

# **BATH AND NORTH EAST SOMERSET COUNCIL**

## **CABINET**

Wednesday 08 July 2009

### **PRESENT:**

Councillor Francine Haeberling	– Leader of the Council
Councillor Vic Pritchard	– Adult Social Services and Housing
Councillor Terry Gazzard	– Development and Major Projects
Councillor Charles Gerrish	– Customer Services
Councillor Chris Watt	– Children's Services
Councillor David Hawkins	– The Council as Corporate Trustee

### **1 WELCOME AND INTRODUCTIONS**

The Chair was taken by Councillor Francine Haeberling, Leader of the Council.

The Chair welcomed everyone to the meeting.

### **2 EMERGENCY EVACUATION PROCEDURE**

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

### **3 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Malcolm Hanney.

### **4 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972**

There were none.

### **5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR(PERSON)**

There was none.

### **6 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 12 questions from the following people: Councillor Nigel Roberts (4), Councillor Nathan Hartley (2), Councillor Tim Ball, Councillor Sarah Bevan (2), Councillor Will Sandry (3)

*[Copies of the questions and responses, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]*

### **7 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC AND COUNCILLORS**

George Bailey made a statement [*a copy of which is attached to the Minutes as*

*Appendix 2]* relating to the Frome to Radstock Railway Line. Mr Bailey presented an online petition to Cabinet. The Chair referred the petition to the Cabinet Member for Customer Services for his consideration.

Robert Page made a statement *[a copy of which is attached to the Minutes as Appendix 3]* relating to the "Fitness for Purpose" of Council Committees.

Cllr Francine Haeberling responded to Mr Page by reminding the meeting that the Council was regularly reviewed by independent inspectors. It has been confirmed that the Council is fit for purpose; in fact, the Council was awarded 3\* status out of a maximum 4\* for overall performance. This makes this Council one of the best performing unitary authorities, although we know we can still make improvements.

## **8 MINUTES: WEDNESDAY 6<sup>th</sup> May 2009**

On a motion from Councillor Francine Haeberling, seconded by Councillor Charles Gerrish, it was

**RESOLVED** that the minutes of the meeting held on Wednesday 6<sup>th</sup> May 2009 be confirmed as a correct record and signed by the Chair(person)

## **9 CONSIDERATION OF SINGLE MEMBER ITEMS NOW REQUISITIONED TO CABINET**

There were none.

## **10 CONSIDERATION OF MATTERS REFERRED BY OVERVIEW AND SCRUTINY BODIES**

There were none.

## **11 SINGLE MEMBER CABINET DECISIONS PUBLISHED SINCE PREVIOUS CABINET MEETING (Report 11)**

The Cabinet noted the report.

## **12 SUSTAINABLE COMMUNITY STRATEGY REFRESH (Report 12).**

Councillor Paul Crossley made an *ad hoc* statement *[a copy of which is attached to the Minutes as Appendix 4]* in which he welcomed the refresh of the strategy. He emphasised the requirement for sustainability in the strategy and noted that the chapter referring to Children and Young People did not address sustainability issues. He advised the Cabinet against an aspiration to be one of the fastest growing economies in Europe, which he felt would not be compatible with sustainability. He commended the work being done by "Re:Generate" in Whiteway, which he felt was a model which could be used elsewhere.

Councillor Francine Haeberling, in proposing the item, said that the strategy was a refresh of an existing document which had originally been adopted by Council in 2004 and which would continue to be updated constantly. The strategy was a statutory document and would be presented to Council for adoption at its September meeting.

Councillor Terry Gazzard seconded the proposal.

Councillor Charles Gerrish responded to the observation made by Councillor Paul Crossley that the section on Children & Young People did not address sustainability issues, by reminding the meeting that a "food waste" trial had recently started at

Westbury Primary School and that a number of schools were involved in Carbon Footprint projects.

