

Council and Member Services, Floor 2 South,
Guildhall, High Street, Bath. BA1 5AW.
Telephone (01225) 477000 main switchboard
Direct Line: Tel 01225 394360
Email: democratic_services@bathnes.gov.uk
Web site: <http://www.bathnes.gov.uk>

8 November 2010

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

Dear Member

Council Meeting: Tuesday, 16th November, 2010

You are invited to attend a meeting of the **Council**, to be held on **Tuesday, 16th November, 2010** in the **Council Chamber - Guildhall, Bath**. **The meeting will begin at 6.45pm (or at the conclusion of the special meeting which starts at 6.30pm if that does not finish until after 6.45pm).**

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

Tom Dunne, Democratic Services Manager (Council and Member Services)
for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative
Liberal Democrat
Labour
Independent

Brunswick Room, Ground Floor
Kaposvar Room, Floor 1
Small Meeting Room, Floor 2
Performance and Improvement Team
Office, Floor 1

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 Tom Dunne, Democratic Services Manager (Council and Member Services) who is available by telephoning 01225 394360 or by calling at the Guildhall, Bath (during normal office hours).
- 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 Francine Haerberling (Conservative Group), Paul Crossley (Liberal Democrat Group), John Bull (Labour Group) and Chris Cray (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. If an answer cannot be prepared in time for the meeting it will normally be sent out within five working days afterwards. **Advance notice of all public submissions is required not less than two full working days before the meeting. This means that for meetings held on Tuesdays notice must be received in Democratic Services by 5.00pm the previous Thursday.** Further details of the scheme can be obtained by contacting Tom Dunne 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.

COUNCIL MEETING: TUESDAY, 16TH NOVEMBER, 2010 AT 6.45 PM IN THE COUNCIL CHAMBER - GUILDHALL, BATH

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. MINUTES (Pages 9 - 16)

Minutes of previous meeting held on 9th September 2010

3. APOLOGIES FOR ABSENCE

4. 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.

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 she has agreed to consider it at this meeting. In making her 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.

Note: Agendas for Council meetings are structured so as to identify those matters on which the Council may make a decision and those where its powers are limited to comment or recommendation to the Cabinet or other bodies.

The order of agenda business is prescribed in the Council's Constitution. The Chairman or the meeting may vary this.

PUBLIC QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS

Explanation: A member of the public who has given prior notice may make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question (see note 5 above).

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.

POLICY AND BUDGET FRAMEWORK AND CABINET ITEMS FOR COUNCIL DECISION

Explanation: the Policy and Budget Framework comprises a list of Plans and Strategies which, under the Council's Constitution, are to be decided by the Council itself. For some of these Plans and Strategies the law prescribes that they should form part of the Framework and therefore full Council only shall determine them. Others have been added to the list by Council. The Policy and Budget Framework (which includes the Council Budget) sets the overall framework within which the Cabinet must operate and matters which go beyond that must be decided by the full Council.

Policy and Budget Framework and Cabinet items for decision by Council are normally presented as a recommendation from the Cabinet or the responsible Cabinet Member.

8. THE FUTURE COUNCIL (Pages 17 - 72)

This report sets out proposals for a future organisational model for the Council that focuses on a strategic leadership role and the structure to deliver it.

Lead Cabinet Member: Councillor Francine Haerberling, Leader of the Council

9. TRANSFORMING COMMUNITY HEALTH AND SOCIAL CARE (Pages 73 - 174)

This report sets out recommendations on a revised management structure for the delivery of community health and social care by the Council and the Primary Care Trust NHS Bath and North East Somerset.

Lead Cabinet Member: Councillor Francine Haerberling, Leader of the Council

10. **DRAFT REPLACEMENT WORLD HERITAGE SITE MANAGEMENT PLAN** (Pages 175 - 322)

This report sets out a recommended draft Management Plan for the area of Bath city centre designated as a World Heritage Site by UNESCO.

Lead Cabinet Member: Councillor Terry Gazzard, Development and Major Projects

11. **2010/11 HALF-YEARLY TREASURY MANAGEMENT PERFORMANCE REPORT** (Pages 323 - 332)

This report gives details of the outturn performance at the half year stage on the Council's Treasury Management Strategy and Annual Investment Plan for 2010/11.

Lead Cabinet Member: Councillor Malcolm Hanney, Resources

COUNCILLOR AGENDA MOTIONS

Explanation: An individual Member of the Council has the right under the Council's Constitution to place a particular proposal on the Council agenda for discussion. Where there is a need for a Cabinet decision to be made, the matter cannot be dealt with by the Council and will have to be considered by the Cabinet or an individual Cabinet Member. The full text of the agenda motion(s) from Councillors referred to below will be found in the numbered paper(s) corresponding to each item.

12. **SECONDARY SCHOOLS REVIEW** (Pages 333 - 334)

The agenda motion set out in the attached paper will be moved by Councillor Dine Romero on behalf of the Liberal Democrat Group. It asks the Council to support the retention of two schools in Keynsham; the transformation of Oldfield School, Bath to a co-educational school; the federation of St Marks School and St Gregory's College, Bath; and the retention and transformation into a co-educational school of Culverhay School, Bath and to make those views known to the Cabinet in advance of its meeting on 25th November.

13. **BATH TRANSPORTATION PACKAGE** (Pages 335 - 336)

The agenda motion set out in the attached paper will be moved by Councillor Caroline Roberts on behalf of the Liberal Democrat Group. It asks the Council to call on the Cabinet to work together with the leadership of the Liberal Democrat and other political Groups, with full officer support, and taking full account of local opinion, to develop cross party proposals for resubmission of the Bath Transportation Package to the Department of Transport as a matter of urgency.

14. **ALLOCATION OF TOP-UP TRANSITORY FUNDS FOR YOUTH SERVICE PROJECTS** (Pages 337 - 338)

The agenda motion set out in the attached paper will be moved by Councillor David Speirs on behalf of the Labour Group. It asks the Council to request the Cabinet to make available an additional £53,000 of top-up transitory funding as part of the 2011/12 Council Budget to be divided between services at Radstock Youth Centre and Keynsham Youth Centre and to provide bridging funding to support the 'Off The Record' Counselling Service. It also asks that the Council should work with the Primary Care Trust to supply match funding for a volunteer counselling service for young people, as part of a new integrated primary mental health service.

15. **HOUSES IN MULTIPLE OCCUPATION** (Pages 339 - 346)

The agenda motion set out in the attached paper will be moved by Councillor Will Sandry on behalf of the Liberal Democrat Group. It asks the Council to request that the Cabinet Member for Customer Services should ensure that there are sufficient resources in the Cabinet's proposed 2011/2012 budget to enable Planning Services to investigate the practicalities of introducing an "Article 4 Direction" and to implement its introduction under the Local Development Scheme programme of work. The effect of this Direction would be to require planning permission for any further homes to be converted to Homes in Multiple Occupation in specified areas of Bath.

COUNCIL FUNCTIONS

Explanation: In addition to the Policy and Budget Framework items, the full Council is responsible for making all decisions on constitutional issues and other legally prescribed functions.

16. **POLITICAL PROPORTIONALITY** (Pages 347 - 348)

The attached report sets out a request to review the political proportionality of the Council's allocation of committee and panel places.

Lead Members: The Political Group Leaders

17. **REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY** (Pages 349 - 404)

This report sets out a recommended draft Statement of Licensing Policy compiled following the 3 year review required by law.

Lead Committee Chairman: Councillor Tim Warren, Chairman of the Licensing Committee

18. **QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

Explanation: A Member of the Council who has given prior notice may under this item make his/her views known at a Council meeting by making a statement, presenting a petition or a deputation on behalf of a group or asking a question.

COUNCILLOR QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS

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.

This Agenda and all accompanying reports are printed on recycled paper

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday 9th September 2010

PRESENT: Councillors: Simon Allen, Sharon Ball, Tim Ball, Colin Barrett, Cherry Beath, David Bellotti, Sarah Bevan, Loraine Morgan-Brinkhurst, Marie Longstaff, John Bull, Bryan Chalker, Anthony Clarke, Victor Clarke, Nicholas Coombes, Chris Cray, Paul Crossley, Sally Davis, Douglas Deacon, Ian Dewey, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Malcolm Hanney, Nathan Hartley, David Hawkins, Steve Hedges, Lynda Hedges, Adrian Inker, Eleanor Jackson, Malcolm Lees, Richard Maybury, Barry Macrae, Shaun McGall, Marian McNeir, Carol Paradise, Vic Pritchard, Caroline Roberts, Brian Simmons, David Speirs, Shirley Steel, Martin Veal, Tim Warren, Chris Watt, Brian Webber, Brook Whelan, John Whittock, Stephen Willcox and Gordon Wood

Apologies for absence: Councillors Rob Appleyard, Gabriel Batt, Neil Butters, Gerry Curran, Colin Darracott, David Dixon, Armand Edwards, Peter Edwards, Andrew Furse, Les Kew, Bryan Organ, Nigel Roberts, Dine Romero, Will Sandry and Roger Symonds

19 EMERGENCY EVACUATION PROCEDURE

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

20 MINUTES

RESOLVED that the minutes of the last ordinary meeting held on Thursday 13th May 2010 and the special meeting held on 22nd July 2010 be each confirmed as a correct record and be signed by the Chairman.

21 DECLARATIONS OF INTEREST

Councillor Malcolm Hanney declared a personal non-prejudicial interest in the Corporate Audit Committee Annual Report (minute 24) as Chair of Bath and North East Somerset NHS Trust.

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

The Chairman:

- (1) Welcomed Councillor Simon Allen elected to represent the Radstock Ward at a by-election on 22nd July 2010 who was attending the Full Council Meeting for the first time.
- (2) Invited all Councillors to attend the Annual Civic Service to be held on Sunday 10th October at 3pm at St John's Parish Church, Peasedown St John followed by refreshments to be provided by the vicar and congregation of the church.
- (3) Informed Councillors that, in the absence of the Vice-Chairman, she had invited the Past Chairman Councillor Bryan Chalker to assist her with the speaker's list for the meeting.

- (4) .Referred to the agenda item timings agreed with the Group Leaders and asked for the co-operation of all Councillors to keep contributions to debate brief and relevant and not to repeat what had already been said.
- (5) Indicated that she 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.
- (6) Reminded all Councillors that the next meeting of the Council would be held on Tuesday 16th November 2010 (not Thursday 18th November as previously scheduled).
- (7) Informed Council that she she did not propose to announce a comfort break unless the meeting continued beyond 9pm.

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

There were no items of urgent business for this meeting.

24 PETITIONS, STATEMENTS, DEPUTATIONS AND QUESTIONS FROM THE PUBLIC

There were four statements from members of the public as indicated below. Copies of the statements provided by the speakers which were circulated at the meeting are held on file in the minute book and published on the Council's website with these draft minutes.

(A) Mr David Martin made a statement in support of a petition signed by 87 local residents urging the Council to establish suitable traffic management measures preferably including a pedestrian crossing on the A36 Warminster Road, Bath to enable parents and children to cross the road safely to Bathwick St Mary Primary School in Darlington Road.

Mr Martin was thanked for his statement which along with the petition was referred for consideration and response to the Cabinet Member for Customer Services.

(B) Mrs Claire White made a statement in support of the above petition and she also urged the Council to establish suitable traffic management measures including a permanent pedestrian crossing and clear signage on the A36 Warminster Road, Bath to enable parents and children to cross the road safely to Bathwick St Mary Primary School. In response to a question from Councillor Eleanor Jackson, Mrs White said that there was not a 20mph speed limit on that stretch of road and she believed that there ought to be one at school opening and closing times but she also wished Councillors to know that the speed of the traffic was a problem for pedestrians crossing the road at any time of the day.

Mrs White was thanked for her statement which was referred for consideration and response to the Cabinet Member for Customer Services.

(C) Ms Lin Patterson made a statement urging the Council to make sufficient funding available to enable the Cabinet Member for Customer Services to negotiate with First Group bus company to avoid the reductions being implemented to the 6 and 7 bus routes serving Fairfield Park and Larkhall, Bath.

Ms Patterson was thanked for her statement which was referred for consideration and response to the Cabinet Member for Customer Services.

(D) Mr David Redgewell made a statement on behalf of South West Transport Network about reductions in bus and rail services in the Greater Bristol and West Wiltshire area, passenger representation in decision-making and transportation planning in the new Local Enterprise Partnerships proposed by central government. In response to a question from Councillor Eleanor Jackson, Mr Redgewell said that the Government was proposing to change passenger transport representation to a more customer focused framework so he believed that the Council should re-establish the public transport users consultative group which had previously existed.

Mr Redgewell was thanked for his statement, the transport aspects of which were referred for consideration and response to the Cabinet Member for Customer Services and the local enterprise partnership aspects to the Leader of the Council.

25 YOUTH JUSTICE PLAN 2010 - 2011 (REPORT 8)

The Council considered a report on the annual Youth Justice Plan which outlined the work planned to prevent youth offending and re-offending in Bath and North East Somerset and noted that the report, following approval by the Council, would be submitted to the Youth Justice Board for England and Wales.

On a motion from Councillor Chris Watt seconded by Councillor Vic Pritchard it was **RESOLVED** that the Council:

- (1) Agrees that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998.
- (2) Approves the Youth Justice Plan as part of the Council's Policy and Budget Framework.
- (3) Asks the relevant Overview and Scrutiny Panel once again to monitor progress on the Plan in 6 months' time and participate in the establishment of future priorities.

(Note: 1. The above resolution was carried unanimously with none of the Councillors present voting against or abstaining from voting.)

26 TREASURY MANAGEMENT OUTTURN REPORT 2009 - 2010 (REPORT 9)

The Council considered a report on the outturn performance on the Council's Treasury Management Strategy and Annual Investment Plan for 2009/10 which, according to the 2009 edition of the CIPFA Code of Practice on Treasury Management in the Public Services, the Council was required to consider mid-way through the following financial year.

On a motion from Councillor Malcolm Hanney seconded by Councillor Chris Cray it was **RESOLVED** that:

- (1) The 2009/10 Treasury Management Annual Report to 31st March 2010, prepared in accordance with the CIPFA Treasury Code of Practice, be noted.
- (2) The 2009/10 actual Treasury Management Indicators be noted.

(Note: 1. The above resolution was carried unanimously with none of the Councillors present voting against or abstaining from voting.)

27 YOUTH TRAVEL CARD (REPORT 10)

The Council considered a report on the outcome of the request it had made in September 2009 to examine the options to introduce a pilot scheme for concessionary travel for young people which concluded that, because of the current financial pressures, a scheme should not be progressed for the time being.

On a motion from Councillor Charles Gerrish seconded by Councillor Terry Gazzard it was **RESOLVED** that:

- (1) That the report be noted.
- (2) A youth travel concession scheme, as outlined in option 2 in the report, should be considered with full financial information during the Council's service and resource planning process for the 2011/12 budget.

