

COUNCIL EXECUTIVE

Wednesday 6th December 2006

PRESENT -:

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| Councillor Paul Crossley | – Leader |
| Councillor Sir Elgar Jenkins OBE | – Transport and Highways |
| Councillor Jonathan Gay | – Children’s Services |
| Councillor Gerry Curran | – Sustainability and the Environment |
| Councillor Colin Darracott | – Economic Development |
| Councillor Malcolm Hanney | – Resources |
| Councillor Nicole O’Flaherty | – Tourism, Leisure and Culture |
| Councillor Vic Pritchard | – Community Safety, Housing & Consumer Services |

79 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

80 EMERGENCY EVACUATION PROCEDURE

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

81 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Francine Haerberling.

82 DECLARATIONS OF INTEREST

Councillor Malcolm Hanney declared a personal and non-prejudicial interest relating to Agenda Items 12, 17 and 19 as Chair of the Primary Care Trust.

83 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)

There was none.

84 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 6 questions from the following people: Ian Thorn, Councillor Steve Hedges, Councillor Chris Watt, Councillor Gail Coleshill, Councillor Gitte Dawson, Councillor Bryan Chalker

[Copies of the questions and responses have been placed on the Minute book as Appendix 1 and are available on the Council’s website.]

85 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC AND COUNCILLORS

Due notice had been given of 4 statements. None of the speakers had indicated that their statement related to an item on the agenda.

Ian Thorn made a statement on behalf of "Abbey Residents Against a Casino in Bath" during which he presented a petition, which the Chair referred to the Executive member for Economic Development for his response in due course.

There were no factual questions from Executive members.

Councillor Charles Gerrish made a statement as Chair of Keynsham Town Centre Steering Group, during which he introduced a report which had been received by the Group relating to the need for a re-assessment of disabled access in Keynsham. He also referred to an anticipated planning application from the PCT for a new Health Park, and requested that provision should be made to ensure that routes to the site had proper accessibility. The report and maps (attached to the Minutes as Appendix 2 and Appendix 3) were referred by the Chair to the Executive member for Transportation for his attention.

Councillor Malcolm Hanney declared a personal and non-prejudicial interest relating to the Health Park issue raised by Councillor Gerrish, by virtue of being Chair of the Primary Care Trust.

There were no factual questions from Executive members.

Councillor Gitte Dawson made a statement in which she reminded Executive members that Council had voted on 15th September 2005 that sustainability issues would be built into all decision making procedures. She said that this had not been fully implemented and regretted that the sustainability awareness campaign called for had not taken place. She gave a number of examples of non-sustainable behaviour in the Council.

Councillor Nicole O'Flaherty asked whether Councillor Dawson would consider emailing to the Chief Executive with a copy to all councillors a list of the measures she would like to see introduced and asking for the Council resolution to be fully implemented. Councillor Dawson replied that she had emailed 3 times previously but would do so again.

Councillor Jonathan Gay asked if Councillor Dawson was aware that a planning application was imminent which sought permission for a wind turbine to be built at one of the Authority's schools. Councillor Dawson confirmed that she had been aware of this but said that it was only one aspect of the sustainability issue; and that for example all our Service Level Agreements should include a requirement to comply with the Council's policy on sustainability.

Councillor Gail Coleshill made a statement in which she pointed out that the Council had only one sustainability officer. While the Council had made good progress in some areas, much remained to be done. She identified a number of examples of non-sustainable behaviour in the Council and asked the Chief Executive and Executive members to ensure that the next Council budget included funding for an increase in the number of sustainability officers.

Councillor Vic Pritchard asked whether Councillor Coleshill would acknowledge that it was not necessary to have a whole department devoted to sustainability, if every

department was considering sustainability in all its activities. Councillor Coleshill replied that all departments must therefore be resourced to enable this.

Councillor Sir Elgar Jenkins OBE asked Councillor Coleshill to identify which other officer posts she would cut in order to fund her proposals. Councillor Coleshill replied that it was not necessary to cut other posts in order to enable sustainability to be effectively considered across the whole Council.

Councillor Paul Crossley asked whether Councillor Coleshill was aware of the recent launch of the Nottingham Declaration across the south-west and the work being done by the Council's Corporate Sustainability Manager to set up a scheme for using 13 tons of biomass to create heat and power. Councillor Coleshill replied that she was aware of those two initiatives but that it would still be necessary for the Council to invest in order to save.