Councillor Chris Watt said that Local Authorities were unable to direct schools to be involved in any project – it could encourage schools to become involved, but schools sometimes then failed to carry-through their commitment and this was the responsibility of the Governing Body of each school.

Councillor Francine Haerberling said that the Council had taken full account of the implications of the economic climate.

#### Rationale

The Council has a statutory requirement for producing a Sustainable Community Strategy for the area. It sits within the Council's Policy and Budget Framework and is the top level strategy in the hierarchy of other plans owned by the organisations within the Local Strategic Partnership.

#### Other Options Considered

None.

On a motion from Councillor Francine Haerberling, seconded by Councillor Terry Gazzard, it was

#### **RESOLVED** (unanimously)

(1) To AGREE that the draft Sustainable Community Strategy successfully captures the long term issues for the area and outlines the approach to meeting the vision for the area;

(2) To RECOMMEND the draft Sustainable Community Strategy to Council for final sign off and adoption at the 10th September 2009 meeting;

(3) To DELEGATE authority to the Chief Executive in consultation with the Leader of the Council to undertake further work during the summer to prepare the version that is presented to Council.

### **13 PERFORMANCE REPORT 2008/09** (Report 13).

Councillor Paul Crossley made an *ad hoc* statement [*a copy of which is attached to the Minutes as Appendix 5*] in which he appealed to the Cabinet not to adopt recommendation 2.1 of the report without strengthening the wording to ensure that active steps would be taken to address the areas of poor performance. He was concerned by the lack of progress for looked after children and the lack of progress on waste. He welcomed same day collections, although these were later than originally planned. In reducing the gap, Councillor Crossley felt that the Fuel Poverty indicator was crucial. He welcomed the fact that indicator NI175 had not been replaced by the weaker NI176. He appealed to the Cabinet to involve all Councillors in achieving the commitment to the Local Area Agreement.

Councillor Tim Ball made an *ad hoc* statement in which he referred to pages 43-44 of the Report. He appealed to Cabinet to be more aggressive in its approach to waste reduction targets. He expressed concern that he had recently heard that some recycling waste had gone to landfill and asked the Cabinet Member to investigate.

Councillor Nathan Hartley made an *ad hoc* statement referring to the Children & Young People section (beginning at page 13 of the report) which had a large number of "red" indicators. He welcomed the achievements made in GCSE results but was

concerned at the rise in the number of young people "not in education, employment or training". He asked for details of the work being done to improve this. He was unhappy that the Summer Reading Challenge (S15) had not been able to meet the targets for two consecutive years.

Councillor Eleanor Jackson made an *ad hoc* statement in which she referred to page 30 of the report. She felt that there was an urgent need for scrutiny of the Ambulance Service. She expressed concern that on 28-May-09 there had supposedly been no people in Bed and Breakfast accommodation in the authority. She alerted the Cabinet to the fact that there was evidence that homeless people were being referred to Bristol and Wiltshire for Bed & Breakfast, which then did not show up in this Council's statistics. Councillor Jackson was very concerned that this practice would act as a deterrent and that homeless people would stop presenting.

Councillor Francine Haerberling, in proposing the item, said that in order to maximise the funds made available by government, the Council must strive to reach its stretch targets. The Council was currently on target to gain £2.1m out of a possible £4.5m. She agreed with Councillor Jackson that the ambulance service needed to be closely monitored and she had argued for this herself. The Council now took part in the scrutiny of the Ambulance Service.

Councillor David Hawkins seconded the proposal.

Councillor Charles Gerrish responded to Councillor Tim Ball's comments by saying that if recyclable waste were found to be contaminated, then it must go to landfill; but he agreed to investigate the situation if Councillor Ball would give him more detail. He acknowledged that a recent 10% increase in green waste had caused volume problems; but steps were being taken to free up time for the collectors by changing the collection arrangements.

Councillor Vic Pritchard said that the Council was now into the fifth week of having zero Bed & Breakfast placements. There were 20 available supported lodgings places for people aged 13-17. He shared some of the concerns expressed by Councillor Jackson but it was difficult to reply to specific cases. He promised to speak to Councillor Jackson about the issue.