*(Note: 1. The above resolution was carried by a majority with none of the Councillors present voting against and two Councillors abstaining from voting.
2. An amendment was moved by Councillor Nathan Hartley, which was accepted by Councillors Gerrish and Gazzard as the mover and seconder of the original motion, to insert the words in paragraph (2) above in place of the recommendation in the report not to progress a youth travel card scheme for the time being.)*

28 AVON PENSION FUND COMMITTEE ANNUAL REPORT (REPORT 11).

The Council considered a report on the work of the Avon Pension Fund Committee during the past twelve months together with an indication of its future work programme.

During the debate on this item Councillor Charles Gerrish requested the Pension Committee to consider investing in a local renewable energy scheme as a way of making a significant contribution to the local economy which would also be a good investment for the Pension Fund.

On a motion from Councillor Gordon Wood seconded by Councillor David Bellotti it was **RESOLVED** that the Council receives and notes the Annual Report of the Avon Pension Fund Committee.

29 CORPORATE AUDIT COMMITTEE ANNUAL REPORT (Report 16).

The Council considered a report on work of the Corporate Audit Committee during the past twelve months.

On a motion from Councillor Tim Ball seconded by Councillor Brian Webber it was **RESOLVED** that the Council receives and notes the Annual Report of the Corporate Audit Committee.

30 PETITIONS, STATEMENTS, DEPUTATIONS AND QUESTIONS FROM COUNCILLORS

There were six 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.

The meeting ended at 7.35pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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APPENDIX**LIST OF QUESTIONS ASKED BY COUNCILLORS AT COUNCIL MEETING
9 SEPTEMBER 2010**

NUMBER	QUESTION FROM COUNCILLOR(S)	QUESTION TO COUNCILLOR(S)	SUBJECT
1	Nigel Roberts	Charles Gerrish	Conservation of the Wansdyke Scheduled Monument
2	Nigel Roberts	Charles Gerrish	Planting at Roundabouts including Red Lion Junction, Odd Down, Bath
3	Nicholas Coombes	Terry Gazzard	University of Bath Draft Masterplan
4	Nicholas Coombes	Charles Gerrish	Pulteney Bridge Traffic Management and Junction, Signal and Bus Stop Improvements
5	Ian Dewey	Charles Gerrish	Heavy Goods Vehicle Ban
6	John Bull	Malcolm Hanney	Electoral Registration

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	16th November 2010	AGENDA ITEM NUMBER
TITLE:	THE FUTURE COUNCIL	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendices:</p> <p>Appendix 1 – Academies Act 2010; Appendix 2 – Liberating the NHS; Appendix 3 – Localism; Appendix 4 – Current Council Structure; Appendix 5 – Summary of Project Scopes, Outcomes and Indicative Timescales; (i) Change Programme Board and Steering Group; (ii) Children’s Service Project Brief; (iii) Health, Adult Social Care and Housing Project Brief; (iv) Resources WorkStreams; Appendix 6 – Terms of Reference for the Implementation Committee; Appendix 7 – Comments/ Recommendations from the Independent Adviser.</p>		

1 THE ISSUE

1.1 Given the serious financial position the country faces and a wide range of policy initiatives being launched by the Coalition Government, the Council’s Cabinet at their meeting on 3rd November 2010, provided views on how the Council should respond to this changed environment together with recommending a strategy/direction of travel for the future. This report develops the proposals and ideas within the Cabinet paper and makes recommendations for the future organisational structure of the Council. In particular, this report:

- Sets out proposals for a future organisational model for the Council that focuses on a strategic leadership role
- Sets out a proposed structure to deliver such a model
- Sets out recommendations for the first steps.

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve the principles and general approach being adopted with regard to the proposed Organisational Model for the Council as set out in paragraph 5.4.1 and Appendix 5.
- 2.2 Note the position and general approach being adopted with regard to Children's Service and Academies as set out in paragraph 5.4.2 and Appendix 5 (ii)
- 2.3 Note the overall position and direction of travel for the Health, Adult Social Care and Housing services as set out in paragraph 5.4.3 and Appendix 5(iii) and also that a separate report is presented on this meeting's agenda concerning the future of the associated Health and Adult Social Care "provider" functions.
- 2.4 Note the work being carried out in order to explore the feasibility of establishing Property Asset Delivery Vehicles for the Council's commercial estate (paragraph 5.4.4)
- 2.5 Approve the principles for the proposed senior management of the Council as set out in paragraph 5.4.5.
- 2.6 Note the principles of the project management structure set out in paragraph 5.5
- 2.7 Approve the establishment of an Implementation Committee as set out in paragraph 5.5.3 with the terms of reference set out in Appendix 6A and the consequent amendment of the Employment Committee's terms of reference at Appendix 6B.
- 2.8 Note that the Implementation Committee will report back in due course 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.
- 2.9 Note the proposed transfer of the Public Health function from NHS Bath and North East Somerset (PCT) to the Council as detailed in paragraph 5.4.3 and delegate the provision of appropriate management arrangements for this to the Chief Executive in consultation with the Implementation Committee in the event of legislation being enacted.
- 2.10 Note that a further report will be brought back to Council to include proposals for future political Leadership in the light of options in the anticipated Localism Bill.
- 2.11 Note the financial implications set out in this report and in particular the availability of resources already established as part of the 2010/11 budget and request Overview and Scrutiny Panels to review change programme business cases as they develop

3 FINANCIAL IMPLICATIONS

3.1 The financial implications of all the changes referred to in this report will be assessed as part of the identified projects and up to date assessments will be summarised in the February 2011 budget report for Council.

3.2 At this stage the financial implications of the programme are only indicative as the projects are in many cases still forming.

3.3 The financial benefits of the Programme detailed in this report are set out below:

- Children's Services – avoiding or reducing the impact of loss of economies of scale in the LEA function as schools become Academies and Government funding reduces as a result.
- Health and Adult Social Care – minimising the considerable risk in progressing the change initiated by Government and retaining the benefits accruing from the integration of health and adult social care
- Customer Services - £1M targeted annual saving accumulating over 3 years as a result of integrated and common processes, better use of the web, shared front office services and at the same time redirecting resources to support more vulnerable customers
- Support Services - £2M targeted annual saving accumulating over 3 years in addition to the 5% - 10% efficiency savings being developed for 2011/12
- Procurement - £2M targeted annual savings accumulating over 3 years as a result of shared contracting arrangements and frameworks.
- Workplaces - annual savings in the region of £0.5M from 2014 in addition to indirect benefits associated with more flexible working and better workplaces
- Service (Lean) review – will vary and link with medium term plans but to date substantial savings and service improvements have been achieved such as 20% savings in housing benefits whilst achieving radical service improvements.
- Property Asset Delivery Vehicle – access to £100M of capital.
- The changes to the management structure will realise annual savings up to £2M.

3.4 The 2010/11 budget anticipated the need to put aside funding for the change programme as the Council set about meeting its financial challenges. For this reason the Financial Challenge Reserve of £2M was set up. The release of these funds was delegated to the S151 Officer in consultation with the Chief Executive and Cabinet Member for Resources.

3.5 The cost of the Programme detailed in this report is estimated to be within the Financial Challenge Reserve with the following exceptions:

- The health and social care workstream which is the subject of a separate report on this agenda.
- The office accommodation project which self funds with the revenue savings paying for associated debt charges. The project is likely to rely on prudential borrowing. This approach was anticipated in the 2010/11 budget and the budget assumptions remain valid.
- The Property Asset Delivery Vehicle set up costs are expected to be mainly funded by the vehicle itself.
- Changes to the management structure will be funded from the restructuring reserve established as part of the 2010/11 Budget.

3.6 The Council's medium term plans will be presented to November Overview & Scrutiny Panels. These will set out how the anticipated £38M annual savings requirements are to be achieved over the next 4 years. This is the amount by which the annual gross spend of the Council will need to have reduced by the end of 4 years and compares with annual gross spend (excluding schools) of about £250M.

3.7 It is suggested that Overview & Scrutiny panels review business cases for relevant work streams as they develop. Corporate Performance and Resources (CPR) could also maintain an overview of the entire programme.

4 CORPORATE PRIORITIES

4.1 The Council's Corporate priorities are derived from the vision for the area contained in the Sustainable Community Strategy. This vision remains valid in the new environment but clearly aspects of the strategy will be more important in the short and medium term in particular the issues of growth, the recession and localism.

4.2 The Local Strategic Partnership is reviewing the timescales and relative priorities of issues within the Sustainable Community Strategy and this will inform the Corporate Plan refresh that is considered alongside the Medium Term plan and budget at February Council.

4.3 The existing priorities are all affected by the challenge now faced and the proposals in this report are targeted to allow the Council the maximum opportunity to deliver on the priorities in the new environment. 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.

4.4 A number of the existing corporate priorities have been affected by changes to grant in the Government's emergency budget and as the spending review becomes clearer the speed at which some of the priorities can be delivered will be impacted.

4.5 The proposals in this report work from the basis that the current priorities are the right ones and while the scale of the financial challenge is great and there will be changes in terms of when and how priorities are delivered, this report is about placing the Council in the best place to deliver those priorities. 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

5.1 The Case for Change

5.1.1 Until recently, the Council was working within an environment of top down control whereby its actions and performance were managed through a large number of Central Government performance indicators together with a rigid inspection regime. Arguably, the Council was predominantly a deliverer of services specified by others and, therefore, built success on clear prioritisation, strong performance management and clarity of desired outcomes. The Council was acknowledged by the various inspectorates to be very good at delivering services (4th lowest cost per head of population in the country, 80% of indicators improved over the last three years and over 40% in the top quartile), but challenges remain in respect of the area. Additionally, many of the most complex challenges – such as dealing with multiple cases of disadvantage - require the active participation of communities which historically the public sector has been less good at. Public services also often appear fragmented to the community and people now expect to see their needs defined in terms of how they live their lives rather than in terms of professional or organisational disciplines – i.e. people expect to be seen as a person trying to start a new business, a person living with a long-term disability, a family seeking a home, etc. not as a planning customer, a social care client etc.

5.1.2 The Council has, over the last few years, taken steps to move beyond the traditional focus on service delivery and to develop approaches that emphasise interaction with the community, personalisation and cross-public sector access to services. The most significant of these is the Council's integration with the PCT, but other examples include the Independence and Choice Programme in Adult Social Care, the introduction of Choice-Based letting, Regenerate Whiteway and the considerable success in reducing waste/increasing recycling. Strategic commissioning across the public sector was also starting to emerge through the Health and Wellbeing Commissioning Framework and the work of the Children and Young Peoples Strategic Partnership Board.

5.1.3 The new Coalition Government is following a radical agenda that will have far reaching effects on how public services will be delivered in the future, including the organisational structure and role of the public sector, abolition of a number of regional bodies (i.e. Regional Development Agency, Learning and Skills Council, South West Employers, Government Office for the South West, Strategic Health Authority, South West Arts, South West Tourism etc.) together with a range of service specific and other changes that are set out in a number of Bills and Acts. From the perspective of this report the key Bills and Acts are:

- Academies – this Act provides the power for schools to effectively opt out of local authority control
- Children’s Services – extensive changes to the residual functions of the Council as a Local Education Authority will be outlined in the forthcoming ‘Schools and Children’ Bill. This will further clarify the role of The Council with regard to schools and the provision of Education Support Services. The Bill will also consolidate changes in relation to the ‘duty to cooperate’ of other statutory services in relation to Children in Need (Children Act 1989 and 2004) and Safeguarding (Children Act 2004, Working Together 2010). Extensive changes to our social care function are also anticipated due to the Munro Review into Social Work Practice and the ongoing work of the Social Work Reform Board. The Government are keen to expand the role of the market in the delivery of childcare/social care work and further policy announcements are awaited.
- Health – White Paper “Liberating the NHS” expected to be reflected in the Health Bill anticipated in December 2010. A summary is attached at Appendix 2: the Bill is expected to create new accountability for Health Improvement for Local Authorities and will effect a number of significant changes to the commissioning of health services at national and local level. A further White Paper on Public Health is expected to be published in December 2010, the associated Public Health Bill is expected in 2012. White Papers on Social Care and a Commission on Long Term Conditions are also anticipated within twelve months.
- Localism – this introduces a number of concepts around community power in decision making and encourages the development of alternative leadership and decision making models. The Council will need to be able to respond to the needs and views of different local communities and develop an approach that can enable communities to meet their own needs locally while ensuring that the vulnerable are protected and there is support to disadvantaged communities.
- Sub-National Economic Growth – outlines the approach to Local Enterprise Partnerships (LEPs), the Future of Business Link and to set out the Government’s view of Economic Development in a “localism” world.

Appendices 1 to 3 inclusive provide a summary of the first four of the above. Additionally, the Government have introduced some themes that are common to all their policies with regard to the public sector. These include:

- Big Society – a concept of greater personal and community ownership and, therefore, more “self help”.
- Removal of Regulation – the removal of the vast arrays of performance information and inspection, now allow real local democratic differences to emerge (i.e. there may now be different levels of service or indeed services delivered in different areas of the country).

5.1.4 The effects and consequences of the national financial deficit have been widely reported in the Council as well as in the national and local media . The accounts for 2009/10 show the Council receives approximately £40M from Government as redistribution of Business Rates and Revenue Support grant. A further £7.5M is received as Area Based Grant. Approximately £77M comes from Council Tax. The balance of the funding for the £137M net expenditure on services (excluding schools) comes from interest, fees and charges. Schools are separately funded by Dedicated Schools Grant of approximately £95M.

5.1.5 A reduction of circa 30% in Government funding is expected over the next 4 years, encouragement is to be given to Council’s to avoid Council Tax increases yet demands on services such as social care continue to rise. Taking all these factors together it is anticipated that there will be a funding gap of around £12M in 2011/12, £12M in 2012/13, £7M in 2013/14 and £7M in 2014/15 – approximately a £38M reduction in annual gross expenditure (excluding schools) to be achieved over 4 years.

5.1.6 These pressures were referred to when the annual budget was set in February this year and the estimates are continually being updated. Cabinet will be informed of the impact of the Government’s Comprehensive Spending Review (CSR) announced on 20th October and details will also be provided for Overview & Scrutiny Panels in November. The figures in the CSR suggest that our financial assumptions are of the right order, except the savings requirement that have been assumed in year 3 may be over stated. On the other hand demand pressures may be greater than assumed. In any case there remains some uncertainty because the Government have yet to provide information on how funding will be distributed. This is particularly relevant as many specific grants are to be rolled into the general formula grant. It will not be until December that a definitive statement can be made about the impact of the CSR.

5.2 The Council's Capacity

The structures and ways of working that have been very successful in delivering 'good' services now need to be reviewed in the light of the new Government agenda and financial challenges set out above. The core business of local authorities and how they relate to their communities will need to change and, in this respect, the Council needs to reconsider the prioritisation it places on the following:

- Interaction with Communities

The Council generally sees people through the lens of service provision rather than people with multiple needs and therefore the most stubborn and challenging issues are sometimes not adequately addressed. The Council needs to know more about people's perceptions and experiences if it is to develop effective actions to tackle these issues. It also needs to understand the capacity and skills in the communities themselves as this will increasingly be a major resource.

