returns 2010/11

5.3 The Council's investment position as at 31st March 2011 is given in Appendix 2. In line with the Annual Investment Strategy, investments undertaken were temporary short term investments made with reference to the core balance and cash flow requirements.

5.4 Gross interest earned from investments for 2010/11 totalled £910k. Net interest received, after deduction of amounts due to Schools, the West of England Growth Points, PCT and other internal balances, is £760k. Appendix 3 details the investment performance, the average rate of interest earned on investments over this period was 1.00%, which is 0.51% above the benchmark rate of average 7 day LIBID + 0.05% (0.49%).

Summary of Borrowings 2010/11

5.5 The Council's external borrowing as at 31st March 2011 is detailed in Appendix 4.

5.6 New loans totalling £10 million were taken from the Public Works Loan Board on 12th May 2010. One of the loans was £5 million for 25 years at a rate of 4.55%, and the other for a further £5 million for 50 years at a rate of 4.53%. It was decided to take a portion of the Council's borrowing requirement at this stage of the financial year so as to lock in at an interest rate below the rate of 4.75% included in the 2010/11 budget.

5.7 At the time of the decision, long term rates had fallen from a high in April 2010 of 4.74%, and there were concerns that rates could increase again if the general election failed to produce a clear direction in tackling the public sector budget deficit, making UK sovereign debt and therefore long term borrowing more expensive

5.8 The new borrowing took the Council's total borrowing to £90 million. The Council's Capital Financing Requirement (CFR) as at 31st March 2010 was £93.6 million. This represents the Council's need to borrow to finance capital expenditure, and demonstrates that the borrowing taken relates to funding historical capital spend relating to 2009/10 and prior years.

Strategic & Tactical Decisions

5.9 We have continued to place a significant proportion of our funds with highly-rated major financial institutions, primarily with UK banks, where we assess there is implicit or explicit Government support. During the year the amount invested with the Debt Management Office has gradually reduced to between 0-10% of total investments. Some short term investments of have been made with UK Building Societies from the Council's counterparty list that was approved by Council in February 2010. This has resulted in earning a more favourable return than the 0.25% paid by the Debt Management Office.

5.10 In line with recent years, the Council continued to take a pro-active risk management approach to its investment decisions during 2009/10 due to the continued volatility of the financial markets and banking sector. This approach included the following actions.

Budget Implications

5.11 A breakdown of the revenue budget for interest and capital financing and the actual year end position is included in **Appendix 6**. This shows an underspend of £330k in 2010/11. During the year, the Council tightened controls on expenditure where doubts over funding existed. This caused a slowing down of capital expenditure reducing capital financing costs in the short term. The Council's cash balances were higher than anticipated at budget setting generating higher investment interest income.

5.12 A Capital Financing Smoothing Reserve has been created from the underspend which arises in capital financing costs (Debt charges & MRP) in 2010/11, due to the profiling of the borrowing costs compared to the Capital Programme spend. This timing difference is caused where a Service starts to repay its borrowing costs when capital spending begins, but the spend is initially funded by internal borrowing until the Council's cash balances require the planned external funding to be taken.

6 RISK MANAGEMENT

6.1 The Council's lending & borrowing list has been regularly reviewed during the financial year and credit ratings are monitored throughout the year. All lending/borrowing transactions are within approved limits and with approved institutions. Investment & Borrowing advice is provided by our Treasury Management consultants Sterling.

6.2 The 2009 edition of the CIPFA Treasury Management in the Public Services: Code of Practice requires the Council nominate a committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies. In May 2010, the Council's treasury advisors provided training to the Corporate Audit Committee to carry out this scrutiny.

6.3 In addition, the Council maintain a risk register for Treasury Management activities, which is regularly reviewed and updated where applicable during the year.

7 EQUALITIES

7.1 This report provides information about the financial performance of the Council and therefore no specific equalities impact assessment has been carried out on the report.

8 RATIONALE

8.1 The Prudential Code and CIPFA's Code of Practice on Treasury Management requires regular monitoring and reporting of Treasury Management activities.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 Consultation has been carried out with the Cabinet Member for Community Resources, Section 151 Finance Officer, Chief Executive and Monitoring Officer.

10.2 Consultation was carried out via e-mail.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 This report deals with issues of a corporate nature.