Councillor Chris Watt said that it was to be expected that the number of young people "Not in Education, Employment or Training" would rise during a recession but this was not an excuse. He feared it would get worse that it already was. He had seen youth summer employment opportunities disappear in his ward after a business had closed, because the unemployed adults had taken all the casual jobs. He explained that the Summer Reading Challenge targets had been set in 2006, when it was thought that the numbers would continue to improve year-on-year but this had not happened. He promised to speak to Councillor Hartley about this.

### Rationale

The Council and its partners have agreed Local Area Agreement targets with Government and must seek to achieve improved performance against these targets and, more generally, to deliver improved outcomes for local people for the themes of the LAA. This will contribute to delivery of the Council's Priorities and to the achievement of the Council's Vision for the area.

### Other Options Considered

None.

On a motion from Councillor Francine Haerberling, seconded by Councillor David

Hawkins, it was

**RESOLVED** (unanimously)

(1) To NOTE progress against the Local Area Agreement outcomes and proposals for remedial actions against the indicators that are significantly off track.

**14 PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT** (Report 14).

Councillor Paul Crossley made an *ad hoc* statement welcoming the proposals.

Peter Duppa Miller (Secretary, B&NES Local Councils Group), made an *ad hoc* statement in which he emphasised that Town and Parish Councils were eager to work with the Council on the planning and legal issues involved.

Councillor Charles Gerrish, in proposing the item, said that the proposals aimed to enhance the Council's ability to ensure fairness for local communities. The document was a living document and the Council would continue to engage with Town and Parish Councils and with Overview and Scrutiny to improve the document.

Councillor Vic Pritchard seconded the proposal and expressed his support for continuing engagement over the proposals.

Councillor Chris Watt referred to a very recently recognised socio-economic trend for families to live in smaller homes. Existing algorithms used to predict the number of school places needed as a result of residential developments were therefore under-estimating the number of places needed. The Council must reflect this trend in its thinking.

Councillor Charles Gerrish said that this information should be included in the update because it would be critical to get it right.

Rationale

The Supplementary Planning Document was amended to reflect the issues raised during the public consultation. The changes are predominantly for the purposes of clarification. The Council is required by the regulations to undertake and publish a Sustainability Appraisal alongside all SPDs which it produces. Similarly, to meet the requirements of the regulations and the Council's Statement of Community Involvement a Consultation report must be published.

Other Options Considered

The option of taking a policy-led approach to economic viability concerns was considered, as adopted by Plymouth City Council. However, it was considered that a case by case viability approach was more flexible and sensitive to the issues as presented by a particular scheme.

On a motion from Councillor Charles Gerrish, seconded by Councillor Vic Pritchard, it was

**RESOLVED** (unanimously)

(1) To ADOPT the draft Planning Obligations Supplementary Planning Document, as amended in line with the schedule of proposed changes;

(2) To AGREE that the accompanying Consultation Report and the Sustainability Appraisal be published alongside the Supplementary Planning Document;

(3) To AGREE that the Council will adopt a case by case approach in responding to development viability issues arising from the current economic downturn, in line with the approach outlined in the Supplementary Planning Document; and

(4) To DELEGATE authority to the Divisional Director of Planning and Transport Development to make minor changes to the Supplementary Planning Document and accompanying documents prior to formal adoption.

## 15 WEST OF ENGLAND MULTI AREA AGREEMENT (Report 15).

Councillor Paul Crossley made an *ad hoc* statement [*a copy of which is attached to the Minutes as Appendix 6*] expressing considerable concern that there were too many unanswered questions and not enough firm targets; he felt that the agreement because of its references to the present form of the Regional Spatial strategy, would force the Council to make decisions which were in the interest of surrounding authorities but not of its own residents; he therefore felt that the Cabinet should not adopt the agreement.