- Efficiencies

The Council will not reduce the pressures on the big drivers of cost in the medium term, such as adult social care, through incremental change. To find the real efficiencies the service model needs to be re-thought, re-designed and re-engineered to reduce the needs in the first place rather than just dealing with the consequences.

- Commissioning Effectively for Outcomes

To achieve a re-configuration of services and efficiencies, the Council will need to develop and manage alliances with its partners (PCT, Police, Universities, Fire and Rescue, Government Agencies, Neighbouring Authorities, Voluntary Sector, the Community itself etc) in different ways that are based on a shared understanding of people, place and problems. Complex commissioning arrangements need to be developed if this is to be achieved.

Given the new environment that the Council will be operating in, the above functions will become increasingly important for the public sector organisation of the future.

5.3 The Role of the Future Council

5.3.1 In considering the issues raised above, part of the Cabinet's recommendations were that the Council should focus its energy in the future on the activities where it alone can add value and this should enable other

organisations to do those things that they can do as well or better than the Council. In particular, the Cabinet recommended the following principles should be adopted for the organisational structure of the Future Council:

“1. The Council must retain democratic responsibility for outcomes and for all the services it funds to achieve those outcomes.

2. The democratic accountability of Councillors places a responsibility on the Council to establish the needs of the community and provide community leadership. The Council will need to understand the different communities better in order to ensure that resources are focussed on where the greatest need is and that the Council is able to work with communities to enable the most appropriate local solutions.

3. The future Council should be strategic rather than operational, focussed on convening and working with partners and the community to prioritise and commission public services that provide value for money. The emphasis will be less on direct delivery than at present and there will be an increasing emphasis on individuals and our community(ies) taking on greater direct responsibility. In this respect the ‘Big Society’ is critical. There will be an increasing plurality of providers - public sector, community / voluntary sector, private sector and combinations of partnerships thereof.

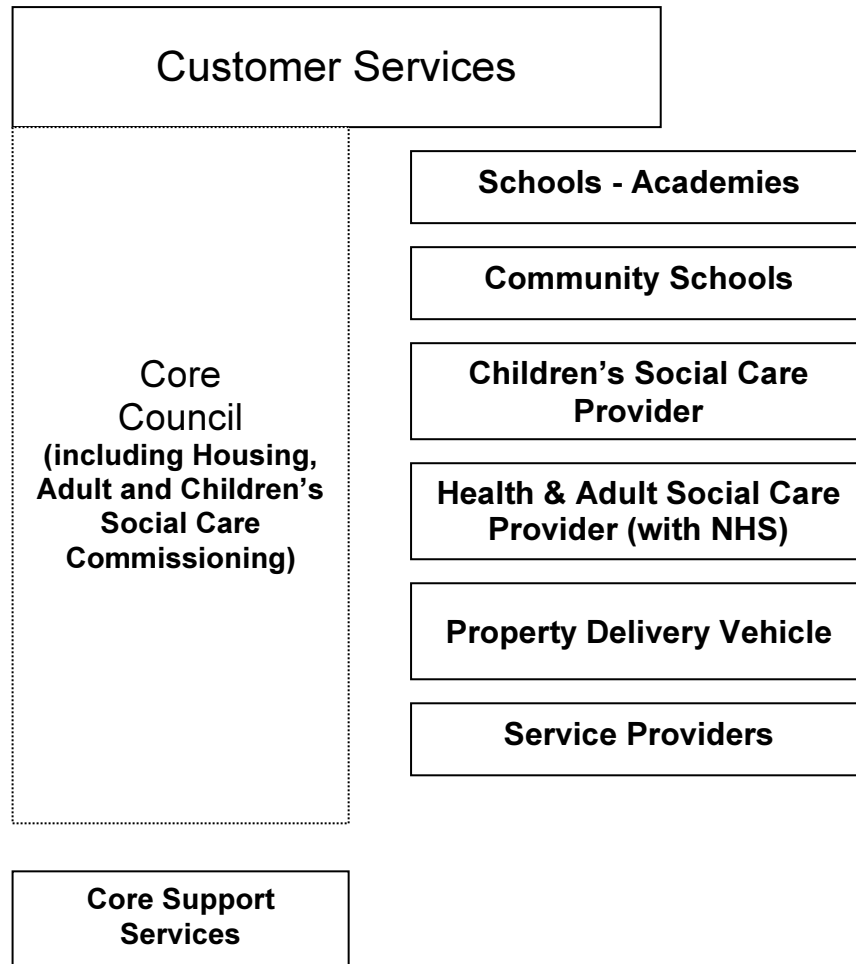
4. The Council will remain responsible for making policy, setting priorities and the annual budget and Council Tax, and working with its partners to commission and ensure delivery of outcomes for individuals and communities.”

5.3.2 Ultimately the role of the future council is to ensure the Vision for the area is delivered. A difficult economic climate is not a justification for failing to deliver an exciting vision as the Council must find different and imaginative alternative models to ensure success.

5.4 The Future Council

5.4.1. Proposed Organisational Structure for the Council

5.4.1.1 In order to address the issues in paragraphs 5.1, 5.2 and 5.3 above, the following organisational model is proposed for the future Council.



The elements of this model are briefly described in the following paragraphs:

5.4.1.2 The Core Organisation

The development of a cross public-sector strategic commissioning role is key in the future shape of the Council, both in achieving savings and enabling better outcomes. It will entail shrinking and fully integrating the Council to a strategic core and then working closely with those undertaking similar activities in LSP partner organisations. The Core organisation will have essentially three complementary functions:

Strategic Commissioning is about delivering the vision and priorities articulated in the Sustainable Community Strategy through analysing local population needs, assessing the provision landscape, evaluating solutions and commissioning services to meet need. It involves putting in place outcome measures to assess delivery and ensuring effective procurement and contract management. Through engagement with the

community and service users it will develop effective commissioning strategies.

Enabling communities to develop capacity and skills to address their own needs and respond locally. The Core role will be to support capacity building with information skills project support etc. The organisation may provide limited funding over an agreed period to support capacity building, but eventually withdrawing so the local groups become self sustaining.

Regulatory and Safeguarding, ensuring that all services, organisations, agencies and communities act within the legal and regulatory framework so that communities and individuals receive appropriate services. This includes functions such as licensing and public protection as well as safeguarding adults and Children. This does not mean the core will deliver all of the aspects of these responsibilities, but it will want to be assured that these are being delivered in the most effective way.

The above functions are current activities of the Council and its partners but they are not always carried out in sufficient depth, with sufficient commitment of time or in a sufficiently integrated way. The proposal, therefore, emphasises the need to develop these functions and skills in alliance with strategic partners.

Commissioning for health will be the responsibility of GPs under the proposals in the Health White Paper and, depending on the outcome of discussions with the GPs, this function could be appropriately integrated (i.e. ensuring maintenance of clinical leadership) within the core Council. Either way, there will be a role in the Core in influencing the health outcomes of the area, with also the role for Public Health coming into the Council.

5.4.1.3 Customer Services

This grouping is proposed to be the major contact/interface between the community and the public sector. Initially it will focus on Council services, but should develop to provide cover for a greater span of public services in the future. The intention is to provide a single portal for public services, including engagement, consultation, complaints, service requests etc. and enable issues to be resolved as close to a single contact as possible. The service should be multi-faceted (i.e. face to face, Web and Telephone)

Given the nature of this service it is recommended that it should be under the direct control of the core, rather than any form of arms length organisation, to ensure the right culture within its operation.

5.4.1.4 Service Delivery Units

These units will focus on service delivery and associated innovation. They may be part of the Council, another public sector organisation,

private sector, voluntary sector, Not For Profit Organisation or Partnership. Their core business will be the efficient delivery of services to the specified quality. It should be stressed that this is not a structure that necessarily requires “externalisation” of services – this should only be considered if a business case demonstrates clear community benefit from adopting such an approach.

Service delivery units will have the freedom to choose how and from where their support services are provided, but basic minimum standards and reporting formats will be specified by the core. Additionally, if any change is proposed, there will need to be a transition period.

In general, assets will reside with the core organisation.

Further details with regard to Academies, Adult Social Care and Properties Asset Delivery Vehicle are given in the following paragraphs (5.4.2, 5.4.3 and 5.4.4 respectively).

5.4.2. Academies

5.4.2.1 The Academies Act 2010 is now in force and a further ‘Schools and Children’s Bill will be introduced into Parliament before Christmas.

5.4.2.2 The Academies Act extends the option to become an Academy to all Ofsted- defined ‘Good’ and ‘Outstanding’ schools in England and Wales. Previously, Academies were only permissible as replacements to failing or long-term poorly performing secondary schools. This Act enables Infant, Junior, Primary and Special Schools to become academies.

5.4.2.3 Early indications are that only a small number of schools nationally (and locally) are choosing to become academies. However, reducing public spending and the relative protection afforded to school funding may act as an incentive to schools to move to become academies as they ‘take with them’ a proportion of all of the funds of the wider service, this could be a powerful influence upon school decisions as other current sources of funding, upon which they rely, are withdrawn by Government as part of the wider spending reductions.

5.4.2.4 A critical consideration must be the ‘tipping point’ at which point the loss of funds caused by the number of schools becoming academy causes the council to be unable to deliver certain services in an economic/cost effective manner.

At this time the ‘tipping point’ can not be accurately identified because Government has not established the permanent methodology through which it identifies the amounts to be transferred from the local authority to each individual academy. Also, there are additional factors to consider such as how to continue to deliver services to a specific phase of schools e.g. primary or special where the majority remain part of the local authority if the loss of funds is caused by another phase of schools

i.e. secondary and the amount lost has a disproportionate impact upon our ability to support those schools which remain.

5.4.2.5 A further consideration relates to the primary functions of the Council as a Children's Service Authority. Firstly, the loss of responsibility for the institution i.e. when the school becomes an academy, does not remove all of the responsibilities for the children attending the academy. Secondly, in developing organisational and service delivery options which take into account the impact of academies, it is important to recognise that the Council will retain employer responsibilities for school staff in those schools which continue as Community or Voluntary Controlled schools, this is the majority of primary and special schools within the area.

5.4.2.6 Work has begun to identify, assess and quantify the impact of the Academies Act upon the Council. Workshops for secondary and primary schools are being put in place. From this initial work it may be possible that a policy stance emerges whereby the Council and its secondary schools agree a planned transition of all secondary schools to become academies. However, it must be recognised that the Council can not enforce such a move, the legislation is permissive.

Such a planned approach would enable all factors to be considered and planned for; it would allow the Council to re-shape its services in line with the direction established above. It would also allow time to develop service models which protect elements of service that add significant value for children and young people and/or are a residual responsibility of the local authority, examples include:

- Fair access/admissions to schools
- Provision of SEN services
- Provision of attendance and non-attendance (prosecution) services
- Fair Exclusion and 'Education otherwise' procedures

5.4.2.7 Because the Academies Act is 'framework' legislation much of its potential positive and negative impact will not become clear until regulations are drafted and laid before Parliament. Also, the Act was rushed through Parliament and there was very limited debate about its impact both intended and unintended. Therefore, the immediate, medium-term and long-term impacts are not clear and a project team is required to plan for the future and consider options for future service delivery.

5.4.3 Health, Adult Social Care and Housing

5.4.3.1 NHS B&NES and the Council's adult social care and housing currently form an innovative Partnership which directly provides community health and social care services, including Community nursing & therapy services & community hospitals, social work services and Community Resource Centres. There are circa 1700 staff providing these front line

services. The Partnership is also responsible for commissioning adult and children's health, social care and housing services with resources from the PCT and from the Council. Children's Services commissions children's health and social care services on behalf of the Partnership and an integrated team of adult commissioners, based in the PCT is in place for adult health, social care and housing commissioning. The Partnership is headed up by the PCT Chief Executive who has a combined post that also fulfils the function of Strategic Director Adult Social Care and Housing within the Council senior management team.

The Partnership is enshrined in a formal legally binding document that sets out the governance arrangements and the means by which the arrangement can be terminated. This document came into effect in April 2009. The Partnership is overseen by a Health & Well Being Partnership Board that comprises the Leader of the Council, who currently chairs the Board, the Cabinet portfolio holders for Children's Services and Adult Services, the PCT Chair and two Non Executive Directors, the PCT CEO / Director of Adult Social Services & Housing, the Director of Children's Services and the Council's Chief Executive. This partnership is broadly in line with the Government's current proposals, but membership may now need to change in order to reflect increased clinical leadership.

5.4.3.2 The Partnership was set up to ensure streamlined, cost effective service provision arranged around the needs of service users and avoiding the duplication that traditionally exists between health and social care provision. It was also set up to ensure that optimal use was made of the joint resources of health social care and housing and that these were deployed to improve the health and well being of local people and to avoid the conflicts that emerge when the budgets are managed separately (i.e. bed blocking, disputes over funding for packages of care etc).

5.4.3.3 A formal Partnership is not the only way to achieve the intended objectives, but it was intended to speed up the progress towards alignment of budget and provision and to simplify things for service users and for clinicians and practitioners within the system. A benefit realisation scorecard has been developed, however the impact of the Partnership is still in its early phase, having only been formally instigated in April 2009. Early examples of benefit include:

- Positive feedback from service users that services are easier to use and better joined up.
- Positive feedback from local GPs and hospital Consultants that it is easier and quicker to get complex packages of health and social care in place.
- Reduction in numbers of people stuck in hospital when they could be at home or in the community if the right services and support were to be available
- Greatly reduced length of hospital stay, both in Royal United Bath, and in Paulton and St Martins.
- Reduced expenditure on high cost placements for people with mental health and learning disabilities, with more work now being undertaken on placements for older people.

- More robust safeguarding arrangements developing for the care home sector as health and social care professionals collaborate to support improvement in standards such as record keeping, wound care, dignity and personalisation.
- Joint training of health and social care staff to ensure common standards and procedures that deliver consistently high quality care.

5.4.3.4 Given the work that has been done in developing the partnership, the Council/PCT are in a strong position to deliver the requirements of the Health White Paper (a brief summary of this paper is provided in Appendix 2).