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Tim Richens - 01225 477468 ; Jamie Whittard - 01225 477213</i> Tim.Richens@bathnes.gov.uk Jamie.Whittard@bathnes.gov.uk
Sponsoring Cabinet Member	<i>Councillor David Bellotti</i>
Background papers	<i>20010/11 Treasury Management & Investment Strategy</i> <i>1st & 3rd Quarter Treasury Performance Reports (Single Member Decisions)</i> <i>Half yearly Treasury Performance Report (Cabinet & Council)</i>
Please contact the report author if you need to access this report in an alternative format	

APPENDIX 1

Performance against Treasury Management Indicators agreed in Treasury Management Strategy Statement

1. Authorised limit for external debt

These limits include current commitments and proposals in the budget report for capital expenditure, plus additional headroom over & above the operational limit for unusual cash movements.

	2010/11 Prudential Indicator	2010/11 Actual as at 31st Mar 2011
	£'000	£'000
Borrowing	115,000	90,000
Other long term liabilities	3,000	0
Cumulative Total	118,000	90,000

2. Operational limit for external debt

The operational boundary for external debt is based on the same estimates as the authorised limit but without the additional headroom for unusual cash movements.

	2010/11 Prudential Indicator	2010/11 Actual as at 31st Mar 2011
	£'000	£'000
Borrowing	105,000	90,000
Other long term liabilities	2,000	0
Cumulative Total	107,000	90,000

3. Upper limit for fixed interest rate exposure

This is the maximum amount of total borrowing which can be at fixed interest rate, less any investments for a period greater than 12 months which has a fixed interest rate.

	2010/11 Prudential Indicator	2010/11 Actual as at 31st Mar 2011
	£'000	£'000
Fixed interest rate exposure	107,000	70,000*

* The £20m of LOBO's are quoted as variable rate in this analysis as the Lender has the option to change the rate at 6 monthly intervals (the Council has the option to repay the loan should the rate increase)

4. Upper limit for variable interest rate exposure

While fixed rate borrowing contributes significantly to reducing uncertainty surrounding interest rate changes, the pursuit of optimum performance levels may justify keeping flexibility through the use of variable interest rates. This is the maximum amount of total borrowing which can be at variable interest rates less any investments at variable interest rates (this includes any investments that have a fixed rate for less than 12 months).

	2010/11 Prudential Indicator	2010/11 Actual as at 31st Mar 2011
	£'000	£'000
Variable interest rate exposure	20,000	-44,000

5. Upper limit for total principal sums invested for over 364 days

This is the maximum % of total investments which can be over 364 days.

	2010/11 Prudential Indicator	2010/11 Actual as at 31st Mar 2011
	%	%
Investments over 364 days	25	0

6. Maturity Structure of new fixed rate borrowing during 2010/11

	Upper Limit	Lower Limit	2010/11 Actual as at 31st Mar 2011
	%	%	%
Under 12 months	50	Nil	0
12 months and within 24 months	50	Nil	0
24 months and within 5 years	50	Nil	0
5 years and within 10 years	50	Nil	0
10 years and above	100	Nil	100

£10 million of new borrowing was undertaken from the PWLB (Public Works Loan Board) during 2010/11 all of which had a maturity of greater than 10 years. The borrowing portfolio is shown in Appendix 4.

APPENDIX 2

The Council's Investment position at 31st March 2011

	Balance at 31 st March 2011
	£'000's
Notice (instant access funds)	24,000
Up to 1 month	10,000
1 month to 3 months	15,000
Over 3 months	15,000
Total	64,000

The investment figure of £64 million is made up as follows:

	£'000's
B&NES Council	48,434
West of England Growth Points	3,787
Schools	11,779
Total	64,000

The Council had an average net positive balance of £75.9m (including Growth Points Funding) during the period April 2010 to March 2011.

The following fixed term investments were undertaken during 2010/11 with a maturity date in the following financial year:

Institution	Amount	Rate	Start Date	Maturity Date	Long Term Credit Rating*
Barclays Bank	£5m	1.55%	15/04/10	14/04/11	AA-
Barclays Bank	£5m	1.00%	08/11/10	09/05/11	AA-
Barclays Bank	£5m	1.10%	10/12/10	10/06/11	AA-
Bank of Scotland	£5m	1.84%	01/06/10	01/06/11	A+
Bank of Scotland	£5m	2.10%	12/07/10	12/07/11	A+
Lloyds Banking Group	£5m	1.60%	26/11/10	26/08/11	A+
Oversea Chinese Banking Corporation	£5m	1.07%	31/03/11	30/09/11	A+
Total	£35m	-	-	-	

* The credit rating shown is the lowest equivalent rating from Fitch, Standard & Poors and Moody's credit rating agencies

The balance of £29m was held in call accounts at 31st March 2011.