86 MINUTES: WEDNESDAY 11TH OCTOBER 2006

On a motion from Councillor Paul Crossley, seconded by Councillor Nicole O'Flaherty, it was

RESOLVED that the minutes of the meeting held on Wednesday 11th October 2006 be confirmed as a correct record and signed by the Chair

87 CONSIDERATION OF SINGLE MEMBER ITEMS NOW REQUISITIONED TO COUNCIL EXECUTIVE (Report 9).

There were none.

88 CONSIDERATION OF MATTERS REFERRED BY OVERVIEW AND SCRUTINY BODIES (Report 10).

There were none.

89 2012 OLYMPICS - PARTNERSHIP WORKING (Report 11).

Councillor Nicole O'Flaherty in introducing the item said that there were huge opportunities for the local area. Details of sponsorship would be resolved once it was known which teams would be coming to the area. The local infrastructure may also benefit from the investment.

Councillor Malcolm Hanney seconded the proposal.

Councillor Sir Elgar Jenkins OBE agreed that support should be given in principle but said that it would be important to avoid making promises which could not be delivered. The prospect of ending up with large outstanding debts must be avoided and he noted that the Council's financial commitment in future years was vague.

Councillor Vic Pritchard shared these apprehensions and said that this project must be funded through the Service budget.

In summing up, Councillor Nicole O'Flaherty said that she hoped the Executive would take the broader picture about the benefits to young people, to the local economy and infrastructure. She agreed that future years funding could only be considered once the levels of sponsorship were known.

Rationale

The West of England Working Group had been formed to represent key partner organisations and lead on the work required to maximise the benefits of the Games to the sub-region. The Business Case provided with the report set out the outline plan to maximise the opportunities presented by 2012 in the period leading up to the event and to ensure that the sub-region could achieve a lasting legacy for community and economic benefits. The Business Case also set out the necessary infrastructure which would provide the platform to seize these opportunities and proposed how such an approach could be resourced.

The LGA in their recent publication 'A real legacy: getting the games on track for our communities', urged local authorities to get involved as they were best placed to be able to deliver the facilities which would provide the legacy of the Games and the benefits identified. Local authorities were identified as the community leaders to be involved in the Nations and Regions sub-groups.

The Council has a number of facilities which could be used for training if required. Should this be the case, the partnership would work with organisations such as Aquaterra and the Universities and other providers to provide a co-ordinated response to need.

Other Options Considered

The option of not joining the partnership was considered but rejected, on the basis that the Partnership would contribute meaningfully to achievement of the Council's corporate improvement priorities, CPA lines of enquiry, and community strategy outcomes.

On a motion from Councillor Nicole O'Flaherty, seconded by Councillor Malcolm Hanney, it was

RESOLVED (unanimously)

- (1) That the authority will be a member of the West of England Working Group for the 2012 Olympic Games and commit to the principles and funding obligations as itemised at paragraph 3 and further itemised in the attached business case to support this.
- (2) To fund the current year cost within the Tourism, Leisure and Culture budget and to consider future funding through the Service Plan process.
- (3) That, should additional funding not be approved within the Financial Plan for future years, the committed costs will also need to be absorbed within the Tourism, Leisure and Culture budget.

90 PUBLIC SERVICE AGREEMENT PERFORMANCE REPORT (Report 12).

Councillor Paul Crossley introduced the item by saying that this report is a credit to the Council's achievements. He said that PSA identified stretch targets were over and above the Council's normal targets and yet nearly 60% had been achieved and also some pump-priming funds had been attracted.

Councillor Sir Elgar Jenkins OBE seconded the proposal and said that the Council should still be exploring ways of improving on delivery even further.

Rationale

Internal Audit had found the processes in place for administering and producing the PSA figures both 'adequate and effective'.

Other Options Considered

None.

On a motion from Councillor Paul Crossley, seconded by Councillor Sir Elgar Jenkins OBE, it was

RESOLVED (unanimously)

- (1) To note the final performance position;
- (2) To note the amount of the Performance Reward Grant earned.

91 TRANSFER OF IT EQUIPMENT DISPOSAL SERVICE (Report 13).

Councillor Gitte Dawson made an *ad hoc* statement in which she expressed support for the proposal. She asked that steps be taken to publicise the disposal service widely so that charities and community groups would benefit.

Councillor Malcolm Hanney introduced the item by saying that the proposal was an example of the Council acting in a sustainable way while still ensuring the security of sensitive data.