5.4.3.5. Specific proposals

a) The Health and Wellbeing Provider – A detailed paper on this piece of work is the subject of another report in this agenda. In summary options have been identified that preserve the integrated provision of health and social care, including transfer of the current health and social care services to an existing NHS organisation; into the Council; create a new social enterprise; create a new public / private partnership.

b) Commissioning – As a consequence of the closure of the PCT by April 2013, and the SHA by 2012, alternative arrangements need to be designed to maintain and develop the current integrated commissioning of health, adult social care and housing. In line with the White Paper, GPs in B&NES have agreed to work together to form a statutory body called a GP Commissioning Consortia covering the 28 GP practices within B&NES and their registered practice population. The nature of this consortium will be determined by the level of resource that is made available by the Department of Health for management and infrastructure, the nature of the contract negotiated by the BMA, and the relationship that develops between the Council and the new organisation. GP leaders and the Council will need to work closely together to agree how best to commission services in the future.

c) Public Health and the responsibility for health improvement, including commissioning responsibility for health promotion, sexual health, screening services and a range of other functions to be defined in the forthcoming white paper. The current Joint Director of Public Health role is vacant and this post and staff associated with the functions will transfer into the Council. The timetable for the transfer, the range of functions, the staff and the budget will be set out in the White Paper expected in December 2010.

d) New Statutory Duties for Local Authorities. The White Paper proposes that Local Authorities be responsible for improving the health of the population, hence the transfer of public health. However there are also a range of other new duties that are intended to address the democratic deficit in health. In particular Local Authorities are required to establish new statutory Health and Wellbeing Partnership Boards. Little detail has been released by the Department of Health to date on the form or role of these

Boards, however it seems likely that the existing Health & Well Being Partnership Board will form a good basis for meeting the new requirements. The White paper suggests that the new arrangements should be in shadow form by April 2011 and that the Partnership Board will replace the current Health Overview & Scrutiny Panel. Other new duties include the responsibility for commissioning Health Watch – a new consumer organisation for health.

5.4.4 Property Asset Delivery Vehicle

The Council owns a substantial commercial estate that generates about £14M of annual rental income and has a value in the accounts in the region of £200M. The estate represents about two thirds of the retail property in the centre of Bath. In addition there are a number of potential development sites in Bath and elsewhere which are owned by the Council and which also have a significant development value.

The creation of one or more asset backed vehicles to hold existing Council commercial and development assets is to be considered as means of:

- Continuing to maximise the total long term return (income plus capital appreciation) of the Council's Commercial Estate.
- Protection of revenue income to Council particularly over the next five years.
- Generation of significant Capital Receipts (of the order of £100m over the next 5 years) to invest in and implement the Public Realm & Movement Strategy and other necessary infrastructure for the future sustainable development of Bath and Bath & North East Somerset (alongside Government funding and developer contributions). The capital receipts will also be used to implement the objectives of the World Heritage Site Plan and support the capital investment necessary for the development of cultural and leisure facilities that will enhance Bath/Bath & North East Somerset in terms of attracting and retaining businesses and residents. Any proposals regarding use of capital receipts for cultural or leisure facilities will need to be supported by robust business plans that do not require substantial revenue support from the Council other than within existing budgets as tempered by the future outlook for local government financing.
- The generation of Capital Receipts is expected to come from working with partners with regard to the Commercial Estate and/or development opportunities within the Council's Corporate/Operational Estate. The overriding principle is that the Council's Commercial Estate will be enhanced by the proposed investment in public realm and infrastructure, World Heritage Site Management and cultural and

leisure facilities and will be worth significantly more (adjusted for any partnership interests that will not include freehold interests) than the “do nothing” alternative.

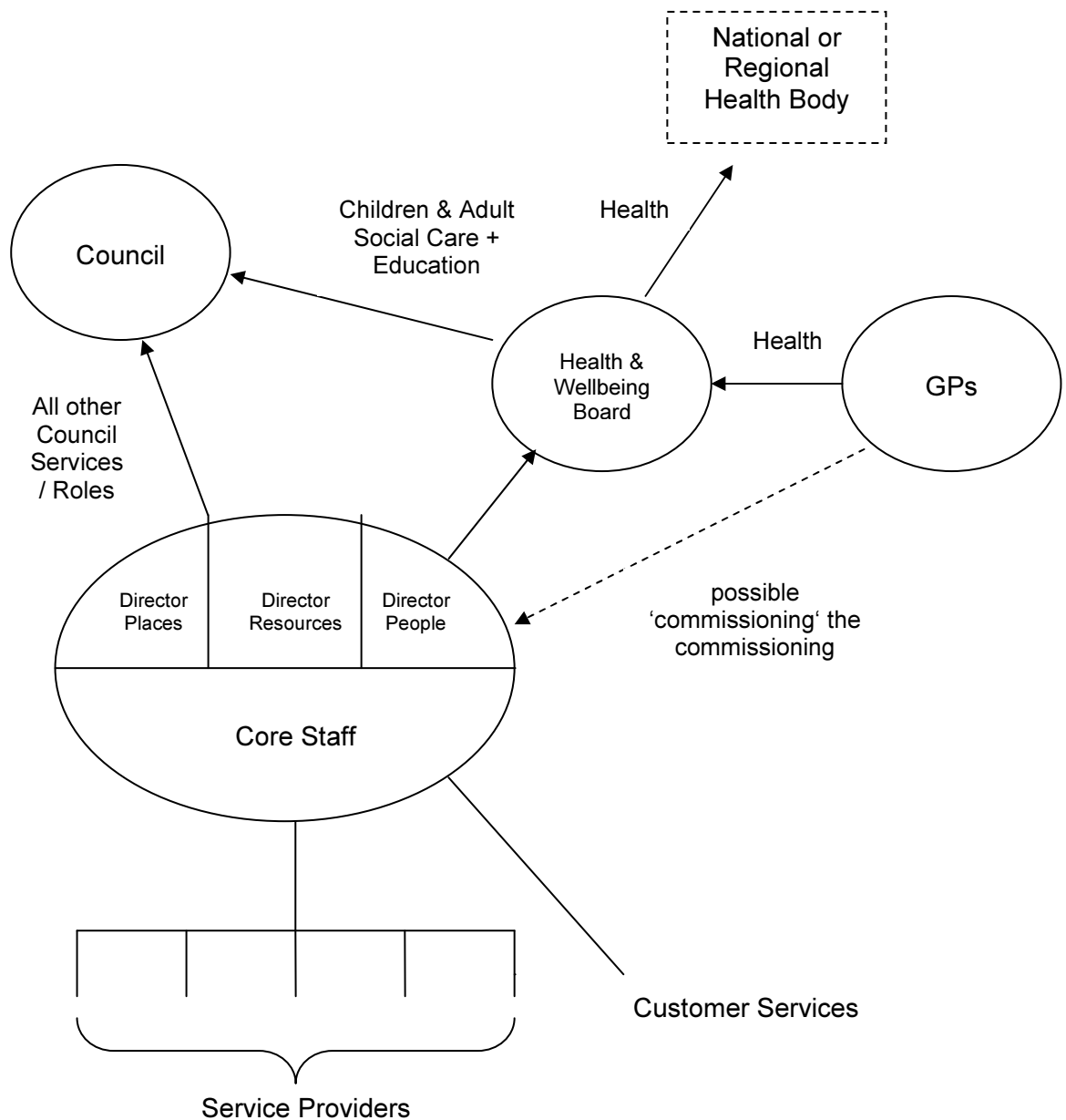
- The Council wishes to identify partners who share the Council’s long term vision for Bath and Bath & North East Somerset and who will be able to contribute capital, experience and value added to the Council’s objectives as stated. In particular, we want to identify a partner or partners who will take a long term view of the Estate while establishing and meeting appropriate short and medium term targets.

The Council also owns operational assets such as offices, depots and parks, none of which are included in the scope of this project. Some of the car parks in Bath may be released for development depending on the availability of alternative parking including additional park and ride. Similarly Heritage assets such as the Roman Baths are outside of scope. In the case of the Council offices a separate project is aiming to reduce the space used as well as the costs of occupation and impact on carbon usage.

Once options have been assessed a report will be submitted for decision with a view to selecting a partner or partners at that stage.

5.4.5 Governance and Senior Management for the Proposed Model

The Council currently has a Chief Executive, 5 Strategic Directors (including one shared with the PCT), and 17 Divisional Directors. The Strategic Directors’ roles are primarily to be responsible for the Corporate Management of the Council whilst service delivery is the direct responsibility of the Divisional Directors (Appendix 4 sets out the principal areas of responsibility for the Council’s current senior management). The proposed model outlined below has a top team of 3 Directors (i.e. a reduction of 50%). The proposal is designed to meet the new environment with an emphasis on commissioning and bringing together of various services to ensure greater integration and improved planning. The new senior posts will take primary responsibility for People, Places and Resources together with a collective responsibility for the Corporate Management of the Council. The Head of Paid Service responsibilities can either reside with one of the Directors (i.e. primus inter pares) or be an additional post. The proposed structure provides flexibility for political leadership depending on the Council’s future preference with regard to the options that are likely to be permitted within the Localism Bill (i.e. Mayor, Executive Leader, etc).



Whilst it is not appropriate to substantially restructure the Divisional Directors until the new Strategic Directors are in post, it is anticipated that there will be an overall reduction in this tier of management of not less than 30%. This reduction will be from a combination of redeployment, transfer to other organisations or redundancy/retirement. Part of this subsequent restructuring will also be expected to deliver a flatter management structure with a target of no more than 4 tiers of management/supervision. (There may be exceptions to this rule where safeguarding expectations require a structured level of management oversight or supervision).

The net effect of the above proposals will be to save the Council up to £2million a year.

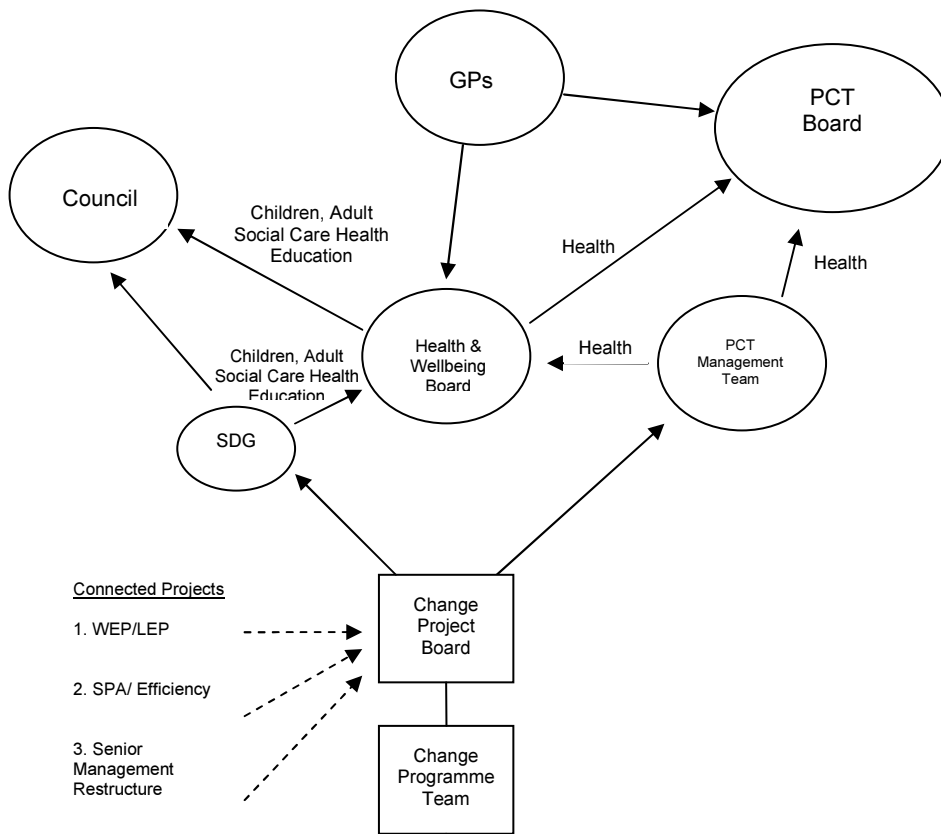
5.4.6 Democratic Process

The proposals in this report do not require any change to the role of Councillors or to democratic decision making. However, as the implications of the Localism Bill become clearer, this will be the subject of a future report to Council.

5.5 Delivering the Proposals

5.5.1 Project Management Structure

Paragraph 5.4 sets out the possible future shape of the organisation to deliver the vision for Bath and North East Somerset, but further work is necessary to establish the full details of such a proposal. The following chart sets out a project management structure that combines a number of existing projects (currently badged as the Change Programme) together with those necessary to deliver the strategic direction set by the Cabinet and Central Government.



	Director of Resources				Children's Services Director			PCT Chief Executive and Director of Adult Services			Lead Director
Cross Cutting Support Projects	Customer Services	Core Council	Support Services	Asset Backed Vehicle	Children's Social C	Youth Services	Academies & residual LEA	Public Health	Commissioner & Residual Body	Provider	Sub Projects
Office Accommodation					Commissioning	Provider					
Communications and Organisational Development											
Process & Systems											
Finance											
Legal											

Appendix 5 provides a summary of the scope and outcomes for each project.

5.5.2 Timescales

Given the timescales set out in some of the legislation together with the severity of the cuts that will be imposed by Government, implementation of the proposals will need to prioritise those elements that deliver efficiencies and those that have statutory deadlines. Overall it is expected that implementation will be completed within 3 years and indicative milestones are set out in Appendix 5. This can be summarised as:

- Academies/Schools: New service model from April 2012
- Children's Social Care; New service model from September 2013
- Children: Youth Service/YOT etc: New service model from September 2013
- Health
 - Provider – Department of Health timetable requires significant progress to solution by April 2011, with implementation locally aiming for September 2011.
 - Commissioner – April 2013 at latest when PCT closes down.
- Public Health – to be detailed in Public Health White Paper due December 2010.
- Property Asset Delivery Vehicle – to be implemented in 2011. Advisers to be appointed immediately.
- Senior Management Restructuring – whilst this will be phased over the 3 year period, reductions will be focussed near the end of the period as considerable senior management resource will be needed to deliver the programme and manage the change.
- Support Services – phased implementation over next 3 years – radical remodelling as Council changes shape probably in 2012/13
- Customer Services – phased implementation which has already begun and continues over next 3 years. Initial focus is on the web, e transactions, communications hub, shared front office, life events and efficiencies. New relationships with schools and health and social care will need to develop.
- Core/Delivery - remodelling largely driven by timetable for Academies and Health & Social Care. The model will need to be working effectively from 2012/13.
- Office Accommodation – already well underway with in Bath Lewis house complete, Trimbridge closing at time of publication of this report, Plymouth House closing next year (2011) and replacement office accommodation in Keynsham in 2014. In addition shared

accommodation has been created at St Matins Bath with the PCT this year.

- Lean Reviews – ongoing with Housing Benefits complete, Waste part complete (missed bins), Council Tax substantially complete, Children's and Adults ongoing for next 12 months. Others may follow.

5.5.3 Management Structure

It is proposed that implementing the new senior management structure, in accordance with the proposals in this report, will be the responsibility of an Implementation Committee with terms of reference and membership as set out in Appendix 6. The Committee will be advised by the Independent Adviser (as noted by Council at its meeting in May 2010) retained by the Council in respect of this project and the Council's Statutory Officers as necessary and where appropriate.

With regard to timing, this will be decided by the Implementation Committee following receipt of a detailed resource project plan from the Project Board.

An integral part of the work of the Committee will be to ensure appropriate arrangements are in place for the effective discharge of the various statutory roles the Council is required to put in place, including the Head of Paid Service, Directors of Adult and Children's Services and Public Health, Section 151 Officer and Monitoring Officer. Other than the first of these roles, it is anticipated that the designation will be to officers/posts at second tier level.