Chart 1: Investments as at 31st March 2011 (£64m)

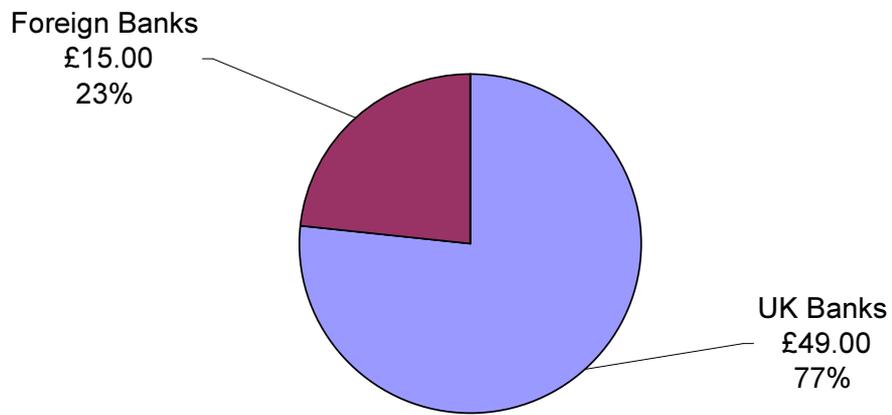
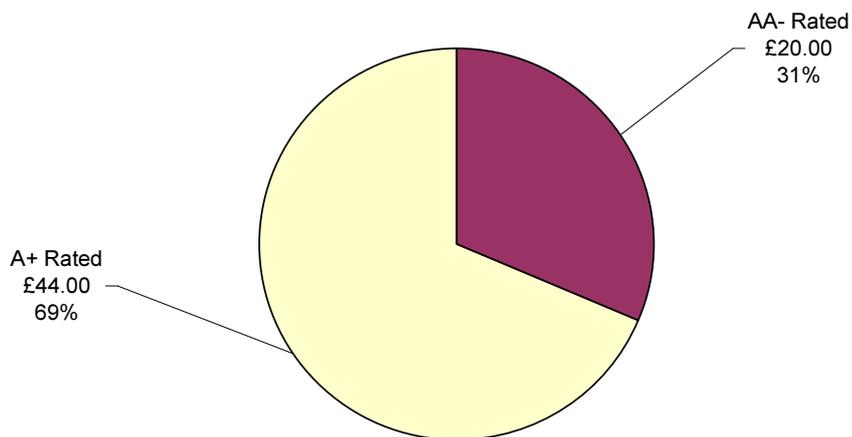


Chart 2: Investments - Lowest Equivalent Credit Ratings (£64m) - 31st March 2011



APPENDIX 3

Average rate of return for 2010/11

	Apr %	May %	Jun %	Jul %	Aug %	Sep %
Average rate of interest earned	0.97%	0.94%	0.98%	1.00%	1.03%	1.03%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Sterling)	0.47%	0.48%	0.48%	0.48%	0.48%	0.48%
Performance against Benchmark %	+0.50%	+0.46%	+0.50%	+0.52%	+0.55%	+0.55%

	Oct %	Nov %	Dec %	Jan %	Feb %	Mar %	Average for Period
Average rate of interest earned	1.01%	1.04%	1.05%	0.99%	0.97%	1.05%	1.00%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Sterling)	0.48%	0.48%	0.49%	0.50%	0.50%	0.50%	0.49%
Performance against Benchmark %	+0.53%	+0.58%	+0.58%	+0.49%	+0.47%	+0.55%	+0.51%

APPENDIX 4

Councils External Borrowing at 31st March 2011

LONG TERM	Amount	Start Date	Maturity Date	Interest Rate
PWLB	10,000,000	15/10/04	15/10/35	4.75%
PWLB	20,000,000	02/10/06	20/05/54	4.10%
PWLB	10,000,000	21/12/06	20/11/52	4.25%
PWLB	10,000,000	15/02/06	15/02/56	3.85%
PWLB	10,000,000	19/07/06	15/04/53	4.25%
PWLB	5,000,000	12/05/10	15/08/35	4.55%
PWLB	5,000,000	12/05/10	15/08/60	4.53%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
Eurohypo Bank*	10,000,000	27/04/05	27/04/55	4.50%
TOTAL	90,000,000			
TEMPORARY	NIL			
TOTAL	90,000,000			

- All LOBO's (Lender Option / Borrower Option) have reached the end of their fixed interest period and have reverted to the variable rate of 4.5%. The lender has the option to change the interest rate at 6 monthly intervals, however at this point the borrower also has the option to repay the loan without penalty.