Councillor Paul Crossley in seconding the proposal said that he agreed with both previous speakers.

Rationale

- (1) Transferring the IT equipment disposal service to HBS will provide the Council a complete, end-to-end service under the terms and conditions of their existing Partnership Agreement with the Council;
- (2) HBS currently procure and maintain all the Council's IT equipment and taking on the disposal service would complete the full cycle of use;
- (3) Additional benefits in transferring the service to HBS:
 - Disposal costs will be reduced. There will be no costs to the Council. In addition, HBS will contribute to the site costs at the Dartmouth Avenue business unit.
 - HBS will continue to provide the service to the community in recycling IT equipment to schools, charities, etc. as a priority (before sale to members of the public)
 - HBS would employ under TUPE conditions the one member of staff currently working in this service. The transfer would be a positive development opportunity for this officer to expand his skills and experience working in a larger IT environment.

Other Options Considered

(1) Keep the IT equipment disposal service under the auspices of Print Services. This option would have at two major disadvantages:

- Diffusion of the Print Services resources at a time when the Council has asked for an extended service. Directors Group have agreed a range of proposals on how to improve the procurement of Council communications materials, amongst them that “All printed materials must be sent to Linear Way Industries who will either print in-house or place with an external printer.” It is estimated that if all Council print requirements are put through the Print Services, the print volume will increase by 30-50%. All management and administrative resource will therefore need to be concentrated solely on the core business of delivering print services.
- Print Services would have to pick up the remainder of the costs of this now unrelated service, i.e., the difference between the true cost of the service [£16K p.a.] and the offsetting income from sales [£12K p.a.]

(2) Tender the IT equipment disposal service to an external provider. The following are among the disadvantages to this option

- The Council would still have to provide some of the up-front operations, e.g., recording asset numbers for all equipment and keeping records of all items disposed of. This would mean that the Council would be retaining some of the costs of the service by employing someone to do this work or paying HBS to do it as the equipment is made redundant.
- Issues of security: one of the key operations of the existing service is that all hard drives are ‘wiped clean’ so that, whether the equipment is disposed of by sending it to refuse or is re-sold, there is absolutely no trace of any Council data. It is unlikely that this aspect of the operation would be transferred to an external contractor because of issues of security; thus, the Council would have to retain yet another part of the service and have to pay for it, as above.

On a motion from Councillor Malcolm Hanney, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) That the IT equipment disposal service should transfer to the Council's partner HBS, waiving the need to apply Contract Standing Orders (i.e., the tender process).

92 WEST OF ENGLAND WASTE MANAGEMENT & PLANNING STRATEGY (Report 14).

Councillor Gitte Dawson made an *ad hoc* statement in which she asked whether the Council had compared the costs of acting alone and whether this would be more beneficial to this Council.

Councillor Gerry Curran in his introduction said that he would prepare a briefing note for Councillor Dawson comparing the costs of acting alone or in partnership with the surrounding authorities. He said that we are a small Council and the economies of scale make it worthwhile for us to act in partnership. The other Councils clearly took the same view.

In seconding the proposal, Councillor Sir Elgar Jenkins OBE said that the rationale for acting in partnership on waste is the same as that for transport – the waste issue cannot be contained within the Council's boundaries and so a partnership approach is necessary. He felt that incineration should be seriously considered as a solution, which is widely used on the continent.

Councillor Jonathan Gay suggested that the future trading of landfill permits might prove to be a business opportunity.

Councillor Gerry Curran replied that it would be an opportunity to protect local residents.

Councillor Paul Crossley said that the recent Zero Waste Week had been successful and had helped him to consider ways of reducing his own waste at home. He hoped that a national incentive would be given for supermarkets to move towards sustainability such as corn starch based packaging.

Councillor Gerry Curran said that pressure is being put on supermarkets but progress is slow. He said that bio-degradable liners are available for residents who would find them helpful in their waste caddies at home.

Rationale

(1) Each council, as a Waste Disposal Authority, is obliged to develop its own arrangements for dealing with residual waste. In these circumstances the processes would be identical to that being followed by the Partnership. However the WoE UA's would not benefit from the economies of scale which the project offers if they did this alone. The project has to be undertaken even if the partnership ceases, so that each UA can limit its liability in terms of Landfill Allowance penalties and Landfill Tax etc.