Implementation will be in accordance with the relevant HR policy and practice in place at the time.

6 RISK MANAGEMENT

- 6.1 The proposed Programme Board will develop a full risk assessment for each of the workstreams.

7 EQUALITIES

- 7.1 Each project/workstream will develop an equalities impact assessment against the Equality strands but also prioritise vulnerable people and maintain the emphasis on commissioning skills. The proposals in this report will enable the focus to be more on the needs of individuals and communities and enable the development of different ways to meet those needs more appropriately within the resources available.
- 7.2 Impacts on the Council's workforce composition will continue to be monitored throughout the implementation of the proposed model.

8 CONSULTATION

8.1 This report has been provided to the Trades Unions and they have been invited to submit their views in person at the meeting. Additionally, any written comments received will be circulated to Council.

8.2 Strategic and Divisional Directors have been consulted in the preparation of this report and their views incorporated as appropriate.

8.3 The Council's Statutory Officers (i.e. Finance, Monitoring, Director of Children's Services and Director of Adult Services) have also been consulted in the preparation of this report and their views have been incorporated in the text.

9 ADVICE SOUGHT

9.1 Mike Robinson, the Independent Adviser, has provided detailed comments on this report and they are included in Appendix 7.

Contact person	John Everitt, Chief Executive – 01225 477410
Background Papers	<ul style="list-style-type: none">• Report to Cabinet at its meeting on 3rd November 2010 - Development of Strategy in Response to Coalition Government plans and Public Sector Finances.• Cabinet Resolution with regard to the above.
Please contact the report author if you need to access this report in an alternative format	

Academies Act 2010 – Implications for the Local Authority and Schools

1. Introduction

- 1.1 The Academies Act extends the opportunity to become an academy to all state schools in all phases. Outstanding schools are deemed by The Secretary of State to be 'pre-approved' as Academies. However, they must still undertake consultation with the local community and have their funding agreement approved by the Secretary of State before becoming an Academy.
- 1.2 All academies will be required to comply with all relevant education legislation around admissions, exclusions etc. However, academies are exempt from:
- National Pay and Conditions for staff
 - Following national curriculum requirements
 - Local determination/regulation of how they deploy budget
 - Local determination of school term length and school day times
 - Redress to the SEN Tribunal

2. Academy Funding

- 2.1 Academies are funded by the Young People's Learning Agency (YPLA) based upon a calculation of formula agreed by the Schools Forum within which the academy resides. This means that academies in different Local Authority areas are funded differently.
- 2.2 Academies will receive payment to enable them to provide/commission services that the Local Authority would have provided on their behalf. For all schools who convert in this financial year the DfE will require the Local Authority to repay the Dedicated Schools Grant element of the funding provided to the academy and the DfE will meet the costs of the Local Authority element during 2010-11. The DfE will fund the payments and will consult on a new funding mechanism for 2011-12. Therefore there is considerable uncertainty regarding future funding levels.
- 2.3 However, the key principle is that academies should receive the same level of 'per pupil' funding as they would receive from the Local Authority as a maintained school. Being an academy should not provide financial advantage or disadvantage to the school converting.
- 2.4 Academies financial year runs August-July and not April-March and they receive from the YPLA a (GAG). The General Annual Grant is made up of two elements:
- 2.4.1 An amount equivalent to the schools' current budget share. This will be the same as the amount provided by the Local Authority through the local formula adjusted to recognise reduced business rates (academies are charities) and insurance.
- 2.4.2 Local Authority central spend equivalent grant (LACSEG). This covers the central costs for services the Local Authority no longer provides; the amount varies across Local Authorities reflecting how much the Local Authority has held back with the agreement of its Schools Forum to pay for central services.

2.5 The relevant services that Academies will receive funding for and provide for themselves include:

2.5.1 From the Local Authority's School's Budget: (DSG)

- Special Educational Needs (Mainstream additional funding) (excluding resources for pupils with specific statements of SEN)
- Behaviour support services
- 14-16 Practical Learning Options
- School meals and milk
- Assessment of FSM eligibility
- Repair/maintenance of kitchens
- Museum and Library Services
- Licenses and subscriptions
- Central staff costs (maternity; long term sickness, union duties etc)
- Certain employment termination costs

2.5.2 From other Local Authority sources:

- Local Authority statutory and regulatory duties
- Educational Psychology Services
- Asset management costs
- School Improvement Services
- Monitoring of national curriculum assessments
- Education Welfare Services/Children Missing Education
- Traveller Education Services
- Ethnic Minority Achievement Services
- Pupil Support (clothing grants etc)
- Music Services
- Visual/Performing Arts Services
- Outdoor Education Services
- Certain redundancy and early retirement costs
- Inter-agency child protection training
- Advice and support re child protection matters from the Integrated Safeguarding Officer
- Services from the Local Authority Designated Officer in respect of allegations against staff

(see also Appendix 1 – and Appendix 2)

2.6 The Local Authority retains funding for the following services that it has to continue to provide for Academies:

- Home to School Transport
- Educational Psychology, SEN statementing and Assessment
- Monitoring SEN provision, SEN Parent Partnership
- Prosecution for non-attendance
- Funding for severe SEN
- Pupil Referral Units and Education otherwise
- Hospital Education Services and Support for sick children

3. Key Issues for Bath and North East Somerset Schools and the Local Authority

- 3.1 We need to develop appropriate charging policies for those schools who wish to purchase services from us
- 3.2 When a school becomes an Academy we need to agree which services they may wish to purchase from us
- 3.3 As each Academy will take a proportion of the funding for services this will reduce the amount available to provide these services to the remaining schools. The demand for/need for services from schools becoming academies may be proportionately lower than the funding they will take, putting pressure on funding to deliver for the remaining schools. This needs to be modelled carefully as the funding allocation is confirmed from 1st April 2011 and we should debate whether all Secondary Schools should become Academies.
- 3.4 Depending on the pace of development of new Academies, we will need to look at the impact on Children's Service and consider a review of the structure. Impacts may include redundancies and loss of capacity/flexibility as we down-size and/or the need to out-source services which are too small to remain viable.

APPENDIX 2

Summary of the White Paper: Equity & Excellence: Liberating the NHS (White Paper, published DH July 12th 2010)

NHS Core Values reaffirmed: available to all; free at the point of use; based on need not ability to pay

- **Patients will be at the heart of everything we do**
"No decisions about me without me"
 - Consumer ratings for hospitals & clinicians according to quality of care (Safety, effectiveness & experience)
 - Extended range of choice: of provider, consultant led team, GP practice and diagnostic tests
 - New consumer champion: HealthWatch to be commissioned by LA & to replace LINKS
 - "Information revolution" to support (based on use of information not IT infrastructure)

- **There will be a relentless focus on clinical outcomes**
Some Health Outcomes are among the best in the world, other lag behind (e.g. admissions amenable to community care; inc diabetes & asthma; stroke outcomes)
 - New outcome frameworks for health, public health & social care
 - New role for NICE to provide library of standards for health, public health & social care
 - Removing existing targets that have no clinical justification
 - Establish Public Health Service (White paper later in year) & responsibility for PH moves to LA

- **We will empower health professionals**
 - GP commissioning consortia as new statutory bodies allocated commissioning resource & required to commission with LAs
 - From 2012 Independent NHS Commissioning Board allocating & accounting for NHS resources.
 - ALL NHS trusts to be Foundation; expansion of Any Willing Provider, expansion of Social Enterprise
 - New statutory arrangements within Local Authorities [Health & Well Being Boards] to take strategic approach, promote integration across health & social care & wider council
 - Health O&S replaced by the LA new statutory functions
 - SHAs cease in 2012; PCTs cease in 2013

Localism

BACKGROUND

1.1 The Coalition government's programme focuses on the twin themes of deficit reduction and localism. The "Big Society" encapsulates both themes through its emphasis on the importance of communities' time, effort and capacity in improving local areas, rather than the top-down "micro management" reflected in previous performance regimes.

1.2 The Government propose to give legislative effect to this approach in a Localism Bill to be published this autumn. The Bill is expected to include a general power of competence for councils and new powers for communities to save local facilities threatened with closure- as well as the right to bid to take over local state-run services.

1.3 The Bill has not been published but the following is what was said in the Queens Speech in May

The purpose of the Bill is to:

The Bill would devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions.

The main benefits of the Bill would be:

- Empowering local people.
- Freeing local government from central and regional control.
- Giving local communities a real share in local growth.
- A more efficient and more local planning system.

The main elements of the Bill are:

- Abolish Regional Spatial Strategies.
- Return decision-making powers on housing and planning to local councils.
- Abolish the Infrastructure Planning Commission and replace it with an efficient and democratically accountable system that provides a fast-track process for major infrastructure projects.
- New powers to help save local facilities and services threatened with closure, and give communities the right to bid to take over local state-run services.
- Abolish the Standards Board regime.
- Give councils a general power of competence.
- Require public bodies to publish online the job titles of every member of staff and the salaries and expenses of senior officials.

- Give residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases.
- Greater financial autonomy to local government and community groups.
- Create Local Enterprise Partnerships (to replace Regional Development Agencies) – joint local authority-business bodies brought forward by local authorities to promote local economic development.
- Form plans to deliver a genuine and lasting Olympic legacy.
- Outright abolition of Home Improvement Packs.
- Create new trusts that would make it simpler for communities to provide homes for local people.
- Review Housing Revenue Account.

2 PROGRESS IN BATH AND NORTH EAST SOMERSET COUNCIL

The Council is well-placed to support and deliver true localism- indeed it can be seen as an exemplar for the approach. For example, the Community Governance Review in Norton Radstock involved local people in shaping the structure of their local councils and is seen as a successful example of such a process. The ground-breaking “Listening Matters” projects in Whiteway, London Road and Queens Road Keynsham are receiving national interest as practical ways of delivering improved services by involving the local community and encouraging people to take responsibility. This work complements other place-based initiatives such as Parish Plans which emphasise drawing in community resources and building relationships with local people. A localised approach can lead to:

- More meaningful engagement and conversations with people and communities - potentially releasing cash savings.
- Public services that are more locally sensitive – and local communities become increasingly involved in setting and delivering priorities.
- A stronger sense of community – supporting and helping communities to help themselves
- A greater role for local elected members as community leaders- providing firm evidence back to central government on the real priorities, building the case for local innovation
- Council services, partners (such as Somer Community Housing Trust) changing the way they work, concentrating on customer needs rather than professional boundaries. In South West Bath a joint local initiative has led to big drops in crime and re-offending

2.1 Developing further these relationships will help both Council and communities be better prepared to use provisions in the Localism Bill to address local issues in more effective ways.

3 “GOING LOCAL” IN BATH AND NORTH EAST SOMERSET

3.1 The Council is now in a strong position to deepen its approach and ensure that the different places within Bath and North East Somerset receive support that is appropriate to that area. There is no “one size fits all”. Instead, support for communities will be tailored to the needs of that area with emphasis placed on the views of elected members as well as comparative data.

3.2 In some cases, this may mean the Council ensuring there is support along the lines Regenerate have been providing in Whiteway; in other areas, however, communities are increasingly resolving their own issues (the most recent example being the Wellow Community Transport scheme).

3.3 This localised approach would be complemented by

- the introduction of “Local Taskforces” of Council and partner staff to respond quickly to local priorities (focusing in particular on effective enforcement on issues such as litter and anti-social behaviour), reducing duplication, identifying and removing bureaucratic barriers, and prioritising support for the most vulnerable.
- the promotion and further extension of employee volunteering in Bath & North East Somerset Council and other initiatives to promote and support volunteering in the area

Council structure

The list below shows the main service areas within Bath & North East Somerset Council, grouped by Strategic Director, then Divisional Director, and then the 'third tier' service, with a named manager wherever possible.



Chief Executive: John Everitt

Improvement & Performance (Divisional Director: Dave Thompson)

Communications & Marketing: Jonathan Mercer

Human Resources: William Harding

Improvement Delivery: Martin Genge

Strategic Performance: Steve Harman

Legal & Democratic Services (Monitoring Officer & Divisional Director: Vernon Hitchman)

Legal Services

Corporate & Community Law Team: Amanda Brookes

Planning & Environmental Law Team: Maggie Horrill

Property Law Team: Andrew Reed

Democratic Services

Overview and Scrutiny: Alix Boswell

Executive and Regulatory: Jo Morrison

Council and Member Services: Tom Dunne

Electoral Services: Aurora Loi Wright

Registrars: Alison Manning

Ombudsman Lyneve Thyer



Adult Health, Social Care & Housing (Acting Chief Executive, NHS B&NES and Strategic Director, Adult Health Social Care & Housing: Janet Rowse)

Commissioning Non Acute and Social Care Services (Programme Director: Jane Shayler)

Housing Services: Graham Sabourn

Safeguarding & Personalisation: Lesley Hutchinson

Non Acute & Social Care Sarah Shatwell

Mental Health & Substance Misuse Services: Andrea Moreland (NHS)

Learning Difficulties & Physical & Sensory Disability: Mike MacCallam (NHS)

[The adult partnership also includes a commissioning team for Acute NHS Care employed within the PCT]

Delivery Services (Managing Director: Jo Gray)

Business Development & Community Resources: Julie Sharma (NHS)

Finance & Business Support: Linda Frankland

Adult Services: Stella Doble (NHS)

Quality, Children's Services, Professional Leadership: Jenny Theed (NHS)

Human Resources & Organisational Development: Amanda Phillips (NHS)



Children's Service (Strategic Director: Ashley Ayre)

Learning & Inclusion (Divisional Director: Tony Parker)

Inclusion Support Services: Nigel Harrison

Integrated Youth Support Service (Youth Service, Youth Offending Team, Connexions): Paula Bromley/Sally Churchyard

Specialist Behaviour Service: Dawn Harris

School Improvement & Achievement: Wendy Hiscock

Children, Young People & Family Support (Divisional Director: Maurice Lindsay)

Assessment & Family Service: Trina Shane

Care & Young People's Services: Charlie Moat

Integrated Safeguarding: Nikki Bennett

Early Years Extended Service: Sara Willis

Health, Commissioning & Planning (Divisional Director: Mike Bowden)

Commissioning and Performance Service (Liz Price)

Finance and Resources (Richard Morgan)

Children's Service Capital and Organisation (Chris Kavanagh)

Parent Support Service (Kevin Amos)

Policy Planning (Change for Children) (Mary Kearney-Knowles)

Independent Quality Assurance & Improvement (Mary Kearney-Knowles)

Human Resources (Jayne Fitton)



Service Delivery (Strategic Director: Glen Chipp)

Environmental Services (Divisional Director: Matthew Smith)

Waste Services: Carol Maclellan

Neighbourhoods & Open Spaces: John Crowther

Highways: Kelvin Packer

Parking: Dorothy Miley

Transport: Jon Evans

Public Protection: Sue Green

Planning & Transport Development (Divisional Director: David Trigwell)