APPENDIX 5

Annual Review 2010/11 – (provided by Sterling Treasury Advisors)

Following recession in 2009, global economic activity rebounded in 2010. Traditional exporters like Germany benefited from rising consumer demand worldwide, although economies more reliant on domestic consumption, including the UK, faced a weaker outlook. The government and household sectors of these countries were burdened by excessive debt, ultimately resulting in weaker domestic spending.

The absence of a quick economic recovery led to rising government budget deficits, especially in the European periphery, and prompted some concern among bond investors and credit rating agencies. This loss of confidence in the ability of some governments to repay their debts saw bond yields rise and the markets effectively closed to certain countries. Greece, Ireland and Portugal were all forced to seek financial assistance from the European Union and the International Monetary Fund.

The UK's deteriorating financial position was also a concern. The UK had the highest budget deficit in the EU in 2009/10 and the economic outlook was weak. However, the new Conservative-Liberal Democrat coalition government, formed following the inconclusive General Election in May 2010, outlined what was perceived by investors and credit rating agencies to be a credible fiscal consolidation plan. With financial problems continuing elsewhere in Europe, the UK was perceived to be a relative "safe haven", and strong appetite for UK government debt kept gilt yields low.

While the UK government focused on tightening fiscal policy, the Bank of England maintained loose monetary policy. Bank Rate remained at 0.5% throughout the financial year, despite inflation rising to over double the 2% target as the price of raw materials increased. With inflation expected to test 5% during 2011, heightening the risk that raised inflation expectations would feed into wages and prices, three members of the Monetary Policy Committee voted for a rise in Bank Rate in February. The remaining six members, however, were more concerned that higher interest rates could choke off the economic recovery, which was already showing signs of slowing in response to fiscal tightening. The MPC remains divided on when to raise Bank Rate.

APPENDIX 6

Capital Financing Costs – Budget Monitoring 2010/11 (Outturn)

April 2009 to March 2010	YEAR END POSITION			ADV/FAV
	Budgeted Spend or (Income) £'000	Actual Spend or (Income) £'000	Actual over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	2,025	2,025	0	
- Ex Avon Debt Costs	1,606	1,476	(130)	FAV
- Minimum Revenue Provision (MRP)	2,146	2,146	0	
- Interest on Balances	(560)	(760)	(200)	FAV
Sub Total - Capital Financing	5,217	4,887	(330)	FAV

Debt Costs shown net of Service Supported Borrowing income and includes transfers to capital financing reserve.

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	15 th September 2011
TITLE:	Annual Report – Corporate Audit Committee
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 – Annual Report	

1 THE ISSUE

- 1.1 The Corporate Audit Committee has specific delegated powers given to it from Full Council and as such is required to report back annually to Council under its Terms of Reference.
- 1.2 This is the Annual Report of the Committee which details its work over the last year.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 The Annual Report of the Corporate Audit Committee is noted

3 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications relevant to this report

4 CORPORATE PRIORITIES

- 4.1 Completion of the Corporate Audit Committee's work assists the organisation in efficiently and effectively contributing to the Council's priorities.

5 THE REPORT

- 5.1 Appendix 1 details the sixth annual report of the Corporate Audit Committee since it was established by the Council on 12 May 2005. It reviews the work done by the Committee over the past 12 months, its future workplan, membership and support of the Committee.
- 5.2 The Committee's work has continued to develop as detailed at Appendix 1 and as part of its responsibilities it has reviewed its terms of reference and the key areas of responsibility are still considered appropriate and meet current best practice.
- 5.3 Significant changes to the external audit regime have been signalled by the new coalition government following their decision to abolish the Audit Commission. A set of proposals entitled 'the future of local public audit' was recently consulted on nationally. This proposed a radical shift in roles and responsibilities for the S151 Officer and Audit Committee in relation to external audit.
- 5.4 The Audit Committee carefully considered all of the implications from this new proposal recognising the new government's desire to reduce costs and remove significant inspection work in this sector. They endorsed a robust management response to this consultation exercise and we are currently waiting to hear how the government will take their original proposals forward. Once the implications for the Council and the Committee are clear we will need to examine the implications of these changes for the Committee's terms of reference and future work programme.

6 RISK MANAGEMENT

- 6.1 A proportionate risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.
- 6.2 The Corporate Audit Committee has specific responsibility for ensuring the Council's Risk Management and Financial Governance framework is robust and effective.