(2) The formation of the Partnership will also greatly improve the proximity and self-sufficiency of waste management in the sub-region. The concepts of Proximity and Self-sufficiency were introduced in Planning Policy Statement 10. Proximity is referred to as: "disposing of waste at the nearest appropriate installation by means of the most appropriate methods and technologies" and Self Sufficiency as: "individuals, communities and organisations taking responsibility for their waste". The Partnership will consider these two principles in decision making and will aim to maximise proximity and self- sufficiency in the management of waste in the sub-region.

(3) The process being followed by the Partnership follows the advice and guidance published by 4Ps, DEFRA and DCLG for major waste strategy development and infrastructure procurement. In terms of waste planning, the authorities are also answerable to GOSW.

Other Options Considered

The authority has considered the option of determining its own solutions for residual waste treatment; however the benefits of partnership working are identified in the rationale and this makes partnership working the most preferable option to pursue at this stage.

On a motion from Councillor Gerry Curran, seconded by Councillor Sir Elgar Jenkins OBE, it was

RESOLVED (unanimously)

(1) That the Council's apportionment of the summary budget forecasts for the West of England Waste Management and Planning Strategy be submitted into the Service & Financial Planning process, and therefore be subject to further consideration by the Executive in February 2007 and final approval at the February 2007 full Council meeting;

(2) To agree the proposed apportionment basis for any agreed costs;

(3) To agree the Issues and Options document, including a less technical version, as a basis for public consultation (subject to minor textual amendments of a technical, factual or updating nature which may be required in order to reflect the decisions made by the other three partner authorities);

(4) To approve the Draft Joint Residual Municipal Waste Management Strategy for consultation;

(5) To agree the Consultation and Communications Plan;

(6) To endorse the Strategic Environmental Assessment and Sustainability Appraisal process.

93 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - 2006/07 QUARTER 2 (Report 15).

Councillor Malcolm Hanney introduced the item by pointing out that the report shows that the Council was close to break-even point over the whole year but that there were still some pressures which needed to be addressed.

Councillor Paul Crossley seconded the proposal.

Rationale

The reporting of financial management and budgetary control is required by the Council.

Other Options Considered

None.

On a motion from Councillor Malcolm Hanney, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) That Directors will continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure through tight budget control;

(2) To note this year's revenue budget position and the ongoing pressures for 2007/08 highlighted in the report;

(3) To note the capital expenditure position for the Council in the financial year to the end of September and the year end projections detailed in the report, including

the proposed review of the Highways capital programme to identify schemes that can be slipped into 2007/08 to contain the 2006/07 spend within budget;

(4) To agree that the £521k of extra revenue reserves arising from final adjustments to the 2005/06 audited accounts be earmarked for the potential exceptional risks highlighted in the 2006/07 Budget Report;

(5) To approve the virements listed in the report and to note the changes in the capital programme;

(6) To note the latest Annual Efficiency forecast for 2006/07.

94 2ND QUARTER COUNCIL PERFORMANCE REPORT (Report 16).

Councillor Paul Crossley said that the report shows that the Council was performing well in providing a good range of services and enabling the Executive and Directors to monitor performance.

Councillor Malcolm Hanney seconded to proposal.

Rationale

This report is a key part of the Council's performance management framework.

Other Options Considered

None.

On a motion from Councillor Paul Crossley, seconded by Councillor Malcolm Hanney, it was

RESOLVED (unanimously)

(1) To note the contents of the report and to ask Directors to consider in light of the corrective actions identified whether additional actions are required to improve performance.

95 BATH & NORTH EAST SOMERSET LOCAL AREA AGREEMENT: UPDATE (Report 17).

Councillor Paul Crossley introduced the item by offering the thanks of the Executive to the whole Corporate Projects team for their work on the LAA and for their engagement with local communities. Councillor Jonathan Gay endorsed the thanks and seconded the proposal.

Rationale

The Council is the accountable body for the LAA and, through its Community Leadership role, has a key interest in ensuring that the emerging LAA governance framework is robust.

Other Options Considered

None.