Planning: Baljit Tiwana

Building Control Services: Phil Mansfield

Transportation Services: Peter Dawson

Tourism, Leisure & Culture (Divisional Director: David Lawrence)

Heritage Services: Stephen Bird

Destination Management: Robin Bischert
Arts & Festivals: Ann Cullis
Film Office: Jenni Wagstaffe
Libraries: June Brassington
Finance: Richard Hartill
Sport & Active Lifestyles Lynda Deane



Development & Major Projects (Strategic Director: John Betty)

Development & Regeneration (Divisional Director: Jeremy Smalley)

Growth Agenda
Public Sector Partnerships
Regeneration and Development
Economic Development
Employability and Skills
Bath Western Riverside
Bath, Keynsham, Midsomer Norton and Radstock Regeneration Delivery Plans and developer negotiations
West of England

Projects (Divisional Director: Derek Quilter)

Project Delivery
Major Projects/ Schemes
Project Management (Council wide)
Commercial Management
Contract Procurement
Schools
Combe Down Stone Mines
Public Realm
Major Transport Schemes



Resources & Support Services (Strategic Director: Andrew Pate)

Finance (Divisional Director: Tim Richens)

Corporate Finance

Service Finance teams

Avon Pension Fund: Steve McMillan/Tony Bartlett

Property (Divisional Director: Tom McBain)

Building Consultancy including Print and Engineering: Stephen Sheppard

Business Services including Catering: Ian Crook

Estates and Facilities Management including Cleaning Services: Richard Long

Property Projects Consultancy: Andy Nash

Finance and Admin Manager – Julie Bromley

Policy & Partnerships (Divisional Director: David Trethewey)

Partnership Delivery: Andy Thomas

Partnership Development & Support: Annette Pearson

Sustainability: Jane Wildblood

Equalities: Samantha Jones

Revenues, Benefits & Council Connect (Divisional Director: Ian Savigar)

Council Tax

Business Rates

Benefits

Council Connect

Risk and Assurance (Divisional Director: Jeff Wring)

Corporate Governance

Risk Management

Business Continuity & Emergency Planning

Information Governance

Internal Audit: Bill Crane

Procurement: Eddy Hale

Transformation (Angela Parratt)

Change Programme

Mouchel Partnership (IT & People Services)

APPENDIX 5

Summary of Project Scopes, Outcomes and Indicative Timescales

APPENDIX 5 (i)

Change Programme Board and Steering Group

Role Change Programme Board

Change Programme Board is responsible for

- Acting as the programme's Strategic board to provide overall direction for the programme
- Approving project briefs and allocating resources
- Monitoring overall performance, finances, risks and issues
- Identifying and resolving key issues as they arise
- Ensuring any major changes to the overall delivery of the programme are reported to cabinet
- Identifying any issues for Council including any changes to the shape of the overall programme, changes outside the financial or policy frameworks

Membership

- Chair – CEO B&NES Council
- CEO B&NES PCT
- All Strategic Directors (SD's) from B&NES Council
- Various DD's from the Council & PCT as required inc. Finance, Monitoring Officer, Improvement & Performance plus HR, Policy & Partnerships
- PMO support

Frequency of meetings

- Fortnightly

The meetings are to include some formal Governance as described here, but are also to be issues based to help ensure the programme is fast moving, well co-ordinated and any block are quickly identified and (if possible) resolved

Role Change Programme Steering Group

Change Programme Steering Group is responsible for

- Acting as the programme's operational board to deliver what is set by Change Programme Board
- Gate-keeping access to resources – only projects approved by Change programme Board can access resources
- Work stream leads are accountable for delivery of their work streams benefits
- Reporting on an exceptions basis through the PMO to Change Board issues, risks, interdependencies (financial and non-financial) that threaten benefit delivery and key comms considerations
- Receive a copy of the status dashboard and financials dashboard compiled from monthly work stream reports

Membership

- Chair – SD R&SS

- Work stream leads (DDs or project leads nominees where there is no DD responsible for delivering)
- PMO support

Frequency of meetings

- Bi-monthly (possibly using a pre-booked existing Divisional Director meetings)

The meetings will enable discussion across all key services and provide a clear understanding and ownership of the programme as well as performing some formal governance roles

Programme Management Office (PMO)

- PMO function is provided through the governance structure and organisation of the programme (Appendix X) supported by the Transformation Service
- Receive monthly status reports from each work stream
- Make linkages between work streams, projects and programmes where necessary to secure effective and timely benefits delivery
- Help project leads identify clear purpose and milestones for each work stream
- Track and report benefits realisation (financial and other)

The main job of this office, which is to remain tightly resources, is to operate the Governance for the change programme using approaches already in place across the Council for programme and project management.

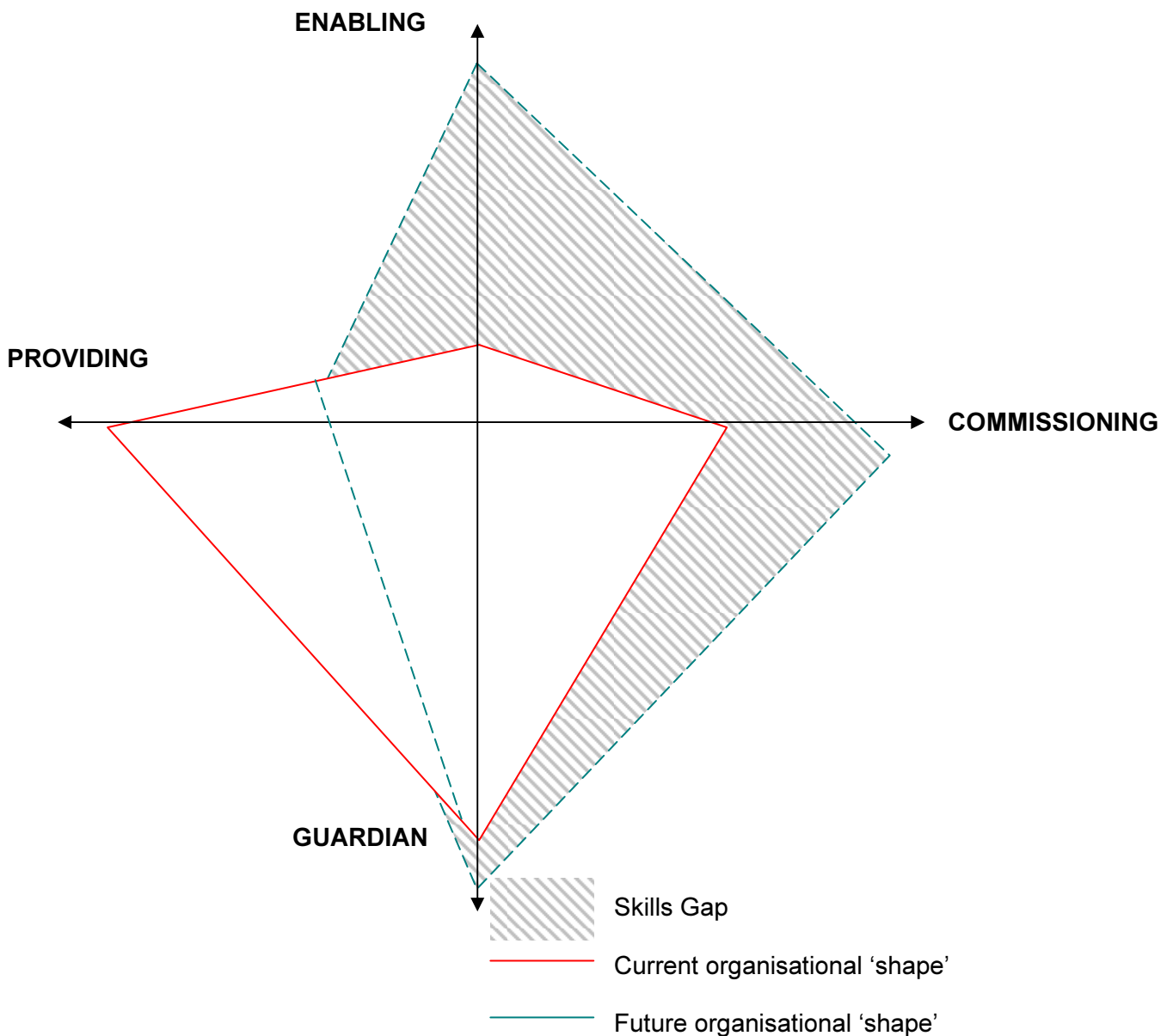
The Programme Office role is separate from the Strategic Finance role that is responsible targets and processes to enable the Council to deliver its medium term plan savings

The Programme office will nevertheless work with Finance to target and savings from the change programme which will in turn contribute to the Council's overall savings target

Children’s Service Project Brief

1. Background

Coalition Government with a transformational and cost reduction agenda. Radical reform and ‘down sizing’ of state functions and opportunity for community and voluntary groups to ‘step up’. Academies Act and intended Schools and Children Bill intended to create a ‘paradigm change’ i.e. to radically alter the landscape within which schools, settings and the wider Children’s Service operates. Local Authorities currently play multiple roles, some of which can conflict at times, therefore the paradigm change for LA’s is to move away from the current pattern of services and roles towards a clear and planned set of roles, this will involve strengthening some skills to deliver some roles and divesting of others. This is captured in the role descriptors and Children’s Services Role Diagram below:



Role Descriptors

1. Enabling
Enabling communities/community groups to develop capacity and skills to address their own needs at a 'universal' level. Role of service is to provide information and skills to support capacity building. E.g. - Safeguarding, safe recruitment, how to write bids, grant-giving bodies, basic skills etc. Service may provide limited funding over an agreed period to support capacity building, eventually withdrawing so that the local groups become self-sustaining.
2. Guardian
Ensuring that all services or agencies act in accordance with both the spirit and letter of law and regulation so that all children and young people receive the level and type of service and support intended or identified as best practice. Ensure that individual institutions do not misuse or short-cut requirements to the disadvantage of children and young people or vulnerable groups of children and young people or individuals. E.g. - Schools Admission Policies, Uniform Policies, Exclusions etc. Local Authority also provides accessible information to enable best customer choice i.e. KPI on schools, etc.
3. Commissioning
Analysing local population needs, assessing the provision landscape, evaluation of solutions (effectiveness/efficiency/evidence – informed) and commissioning (including re-commissioning and de-commissioning) of services to meet need. Putting in place outcome measures to assess delivery (quality, impact, cost) and ensuring effective procurement and contract management. Engagement with local communities and service users to develop effective commissioning strategies. Acting as a reference point for other service areas to utilise commissioning and contestability skills when reviewing provision or deciding upon public value propositions.
4. Providing
Direct delivery of services to individuals, families or agencies in line with statutory or local policy decisions. Services can range from individual support to institutional support/advice.

2. Outcomes

The Project will deliver;

- (i) Proposals for Cabinet/Council on a policy towards the diversification of schools including academies, free schools etc
- (ii) Proposals on the future role of the LA to deliver (a) 'residual' LEA functions (b) those functions mutually agreed between schools and LA to be delivered on behalf of all schools and (c) any functions not covered by (a) and (b) above.
- (iii) Proposals on the future role of the LA in relation to delivery of Youth, Youth Offending, Post 16 commissioning and Career Advisory Services.
- (iv) Proposals on the future role of the LA in relation to delivery of Social Care functions for Children, Young People and Families
- (v) Proposed service structures to deliver (i) to (iv) above with plans for change to be implemented from 1 April 2012 through to 1 April 2014.

3. Project Team

- Strategic Director of Children's Services
- Divisional Director – Health, Commissioning and Planning (lead on co-ordination)
- Divisional Director – Learning and Inclusion (lead Youth et al)
- Divisional Director – Safeguarding, Social Care and Family Support (lead on Social Care)
- Head of Finance (lead – Academies)
- Specialist Consultancy
- Others: to be confirmed

4. Project Plan

Draft attached – further detail to be added

Future Children's Service Project Plan

Work Area 1 – Academies					
		Work Streams		Lead	End Date
1.	Strategic Policy Issues	i.	Overall approach to Academies	AA	01/11
		ii.	Primary Phase – Relationship	AA	01/11
		iii.	Secondary Phase – Relationship	AA	01/11
		iv.	Special Phase – Relationship	AA	01/11
2.	Operational Policy Issues	i.	Land – Asset Management	RM/RS	02/11
		ii.	Inclusion – Attendance – Exclusion Policies	TP/NH	01/11
		iii.	CPD, Curriculum and Leadership Development	TP/WH	01/11
		iv.	Admissions, Fair Access, Transport Policies	MB/KA	01/11
		v.	Support, Advocacy	MB/KA	02/11
		vi.	Standards and Improvement	TP/WH	01/11
		vii.	Exclusions, managed moves, etc	NH	3/11
		viii.	Finances, transfers, etc	RM	11/10
		ix.	Safeguarding, safe recruitment, allegations management	ML/NB	12/10
3.	Residual Duties	i.	HTST	KA	03/11
		ii.	SSEN, Assessment, EPS	NH	03/11
		iii.	SEN Monitoring, Parent Partnership	NH	06/11
		iv.	PRU/EOTAS	TP/NH	03/11
		v.	Sick children	NH	06/11
		vi.	Non-attendance Prosecutions	NH	01/11
		vii.	ISO/LADO Services	NB	12/10
4.	Optional Service Areas	i.	Admissions, Access, Appeal Management	RM/KA	03/11
		ii.	CMES	RM/NH	03/11
		iii.	Specialist Teaching	RM/NH	03/11
		iv.	Music	RM/RD	03/11
		v.	Health and Safety	RM	03/11
		vi.	EMAS and TES	RM/WH	03/11
		vii.	Standards and Improvement	RM/WH	03/11
		viii.	ICT Support	RM/ST	03/11
		ix.	SWGfL	RM/ST	12/10
		x.	HR	RM/JF	11/10
		xi.	Finance	RM	11/10
		xii.	Property Services	RM/TMcB	03/11
5.	Costing/Charging	i.	Full cost recovery margin (methodology)	RM	10/10
		ii.	Differentiated charging policy?	RM	03/11
		iii.	Break even/cost effectiveness model (per optional service area)	RM	12/10
		iv.	Cost analysis/benchmarking per area	RM/TR	12/10
6.	Service Models	i.	Discussion with Chair of Governors and	RM/AA	10/10

			Headteachers		
		ii.	Option development: discreet/integrated	RM – CLT	03/11
		iii.	Models – Lead school (pooling) – Buy back (see 1(i)) – Co-operative – Commissioned/Provider	RM – CLT	06/11
7.	Consultation				
8.	Final New Model of Service Delivery				