7 EQUALITIES

- 7.1 A proportionate equalities impact assessment has been carried out using corporate guidelines.

8 CONSULTATION

- 8.1 The report was distributed to the Chief Executive, Council's Monitoring Officer, S151 Officer and Chair of the Audit Committee for consultation.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 No specific issues to consider.

10 ADVICE SOUGHT

10.1 The Council's Chief Executive, Monitoring Officer (Council Solicitor) and Section 151 Officer have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Jeff Wring (01225 477323)</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	

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Appendix 1

CORPORATE AUDIT COMMITTEE

ANNUAL REPORT TO COUNCIL 2010/11

1. INTRODUCTION

This is the sixth annual report of the Committee since it was established by the Council on 12 May 2005. It covers the work done during the year September 2010 to June 2011.

2. REVIEW OF WORK DONE IN 2010/11

a. Annual Accounts –

- i. The Committee approved on behalf of the Council an unqualified set of draft accounts for the year ended 31 March 2010 within the statutory deadline. This included the accounts for the Pension Fund.
- ii. The Committee then considered the formal governance reports for the Council and Pension Fund submitted by the external auditors on their audit of the accounts. The reports highlighted some presentational and technical changes to the accounts, but no changes to the General Fund Balances and Reserves. The auditors also noted an improvement in the quality of financial statements and associated working papers since last year. The Committee had kept this area under review throughout the year and was pleased to see the progress made by officers in improving standards.
- iii. An objection to the accounts was also received prior to the conclusion of the Audit, however the district auditor detailed that the issues under consideration were not material in relation to the accounts. A subsequent update was received in June from the District Auditor which found that the objections had not been upheld.
- iv. The report on the Pension Fund Accounts highlighted two non-trivial misstatements, however they did not require amendment as they were presentational and had no affect on the bottom line. The Governance reports were therefore noted and the audit of the Pension accounts formally completed.

b. Corporate Governance –

- i. The Accounts and Audit Regulations require the Council to carry out an annual review of its governance arrangements, and to produce an annual statement detailing the results of that review.
- ii. Due to the local elections one of the committee's formal meetings had to be cancelled and the committee was therefore not able to formally contribute to the outcomes of the review in the usual way. However the Chair of the Committee in conjunction with the independent member were briefed informally and their views were input to the process.

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- iii. This included a recommendation for the Committee to look at particular subject areas in more depth, which will include elements of Payroll and Information Governance being reviewed during the next 12 months.
 - iv. Following the local elections the new Committee then met for the first time in June and endorsed the Annual Governance Statement 2010/11 prior to its signature by the Leader of the Council and Chief Executive which included a follow up to the issues identified in the Annual Governance Statement for 2009/10.
 - v. The Committee also received its annual report on risk management during the year and considered a revised risk management strategy and updates on the strengthening of risk within the performance management framework. The updates were noted and welcomed by the Committee.
- c. Financial Governance -
- i. The Committee considered the latest Treasury Management Outturn for 2010/11 and Annual Investment Strategy for 2011/12. In addition to reviewing the annual strategy the Committee will continue to receive a mid year update report and annual review covering treasury management activities to support the Cabinet Member for Resources.
 - ii. Currently performance is good despite this being a very difficult and challenging arena due to the uncertainties within the global financial economy and scrutiny will continue to be important to ensure Council resources are invested wisely.
 - iii. All local authorities adopted International Financial Reporting Standards (IFRS) during the 2010/11 year and the Committee was updated on progress towards this target including approving the policy for componentisation. Initial feedback from the external auditors is positive with regard to Council compliance with these new standards and the committee will continue to monitor progress.
- d. Internal Audit –
- i. The Committee considered the Service's work plan and monitored its progress during the year. The Committee was reasonably satisfied with the balance of the plan between planned projects, unplanned commissions and follow-up of previous reports. 81% of the work planned for 2010/11 had been completed, compared with 84% in the previous year.
 - ii. Benchmarking results were again solid, with costs below Unitary average in nearly all categories whilst quality assurance indicators continue to be at a high level with 99% customer satisfaction. Concern was expressed however at the level of sickness and number of audit recommendations failing to be implemented and these areas will be monitored more closely during 2011/12.