Councillor Francine Haerberling, in proposing the item, told Councillor Crossley that the Cabinet had much sympathy with the points he had made about the references to the Regional Spatial Strategy. The Multi Area Agreement was due to be signed off on 16-July but she did not believe that the Council could support the agreement as it stood. She would in fact move a different proposal from the one published. The Council intended to seek further advice about the implications of adopting the agreement and in particular needed to reserve for itself the option of objecting to the Regional Spatial Strategy.

Councillor Charles Gerrish seconded the proposal and said that it was essential that the Council should protect its own residents. He pointed out that on page 6 of the Summary document, the phrase "franchise options" should read "rail franchise options" and this would be amended.

### Rationale

The Multi Area Agreement needs to be endorsed and supported by each of the 4 unitary authorities across the West of England if it is to be successful in meeting its stated outcomes. At the same time, the Council must reserve its own position so that it is enabled to protect the interests of its own residents.

### Other Options Considered

Signing up to the Agreement by the closing date was considered but it was felt that this might prejudice the Council's position if in the future it became necessary to object to the Regional Spatial Strategy.

On a motion from Councillor Francine Haerberling, seconded by Councillor Charles Gerrish, it was

### **RESOLVED** (unanimously)

(1) To AGREE the principle of entering into a Multi Area Agreement PROVIDED THAT the existing draft document is revised to ensure that it is entirely consistent with the Council's stated position on the Regional Spatial Strategy; and

(2) To AUTHORISE the Chief Executive in consultation with the Leader to negotiate with Central Government and other partner authorities to secure the necessary changes to the draft Multi Area Agreement in accordance with the preceding resolution.

## 16 REVENUE AND CAPITAL OUTTURN 2008/09 (Report 16).

Councillor Caroline Roberts asked whether the impact of the over-60s bus scheme had been factored into the spend pressures listed on page 6.

Councillor Paul Crossley expressed the view that the Council should be working closely with other neighbouring authorities who were also adversely affected by the over-60s free bus scheme.

Councillor Tim Ball asked whether account had been taken of any possible fraud taking place in relation to abuse of tickets.

Councillor Francine Haerberling pointed out that an updated Appendix 8 [*a copy of which is attached to the Minutes as Appendix 8*] had been placed in the public gallery before the meeting and commended the proposals to Cabinet. The Council had been able to achieve a level of net spend which was 97.5% of its net budget, which would allow the remaining funds to be transferred to the contingency reserves and the financial challenge reserve. In the current financial climate, some of the Council's income budgets were under pressure but it was not anticipated that this would result in a net overspend. Actions were being taken to bring spending into line with budgets.

Councillor Charles Gerrish seconded the proposal. He announced that actions were currently being taken to improve parking enforcement. With regard to the points made about the cost of over-60s bus passes, he said that the Council had been working with the Local Government Association to put pressure on government to fund this more equitably. He responded to Councillor Ball's question by saying that independent spot checks were conducted to minimise fraud. If there were specific allegations, the details should be reported in the usual way.

### Rationale

The recommendations are based upon the Budget Management Scheme and a consideration of the Council's latest position and reserves strategy.

### Other Options Considered

None.

On a motion from Councillor Francine Haerberling, seconded by Councillor Charles Gerrish, it was

### **RESOLVED** (unanimously)

- (1) To NOTE the provisional revenue budget outturn for 2008/09;
- (2) To NOTE the emerging revenue pressures for 2009/10 and that action plans are being prepared by Strategic Directors and Divisional Directors to address these implications;
- (3) To APPROVE the revenue carry forward proposals and write-off requests listed in the report as exceptions to the Budget Management Scheme. (The approval of write-off requests is conditional upon action plans being in place to meet the already identified pressures in 2009/10, and in the case of Development & Major Projects subject to further review of the proposed programme of expenditure by the Cabinet Member);
- (4) To AGREE that the first £500k of any resulting surplus arising from decisions made should be allocated to the Revenue Budget Contingency Reserve; a further