Work Area 2 – Youth, YOT, Post 16 Commissioning					
		Work Streams		Lead	End Date
1.	Youth	i.	Formal consultation	PB/TP	11/10
		ii.	Implementation of change	PB/TP	3/11
		iii.	Develop community capacity building model	PB	3/11
		iv.	New Service Model operational	PB	4/11
		v.	Pilot of community capacity building		
2.	YOT	i.	Review Funding following CSR	SC/TP	12/10
		ii.	Further work TBC		
3.	Post 16 Commissioning / Careers Advice	i.	Review current structure	TP/NB	12/10
		ii.	Scope changes outlined in Schools and Children Bill	TP/NB	12/10
		iii.	Further work TBC		

Work Area 3 – Social Care					
		Work Streams		Lead	End Date
1.	Lean Review	i.	Initial Scoping Group	AA/ML	8/10
		ii.	Project Team	ML/AP	9/10
		iii.	Lean Review Process	ML/AP	4/11
		iv.	Further work TBC		

Indicative Timeline – Academies

Period	Activity
1.9.10 – 31.12.10	<ul style="list-style-type: none"> • Establish additional charge for services purchased by academies to recoup full cost of delivery • Hold Chair of Governors/Head Teacher workshops on Academy implications to begin to develop policy and service delivery options • Initiate work on scoping land/asset transfers, covenants and outstanding historic transfers re: Voluntary Aided and Voluntary Controlled Schools (to allow Diocesan Boards to complete 125 year leases for any Church schools becoming academies) • Establish basic charging policy for optional services which Academies may 'buy back' from LA • Establish interim 'basic' contract for service to be used by LA Services being 'bought back' by Academies.
1.1.11 – 30.5.11	<ul style="list-style-type: none"> • Develop and consult upon LA – wide policy on school diversification (Academies and 'Free' Schools), position on residual LEA functions and on optional services. • Develop service models to ensure LA provides statutory/mandatory functions and optional functions ready for consultation with staff, various and partners • Reports to Scrutiny, Cabinet and Council (as required)
1.6.11 – 30.9.11	<ul style="list-style-type: none"> • Informal consultation with staff, unions, stakeholders • Initial discussions with Schools, Academies and Schools Forum re: contracts for Service, Data Sharing, residual duties • Reports to Scrutiny, Cabinet and Council (as required)
1.10.11 – 30.11.11	Formal consultation with staff and unions
1.12.11 – 31.3.12	Re-structuring of services to implement new service models
1.4.12	New service models in place and operational

APPENDIX 5 (iii)

HEALTH, ADULT SOCIAL CARE AND HOUSING PROJECT BRIEF

The implications of the Health White paper are split into four work streams within the Change Board Programme. The objective, scope and where known the timetable for each work stream are set out below:

Work stream One: Transforming Community Services

Objective

To identify & establish new organisational model/s for integrated B&NES CHSC service in light of PCT closure & DH directive to divest community services

Scope

All front line services currently within B&NES CHSC & the commissioning of such on behalf of B&NES residents. Potential to expand scope as part of the project

Timetable

Date	Milestone
July 31, 2010	Project Plan submitted to / approved by SHA
Aug 31, 2010	Commissioner Case for Change to SHA / DH
Sept 30, 2010	Commissioning Intentions to SHA / DH
Nov 16 / 18, 2010	Decision making in Full Council & PCT Board
Nov 22, 2010	Integrated Business Plan to SHA /DH
March 31, 2011	Organisation set up & Management team in place
Sept 30, 2011	Organisational becomes operational

Workstream Two: Transforming Commissioning

Objective

In line with new legislation due out Dec 2010, to transfer the current PCT commissioning function to:

NHS Commissioning Board (Specialist, Maternity, Primary Care)

B&NES Council (Public Health, Health Improvement, Sexual Health, Screening)

GP Commissioning Consortia (Hospital & Community health services)

To determine the future of the current integrated health, social care & housing commissioning capability in light of above & aspirations of GP Commissioners & Core Council

To put in place integrated or aligned commissioning arrangements that are affordable within given management cost allowance and fit with the Core Council concept / strategic direction

Scope

Consistent with the scope of the current Commissioning Partnership for Adult Health, Social Care & Housing

Children's health commissioning

Business continuity of circa £280m PCT Commissioning Business & circa £53m Council Adult Social Care & Housing business

Transitional joint working arrangements between NHS B&NES, Wilts, Glos, & Swindon

Timetable (to be detailed in legislation due Dec 10)

Date	Milestone
April 2011	Outline shape of GP Commissioning in place
April 2012	Shadow GP Commissioning Consortia in place with delegated budgets
April 2013	New statutory GP Commissioning Consortia formally established , with live budgets

Workstream Three: Transforming Public Health

Objective

In line with legislative framework expected in Dec 10, to transfer public health capability & capacity from NHS B&NES to B&NES Council

To ensure that the LA is well placed to meet its new statutory duty re health improvement

Organisational Development to embed the principles of improving public health & well being across the wider Council & public sector partners business

Scope & Timetable

As directed by Department of Health (White Paper due Dec 2010)

Workstream Four: New Statutory Duties for Local Authorities

Objective

To put in place the infrastructure and organisational development to ensure that B&NES council can effectively meet the new statutory requirements resulting from the Health White Paper / legislation

Scope

Establishing statutory Partnership Board in line with legislation (due Dec 2010)

To ensure ongoing capacity & capability to create JSNA to inform local partnership planning

Establishing capability & capacity to take on population based strategic oversight of health service planning

Establishing overview & scrutiny arrangements within the new Partnership Board

Putting in place arrangements for commissioning local Health Watch

Timetable

Date	Milestone (All subject to legislation due Dec 2010)
31.3.2011	Partnership Board in shadow form
31.3.2012	Partnership Board fully established
31.3.2011	O&S closes down
31.3.2011	Healthwatch commissioned

APPENDIX 5 (iv)

The work streams led by the Director of Resources are summarised below:

Work stream One: Customer Services

Objective

To develop better integrated customer access to public services, self serve using the web, prioritising face to face contact for those with more complex needs, improving speed and quality of service and better focusing on need whilst delivering savings in excess of £1M.

Scope

Web, phone, one stop shop, and all other customer contact involving the Council and its key partners.

Links with lean reviews using systems thinking which in turn encourage more activity in the front office to reduce duplication, handoffs, and confusion for customers by enabling 'getting it right first time' approach and culture.

The programme is not just about Council Connect but also customer contact in all Council and some partners services. It should involve key partners being co-located in 'one stop shops'.

Is not just about 'one stop shops' and actual or virtual call centre but also integrated and common approaches across all services to get it right first time, handle 'life events' including change of address better.

The programme builds on the successes in Council connect and concentrates on ensuring the process for customers works 'end to end'.

Timetable

Date	Milestone
September 2010	Programme Reviewed by O&S
October 2010	Complete Initial Programme plan
November 2010	Extended 'one stop shop' in Guildhall complete
December 2010	Programme Business plan complete
2011	<ul style="list-style-type: none">• Hollies 'one stop shop' improved• Protocols for Customer Contact created to enable core Council concept to be consistent with integrated customer contact• Improved web enabled systems implemented and web site enhanced or replaced• Future approach for telephony resolved• Systems changes (phase 1) implemented• Life events approach and 'tell us once' implemented
2012 & 2013	Lewis House One stop & communications hub shops opens Further systems changes (phase 2 & 3) and possible change to telephony Impact of new academies and changes to delivery of health and social care effectively

	resolved
2014	Keynsham new one stop shop opens

Workstream Two: Core Council

Objective

To develop the councils approach to strategic commissioning so that the shape of the Council can change to reflect a commissioning and enabling role at its heart, separate from the various delivery roles that can be fulfilled in partnership, using the private sector or 'in house'.

Scope

The programme looks at how the Council's commissioning role should be integrated & how changes in the NHS should be linked

The programme will inform the future organisational structure of the council, methods of engagement with the community as well as the voluntary and business sectors, will reflect the localism agenda and provide a commissioning framework that helps target resources at priorities and needs.

Timetable

Date	Milestone
April 2011	Outline shape of Council Commissioning role and protocols established
June 2011	Localism Agenda reflected in revised democratic decision making structures
April 2012	Changes in LEA role & Health changes inc. public health role implemented Role of Local Strategic Partnership resolved and revised
April 2013	New Commissioning approach fully implemented

Workstream Three: Asset Backed Delivery Vehicle

Objective

To protect the Council's Commercial Property Estate whilst attracting external funds, facilitating development of Council owned key sites, and supporting investment in the public realm and local economy. The aim is to achieve access to £100M capital over 5 years.

Scope & Timetable

Timetable

Date	Milestone
November 2011	Project scope confirmed and lead advisers appointed
December 2011	Project business case and procurement options evaluated
January 2012	Start made on preferred option and procurement and selection of partner(s)

2012	New arrangements implemented (precise date depends on procurement route)
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Workstream Four: Support services

Objective

To improve the efficiency of support services to the maximum and tailor those services to the needs of the users as well as reflecting the core Council Agenda and in particular changes in Health & Social Care plus Schools

Scope

All Council support services but also linking in with the Health & academies work streams so that there is one joined up approach for the Council, Health and Schools. The target is for a further £2M of savings.

Differentiating between core, advice and transactional support services.

Building on the partnership with Mouchel to develop a shared services approach for the transactional services or market testing so that transactional services that are value for money as well as scalable are achieved

Delivering better value for money in the meantime using a combination of centralisation, systems rationalisation and lean systems thinking, also developing shared service arrangements for specialist support services and procurement.

Revenues & benefits are out of scope as through lean approach are outperforming opportunities available through shared service approach, plus delivering substantial customer improvements.

Timetable

Date	Milestone
April 2011	Deliver initial 8% savings through rationalisation and economies
April 2011	Mouchel proposal or possible market testing of transactional support services
2011	Centralisation of systems and advice subject to needs of services being met and also freedoms being established for Academies and Health & social Care Some specialist shared service arrangements in place
2012	New support service arrangements in place for Schools plus Health & Social Care
2013	Shared service approach for transactional support services in place

Enablers

These and other Change Programme work streams are supported by the following enablers all of which are managed with Resources:

- workplaces/office accommodation/flexible working
 - 40% reduction in office space
 - 10% to 20% reduction in running costs
 - 70% reduction in carbon impact
 - rationalising Bath offices 2010 & 2011
 - improving the Hollies 2011
 - 3 improved one stop shops to include key partners 2010 to 2014
 - renewing Keynsham office presence 2014
- communications and organisational development

- processes and systems including lean 'systems thinking' reviews and ICT
 - lean reviews complete in Housing Benefits, Waste (missed bins), Bus Passes and partially complete in Highways
 - lean reviews in progress in Council Tax, Children's Services, Adult Health & Social Care
 - Council Connect review ongoing and linked to all the other reviews
 - Programme of lean reviews supported by the change programme office which is based in the Resources
- finance including medium term planning and service prioritisation
- legal
- procurement
 - supporting individual departments and developing better controlled and co-ordinated procurement function, probably as a shared service

RE-STRUCTURING IMPLEMENTATION COMMITTEE

The Committee's Span of Responsibility

To determine all necessary arrangements for implementing the indicative senior management structure, including numbers and the span of work responsibility for those officers.

To determine appointments to or dismissal from the posts of Chief Executive, Director and other JNC Officers reporting to the Chief Executive, or Head of Paid Service, subject to there being no objection to the appointment / dismissal being lodged by the Leader of the Council.

To recommend to the Council the allocation of the statutory roles of Head of Paid Service, Monitoring Officer and Chief Financial Officer.

Membership

The Committee shall comprise 5 Members in the political proportion 3 Conservative Members and 2 Liberal Democrat Members.

APPENDIX 6B

EMPLOYMENT COMMITTEE

To exercise all powers and duties of the Council under section 112 of the Local Government Act, 1972 relating to its role as an employer, except those reserved to the Restructuring Implementation Committee.

To hear staff appeals requiring Member level involvement, under accepted national or Council schemes of conditions of service.

To conduct investigatory hearings requiring Member level involvement under accepted national or Council schemes of conditions of service.

To determine on behalf of the Council its powers and duties as an employer relating to pensions.

The Committee's Span of Responsibility

All matters relating to the role of the Council as an employer except those reserved to the Restructuring Implementation Committee.

All appeals or investigatory hearings requiring Member consideration including those relating to disciplinary, capability, grievance, and redundancy matters for all staff, including teachers.

Membership

The Committee when meeting to consider ordinary business, or as a hearing will comprise 3 Members in the political proportion 2 Conservative Members and 1 Liberal Democrat Member.

Comments from the Independent Adviser

The Overall Approach

The Council is to be commended for reviewing its vision and future role in the light of the planned major cuts in local government expenditure and the Coalition Government's ambitions for a changed role for the citizen and local communities within the framework of the 'Big Society'.

Reacting early to the new national policies and reduced funding will enable the Council to put in place an imaginative and deliverable vision and be in greater control of its own destiny. Most councils are recognising that the scale of the budget reductions now require a radical rethink of the level, range and means of delivery of local government services.

However, it is right to view this as process that will take 2 to 3 years because of the radical nature of the change and because many of the governments ambitions have yet to be developed in sufficient detail to understand the full service and financial implications.

While the enabling model set out in the report is a sensible and appropriate response to the current challenges facing the Council there are a number of points worth emphasising:

1. There are real risks of service fragmentation for councils embarking on a combination of significant budget reduction and moving to a commissioning model. It is right for the Council to emphasise the importance of maintaining the core role of the centre in acting as a coordinating and communication portal. Maintaining and enhancing investment in the customer interface will become crucial to making an enabling model work effectively. There will be cost and political pressures to reduce such central overhead costs in the current climate but maintaining the core coordinating / communications functions should remain a high priority
2. The Council needs to think through the organisational, managerial and resourcing implications of achieving the step change that will be needed in local community engagement if the proposed model is to work effectively. There are a number of initiatives already working effectively but it is worth reviewing how these can or should be scaled up.
3. Given the Governments direction of travel it may be advisable / more cost effective for the Council to define with absolute clarity its preferred local response on the key issues (e.g. the approach to academies and GP commissioning). This will give local communities and partners and other agencies greater certainty and will aid planning and speed organisational change. Councils that reluctantly implement the government initiatives will be faced with running hybrid systems with consequential additional costs.

The Managerial Restructure

In the current financial climate it is timely for the Council to review its senior management structure in the light of its vision and financial circumstances. Most Councils are embarking on managerial reviews to cut costs but the most successful will be those like Bath and North East Somerset that link these with a rethinking of their vision and service model.

While the current 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.

While it seems logical and appropriate that senior management costs are reduced in line with reductions in the expenditure base, the Council needs to design a senior management structure that can cope with the major leadership and managerial challenges set out in the paper. 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.

Therefore the senior managerial changes need to deliver smarter working and greater managerial capacity as well as financial savings. It must address the need to change the mix of skills particularly in respect to commissioning and engagement skills referred to in appendix 7 (iii). Any restructure that does not deliver this reconfiguration of skills will be a wasted opportunity.

Clearly this is something that will be addressed as the more detailed structures below Strategic Director are designed but it should also be taken into account in the design of the Strategic Directorate team.

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 from 5 (excluding Chief Executive) to 3 is not unreasonable given the size of the authority and comparing the emerging practice in other councils.