Appendix 1

- iii. The Committee also noted the decision by the government to remove the financial management assessment process for all schools (FMSiS) during 2010. Previously B&NES had recorded excellent results with all secondary schools and primary schools achieving the accredited financial management standards, prescribed by central government. The Committee commended Internal Audit for their contribution to this success by providing training and support to all schools, as well as carrying out the formal external assessments. Future proposals were as yet unclear with the Department for Education still to consult on any replacement to this regime.
 - iv. Finally a long term project had been ongoing during 2010/11 reviewing future service delivery models for Internal Audit. This project was necessary to review the future provision of the service in light of the severe budget cuts required by all services, risks facing the organisation and skills necessary to carry out the audit role.
 - v. The Committee received the final report at its February committee which recommended an immediate internal restructure to prepare it for a potential shared service with neighbouring authorities. This restructure included an amalgamation of all audit and risk management resources and a recommendation that service delivery to be retained in-house for at least 2 years pending the results of further negotiation with neighbouring authorities.
 - vi. A 25% gross budget saving could be achieved by the end of 2011/12 as a result of these proposals along with the potential to close some but not all of the key skills gaps through a new partnership.
 - vii. The committee welcomed the report and strongly endorsed the recommendations recognising the potential of the partnership option but continuing to express a desire to retain an in-house service for as long as possible. Updates on progress to a potential new shared service were therefore requested during 2011/12.
- e. External Audit -
- i. In addition to the Governance Reports detailed above the Committee also considered the Annual Audit Letter for 2009/10 which summarised the work carried out by the Audit Commission.
 - ii. The previous assessment and inspection framework had been removed during 2010 following the change in government and the Audit Commission itself is to be abolished. Therefore there was a much reduced regime of coverage during 2010/11 with no formal reviews being completed outside of the audit of the accounts.
 - iii. Overall the council comfortably demonstrated a satisfactory VFM opinion within this process and had previously been assessed as 'good' within the previous inspection regime which was endorsed by the Committee.

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- iv. Finally, the future of the external audit regime and implications from the announcement to abolish the Audit Commission in August 2010 were a topic of significant interest to the Committee.
 - v. In March 2011 the Department for Local Communities and Local Government (DCLG) issued a consultation paper on the future of local public audit to address these issues.
 - vi. The Committee reviewed all of these proposals and recognised the efforts made by the new government to both reduce costs and remove onerous inspection work in this sector. It did however have significant concerns about some of the proposals, which could if not implemented properly, introduce additional cost and bureaucracy and change some of the essential tenets of good corporate governance by altering the makeup and terms of reference of the Audit Committee.
 - vii. It acknowledged management comments that the proposals appeared to be trying to tackle a bigger problem than replacing the Audit Commission as commissioner of external audit services and supported the management response sent to the DCLG. These issues will remain an area of high priority for the Audit Committee during 2011/12 and further updates will be required once DCLG release its final proposals.
- g. Review of Terms of Reference
- i. As part of good practice the Committee reviewed itself against CIPFA's best practice model for Audit Committees. Areas previously highlighted included independent support and training and development.
 - ii. In relation to independent support the committee has already tackled this through the adoption of a co-opted independent member and following a review in June it was recommended to retain the current role for at least a further 12 months pending the new proposals on the future of external audit.
 - iii. In relation to training and development a full programme was developed and briefings and presentations have been received on the following areas –
 - Future of the Audit Commission
 - Risk Management
 - Internal Audit
 - External Audit
 - Fraud & Corruption
 - West of England Partnership
 - Corporate Governance & Ethics
 - iv. This approach continues to be welcomed and has resulted in constructive and valuable debate of individual topic areas. The approach will therefore continue to be developed for the following year.

Appendix 1

3. WORK PLAN FOR 2011/12

- i. Whilst the Committee's work in 2011/12 will be broadly similar to the year recently ended it will need to continue to review the impacts of recent proposals around the future of the external audit regime.

4. MEMBERSHIP AND SUPPORT

- i. The Committee appointed for 2010/11 comprised 3 Liberal Democrats (including the Chairman Councillor Andrew Furse), 4 Conservatives and 1 independent co-opted member. Following the local elections in May 2011 the political make-up and chairman of the committee remained the same however 6 new members joined the Committee and met for the first time at the June Committee.
- ii. 4 meetings were held during 2010/11 with at least 6 out of the 8 members attending each meeting, and three meetings where at least where one substitute was necessary.
- iii. The Committee's lead officer is the Divisional Director for Risk and Assurance. Other officers attend, notably the Strategic Director for Resources, Divisional Director (Finance) who leads on financial issues through his S151 role and Group Manager for Audit & Risk. The external auditors are represented by a District Auditor and Audit Manager from the Audit Commission who attended all 4 meetings.

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