£36k to support PCT integration; and the remaining balance is to be set aside as an addition to the Medium Term Financial Challenge reserve;

(5) To AGREE that drawdown from any of the earmarked reserves will be subject to agreement by the Section 151 Officer & relevant Strategic Director, in consultation with the Cabinet Member for Resources and a relevant Cabinet Member;

(6) To APPROVE the revenue virements for 2008/08 and 2009/10 as listed in the report;

(7) To NOTE the provisional outturn of the 2008/09 capital programme and the funding as laid out in the report;

(8) To APPROVE the capital rephasing as listed in the report;

(9) To APPROVE the additions to the 2009/10 capital programme as detailed in the replacement document provided in the public gallery before the meeting;

(10) To APPROVE the adjustments to the 2008/09 & 2009/10 capital programme as detailed in the report;

(11) To NOTE the use of growth points funding in 2008/09 and to AGREE the proposed approach for 2009/10 and 2010/11 as set out in the report;

(12) To NOTE the summary of capital receipts in 2008/09;

(13) To NOTE the reserves position shown in the report, and that as a result of the outturn the Council's reserves strategy is on of target;

(14) To NOTE the Treasury Management Outturn position.

## **17 ADULT SAFEGUARDING SCHEME (Report 17).**

Councillor Paul Crossley made an *ad hoc* statement in which he said that this very important issue should have been referred to Overview and Scrutiny before coming to Cabinet.

Councillor Vic Pritchard said that the scheme had been referred to Cabinet by the Partnership Board for Health & Wellbeing. It was intended to ensure that adults can live lives free of concern and neglect. The scheme had already been externally validated. He apologised that the proposal had not been previously referred to the Overview & Scrutiny Panel but said that the Chair of the Healthier Communities and Older People Overview & Scrutiny Panel had agreed that his Panel would consider the scheme at its next meeting and would make recommendations to Cabinet for inclusion in the Scheme. To reflect this, Councillor Pritchard moved a different proposal from the one published in the report.

Councillor Terry Gazzard seconded the proposal.

### Rationale

The Adult Safeguarding Scheme was previously approved by the Partnership Board for Health and Wellbeing. It was also externally validated by an independent consultant to ensure that it meets the Council's needs. The anticipated additional input from Overview & Scrutiny would result in a robust scheme.

### Other Options Considered

The Scheme was developed through an iterative process and reflects the comments and recommendations of the Partnership Board and the external reviewer.



On a motion from Councillor Vic Pritchard, seconded by Councillor Terry Gazzard, it was

**RESOLVED** (unanimously)

(1) To ADOPT the Adult Safeguarding Scheme as Council policy, subject to consultation with Overview and Scrutiny, following which responsibility be delegated to the Director of Adult Social Services, in consultation with the Cabinet Member for Adult Social Services and Housing, to approve any appropriate amendments to the policy.

**18 COMMUNITY SAFETY PLAN** (Report 17).

Councillor Paul Crossley made an *ad hoc* statement [*a copy of which is attached to the Minutes as Appendix 7*] welcoming the plan and the commitments it contained from the Police. He felt however that the Cabinet should encourage the Police to commit further resources to Beat Teams in the Community and to look at ways to spread best practice of "Partners and Communities Together" (PACT) meetings.

Councillor Vic Pritchard, in proposing the item, reminded the meeting that the Plan was being recommended to Council for adoption and would be subject to rolling periodic reviews.

Councillor David Hawkins seconded the proposal.

Rationale

Schedule 9 of the Police and Justice Act 2006 makes it a statutory requirement to produce an annual rolling three year plan, underpinned by an annual strategic assessment.

Other Options Considered

None.

On a motion from Councillor Vic Pritchard, seconded by Councillor David Hawkins, it was

**RESOLVED** (unanimously)

(1) To RECOMMEND to Council the approval of the Community Safety Plan 2009-12

The meeting ended at 11:32

Chair(person) \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_