On a motion from Councillor Paul Crossley, seconded by Councillor Jonathan Gay, it was

RESOLVED (unanimously)

- (1) To adopt the draft principles for pooling and aligning resources in the LAA, for the purpose of developing the first year of the LAA;
- (2) That the Local Strategic Partnership and LAA Project Board be invited to undertake more detailed work on the draft Governance Arrangements for the LAA;
- (3) That the second draft of the Local Area Agreement be brought to the Council Executive on 10th January, and that this:
 - (i) Identifies pooled and aligned resources, with clear links to the Financial Plan;
 - (ii) Sets out in particular how the LAA will align resources available for the following key outcomes:
 - Improving the quality of the local environment
 - Tackling climate change

96 FINANCIAL PLAN 2007/08 ONWARDS - UPDATE REPORT (Report 18).

Councillor Malcolm Hanney introduced the item by pointing out that the Council was still underfunded by Government to the amount of £2.7M which he said created pressures across the Council.

Councillor Colin Darracott seconded the proposal.

Councillor Nicole O'Flaherty said that the report was clear and helpful in describing the current situation; but that she was concerned that the democratic process leading eventually to adoption of the Budget should be as inclusive as possible. This would require the Budget Briefing session for members to be as well advertised as possible and for members to be actively encouraged to attend.

Councillor Sir Elgar Jenkins OBE said that he felt the arrangements for consultation were adequate.

Councillor Malcolm Hanney in summing up said that there was increasingly less discretion for Councils over how the budget was spent, which made the process more difficult than in the past. It was therefore even more important to communicate the pressures and priorities to all Councillors and to Overview and Scrutiny panels for their feedback.

Rationale

The report sets out:

- The current known background and context as part of the review of the financial plan leading to the proposal of a budget to Council in February 2007.
- The high level timetable for the service and resources planning process as required under the Council's constitution.

Other Options Considered

The report contains information about the Council's financial outlook. The service and resources planning process continues to explore alternative options to meet the Council's priorities within available financial resources.

Corporately, the options considered at the time of setting the 2007/08 budget will be concerned with balancing the level of Council Tax with the level of services provided by the Council.

On a motion from Councillor Malcolm Hanney, seconded by Councillor Colin Darracott, it was

RESOLVED (unanimously)

(1) To note the report as background information in their consideration of key issues and options as preparation for recommending a financial plan and budget to Council in February 2007;

(2) That in conjunction with the Executive member, Strategic Directors will individually brief their relevant Chairs of Council Overview & Scrutiny panels;

(3) That the Strategic Director of Support Services will hold a budget briefing for all Councillors before Christmas;

(4) To reinforce the current policy on replenishment of general reserves to an acceptable level;

(5) To recommend that Council create (as part of the budget report in February 2007) an exceptional risk reserve;

(6) That Strategic Directors Group will continue work to close the budget gap for 2007/8, by shifting resources to priority areas, ensuring that ongoing pressures are understood and mitigated, seeking efficiencies, and by fully reviewing the capital programme, and by active management of both the capital programme and the Council's property assets;

(7) That the Strategic Directors Group will seek to undertake the further work to achieve budget balance in future years.

(8) To reaffirm the decision of 7th December 2005 to agree to fund the purchase and refurbishment of the Flax Bourton site for the Avon Coroners Service subject to the funding of essential works only;

(9) That the proposal from the Coroners' service for the new public and forensic mortuary for the Avon Coroners Service is included in their recommended budget in February 2007. This will be subject to Council agreeing the financial plan proposal to include £100k in 2007/08 for the increased cost of mortuary fees as part of the budget report in February 2007;

(10) To note the proposed timetable.

97 ANNUAL PERFORMANCE ASSESSMENT - SERVICES FOR CHILDREN AND YOUNG PEOPLE (Report 19).

Councillor Jonathan Gay introduced the item by saying that this report was very good news for the Council. It showed that the authority had achieved 3 star status overall.

In addition, it is recognised that the authority is already taking positive action in all areas marked as areas for improvement in the report.

Councillor Vic Pritchard in seconding the proposal agreed that the Council is already taking action in all areas where improvement was called for.

Councillor Paul Crossley said that this Council spent 50% of its budget on services for children and young people; and despite that the service is underfunded by Government, the authority is rated in the top 20 in the country.

Councillor Jonathan Gay, in summing up, congratulated the Council's staff and partners for their achievement.

Rationale

The recommendation reflects the requirement to consider the outcomes of the APA and to note actions required.

Other Options Considered

None.

On a motion from Councillor Jonathan Gay, seconded by Councillor Vic Pritchard, it was

RESOLVED (unanimously)

- (1) To note the content of the Annual Performance Assessment letter and to acknowledge the excellent work of front line staff in delivering these judgements.

The meeting ended at 11.18pm

Chair(person)

Date Confirmed and Signed