Using the post designations of Directors of People and Place is not unusual but nevertheless will need some explanation to the public who will not be used to this nomenclature (i.e. Housing Services a people or place service?)

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. In other words does the Council have a senior team of 3 or 4. The report offers the Council flexibility on this issue.

In determining how the Council wishes to exercise its discretion on this issue it may be helpful if I make the following observations.

1. Whether the Council wishes to retain or dispense with the role of a stand alone Chief Executive depends on the role it envisages for its leading members.
2. Combining the Head of Paid Service role with a Director role can work effectively if the Council adopts either a 'Mayoral' model or a very proactive 'hands on' role for the 'Lead Executive' member who could perform many of the external facing elements of a Chief Executive. This approach may or may not work depending on the mix of personalities.
3. If the Council does not envisage such a proactive role for its leading member then, in the light of the substantial change agenda set out in this report, it 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.

Conclusion

The proposals set out in the report for the development of a new organisational model for the Council are an imaginative and practical response to the challenges facing the Council. The managerial restructuring proposals are not out of line with current practice although the Council needs to match the scale and pace of change with the managerial capacity that the new structure will offer.

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Bath & North East Somerset Council		
MEETING:	COUNCIL	
MEETING DATE:	16 th November 2010	AGENDA ITEM NUMBER
TITLE:	Community Health and Social Care Services – Future Provision	
WARD:	ALL	
THIS IS A PUBLIC REPORT		
List of attachments to this report:		
Appendix 1: Summary of the NHS White Paper: Equity & Excellence: Liberating the NHS (published July 12th 2010).		
Appendix 2: Services Currently provided by B&NES Community Health and Social Care Services.		
Appendix 3: Transforming Community Services Options Appraisal Update.		
Appendix 4: Relative Financial Appraisal – Summary PCT and Council Analysis.		
Appendix 5: Proposed Legal Form of the New Organisation – the Options.		
Appendix 6: Project Governance Structure.		
Appendix 7: Outcomes from the Healthier Communities and Older People Overview and Scrutiny Panel, 28th October 2010.		

1. EXECUTIVE SUMMARY

- 1.1 The Council and NHS Bath and North East Somerset (the Primary Care Trust or 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 In July 2010 the Coalition Government published its NHS White Paper *Equity and Excellence: Liberating the NHS*.
- 1.3 There are three elements of the White Paper that impact on the Council:
 - The Council will become responsible for the public health services currently within the PCT. It will also be required to establish a new Partnership Board to take over the statutory function of the Health O&S Committee and to work with partners to shape the local NHS and influence strategic planning.
 - Primary Care Trusts (PCTs) will cease to exist from April 2013. Commissioning is currently integrated across health, social care and

housing. The Council will need to decide how best to engage with the new GP Commissioning Consortium, which replaces PCTs, and to determine whether or not to retain the current integrated commissioning arrangements.

- PCTs are required to divest themselves of directly provided community health services by 2011 or to have made substantial progress towards this in the case of a transfer to a new organisation. The current delivery of service is fully integrated across health and social care. If the Council wish to maintain this integration, it will need to work together with the PCT on a revised structure to meet the requirements of the Coalition Government.
- It should also be noted that there is an agreement in place between the Council and the PCT that covers existing partnership arrangements. Under that agreement it would normally be appropriate for any material change in the arrangements (or any notice of termination) to be given by 12 months notice on 1 April of the relevant year. However, the Council and the PCT are making every effort to progress revised arrangements in accordance with the Coalition Government requirements and without invoking the terms of the agreement. It is important, however, to recognise that there is a formal agreement currently in place to protect all parties.

- 1.4 This report focuses on the options for the future provision of health and social care services as a consequence of the PCT's requirement to divest themselves of directly provided community health services.
- 1.5 Further reports will be brought to the Cabinet and the Council (if appropriate) about the transfer of public health responsibilities to the Council, the establishment of a Health and Well Being Board, and future commissioning arrangements in the light of changes in the NHS.
- 1.6 None of the options for maintaining and developing integrated services are risk free and without cost. Notwithstanding VAT implications the additional cost of the options ranges from £350,000 to ££525,000. However, the taxation issues are different between the options particularly on VAT.
- 1.7 Given the stage of business planning, this report recommends a commitment to continue work on the Integrated Business Plan to transfer the integrated services to a potential social enterprise. The report also recognises the key role of General Practitioner representatives, as future commissioners, in this further development work and the need for their support for the potential solution.
- 1.8 However, the Department of Health timescales are very tight and there is a risk that if we do not have a mutually agreed local solution very shortly, then the decision may be taken out of local control. In such event there may need to be further consideration as to the terms of the legal agreement currently in place – see paragraph 1.3 above – and more generally having regard to the objectives of the Coalition Government (including the further

Integration of Health and Social Care and the promotion of social enterprise).

- 1.9 The tests for the viability of the social enterprise model are set out in the financial implications of the report. However, it should be noted that in terms of even the baseline savings required by the PCT and the Council in future years it can not be assumed that these will all be passed to the provider under any option but that commissioners will also be required to define changes in level of services. It should also be noted that many of these test are common to all the options.
- 1.10 If the further work proposed shows the financial challenges can be addressed and that General Practitioner representatives and SHA support the proposal, the report proposes the Council delegate authority to the four Group Leaders to implement the option in consultation with the relevant officers, Cabinet Member and the Chair of the Healthier Communities and Older People Overview and Scrutiny Panel.
- 1.11 Should this further work conclude that the financial challenges of a potential social enterprise cannot be addressed or if there is insufficient support from General Practitioner representatives, a further report will be brought to the Council by the Chief Executive.
- 1.12 The report also outlines the organisational options of a potential social enterprise, including the broad principles to be used in developing the governance arrangements for the social enterprise.
- 1.13 The NHS Bath and North East Somerset Board will consider these issues in a similar report at its meeting on 18th November 2010.
- 1.14 Finally, the report explains the project governance arrangements and the next steps in implementation should the Council and the PCT Board agree the way forward.

2. THE ISSUE

- 2.1 The Council and NHS Bath and North East Somerset 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, service users and taxpayers.
- 2.2 The NHS will undergo radical change over the next 3-5 years as a result of the Coalition Government's plans for the NHS as set out in its NHS White Paper, *Equity and Excellence: Liberating the NHS* (Department of Health, July 2010). This will have implications for the Council and the NHS in three main areas:
 - The new statutory functions that transfer from the NHS to the Council relating to public health and health improvement, including new powers to influence and help to shape the local NHS and its

longer term strategic planning. This includes a duty to promote the integration of health and social care services. The Council will be required to take over the public health services currently within the PCT and to establish a new Health and Well-Being Board, which amongst other duties takes over the Council's statutory function of the health scrutiny. These new statutory Board arrangements will also need to consider the inclusion of Children's Services and the need for a clinical component. Further reports will be brought forward on these issues.

- The implications of the dissolution of PCTs on the current integrated commissioning of adult health, social care and housing services and children's health and social care commissioning. Further reports will be brought forward on this issue.
- The implications of the directive to PCTs to divest themselves of direct provision of community health care. If the benefits of service integration are to be maintained and developed further then the implications for the relevant Council services need to be considered and decided upon.

2.3 Appendix 1 contains a summary of the White Paper for Members information.

2.4 Appendix 2 to this report contains the services currently delivered by the integrated provider (Community Health and Social Care Services) for members' information and which are in scope for any transfer to a social enterprise should this be the chosen way forward. The scope of services and staff to transfer will be subject to change at the margins as the implementation develops. The gross value of these services (excluding the Council's placement budget) is circa £50 million (£40 million net) based on the current configuration of support services. There will also be further work required on appropriate elements of support services to transfer.

2.5 Considerable work has taken place within B&NES to create the integrated health and social care services over a number of years. This model of care has improved the experience of people using the services, made their care safer, more effective and more efficient.

2.6 Examples of the benefits of integration to patients/service users include:

- Receiving services closer to home through local community teams.
- A single access point for health and social care services.
- People receiving a single assessment and not asked for information twice.
- Complex problems involving a combination of agencies are resolved quicker benefiting both service users and families.
- More personalised care packages spanning health and social care.
- People staying at home longer and entering residential and nursing care homes at a later stage.

- Increased number of direct admissions to community hospitals avoiding admission to acute hospitals.
- Reduced delayed transfers of care and lengths of stay. For example, from April 2009 to May 2010, the average length-of-stay in Paulton and St Martin's hospitals reduced from an average of 30 to an average of 20 days. Lengths of stay in the Royal United Hospital Bath have also reduced as have the number of people whose discharge home is delayed.
- Fewer transfers from community hospitals into acute hospital care.
- Joined-up end of life care.
- Joined-up, local response in adverse weather, sustaining people at home.

2.7 Examples of the organisational benefits of integration include:

- Collaborative joint working and a whole system approach avoiding cost shifting between health and social care, and as a result making the best use of public resources.
- More effective use of resources/increased capacity in the community through integrated workforce development and skills mix.
- Intelligent systems enabling identification of multiple safeguarding alerts and early joint response.

2.8 In addition, the integration of these services present further opportunities to maintain or to improve services in the future, which will be more difficult to achieve if the services have to be separated. These include:

- Further development/enhancement of the three locality Community Teams aimed at avoiding attendances and admissions to hospital where people could be cared for at home and in the community, for example:
 - Extending the Access Service to 7 days a week – recent analysis of weekend Accident & Emergency attendances at the RUH suggests that an average of 4-5 admissions could be prevented each weekend.
 - 7-day therapy service in community hospitals which will further contribute to admission avoidance, reduced length of acute hospital stay through early supported discharge, and care closer to home.
 - Development of the Community Therapy Service to reduce hospital admissions for patients requiring intravenous antibiotic therapy. Based on a best practice model, 275 admissions per annum may be avoided. This will also expedite the discharge of approximately 4 patients per week. The objective is to reduce length of stay in the acute hospital setting by an average of 4.5 days.

- Reducing the number of people who die in hospital following an emergency admission. A number of service changes are being implemented during 2010/11 with the objective of reducing the number of people aged more than 65 dying in hospital by 80 per year. This service change represents a significant quality improvement for service users and their carers, the greater proportion of whom would prefer to manage their end of life care at home with appropriate support rather than to die in hospital.
 - Integration of community learning difficulties team to mainstream provision enabling greater social inclusion and improving access to health services for people with learning difficulties.
 - Realising the opportunities to simplify systems and introduce common procedures to increase efficiency to better meet the existing and forthcoming financial challenges.
- 2.9 While it is recognised that some of these benefits could be achieved through other means, building upon the already strong partnership working through *full* organisational integration may allow these benefits to be achieved quicker.
- 2.10 Given the challenging financial climate, pressures from demographic changes and the new duty for the Council to promote the integration of health and social care services, the benefits to patients, service users and the ability to use resources more effectively in the medium to longer term cannot be ignored or easily foregone. However, whatever option is ultimately decided upon the solution will have to be based on a balance of efficiency savings and service levels between the commissioners of services and any provider.
- 2.11 An independent assessment of the costs and benefits of integrating health and social care, which reviewed over 80 studies of service integration, concluded that: "... meeting people's needs with a preventative and integrated approach to health and social care can create efficiencies and savings. However, future studies do need to consider the long-term financial benefits. Many of the studies that concluded that integrated care was not cost effective were conducted over short time periods, and many of the benefits will accrue as individuals remain independent well into the future. In particular, those integrated services that have a focus on early intervention are designed to prevent needs escalating in years to come, and therefore, the real benefits will be realised over time." (*Benefits Realisation: Assessing the Evidence for the Cost Benefit and Cost Effectiveness of Integrated Social Care, Turning Point, February 2010*).
- 2.12 The local delivery of services in this integrated form makes the need for NHS B&NES to divest itself of its delivery arm more complex. The agenda is mandatory for PCTs, but the Council will need to consider whether the benefits of integration in the medium to longer term outweigh any risks that may be associated with the transfer.

- 2.13 If the Council wishes to maintain the benefits of service integration, it will need to decide how its own social care and housing services will be delivered as a result of changes in the NHS. There is, in effect, no “do nothing” option as from 2013 the PCT will cease to exist and current community health services, with which the Council’s services are integrated, will no longer be provided by the PCT. The separation of services may incur additional costs, including the separation of management and foregoing other economies of scale. Indeed there may be serious financial challenges for the Council stand-alone Adult Social Care provider given the outlook for local government funding and the demographic challenge.
- 2.14 It should also be recognised that the Council will be undergoing an extensive change programme, which will increasingly see it focussing on commissioning and a mixed economy of service provision in response to the impact of a broad range of changes at a national and local level and the wider financial pressures. The changes in health and social care (and with regard to its Local Education Authority function in the light of Academies etc.) will have an impact on this change programme and the future shape of the Council.
- 2.15 This report focuses on the choices and considerations for the Council in relation to its Adult Social Care Services, given the requirement on NHS Bath and North East Somerset to divest itself of directly provided community health services. Housing services are not included as these are exclusively commissioner activities and will remain with the Council, albeit delivered hopefully through an integrated commissioning function with the PCT. The options for future commissioning arrangements in the transition to the new GP Commissioning Consortium will be the subject of future reports to the Council.
- 2.16 In considering its decision, the Council (and the NHS Bath And North East Somerset Board) will need to weigh up and take into account the following considerations:
- The extent to which the proposals meet the four generic tests of service re-configuration that the NHS has been required to apply since July 2010:
 - Support from GP Commissioners
 - Strong public / patient engagement
 - Clarity about the evidence base for the change
 - Consistency with current and prospective patient choice
 - Strategic fit with the future direction of the Council, including the Council’s wish to maintain and build on the benefits of integration and whether the proposed option could deliver the key strategic objectives of the Partnership especially:
 - Continued and greater integration of services at a delivery and organisational level

- Meeting the personalisation agenda
 - Delivering services closer to home and outside of acute hospitals
 - Efficiency in terms of demonstrating added value to existing delivery of services in relation to cost savings and value for money.
 - Deliverability within the timescales set by the Department of Health (or shortly thereafter) without compromising significantly the Council's objectives or risk profile.
 - Acceptability to the Partnership as a whole, to staff, wider stakeholders and the public.
 - Robust governance arrangements to ensure patient and service user safety, effective performance and the effective use significant public funds.
 - A focus on quality and improvement.
 - Initial affordability challenges including estates, pensions, taxation, pay harmonisation, working capital and budgetary constraints.
 - Sustainability of the solution in terms of flexibility to respond to the changing environment and be financially viable and sustainable over many years.
- 2.17 These criteria have been used to identify the advantages and disadvantages of the options and an initial qualitative and quantitative analysis of the options.

3. RECOMMENDATIONS

The Council is recommended to:

- 3.1 Indicate its commitment to a direction of travel that aims to transfer integrated community health and social care services into a potential social enterprise subject to the approval of the NHS Bath and North East Somerset Board at its meeting on 18th November 2010.
- 3.2 Recognise the key role of General Practitioner representatives as future Commissioners in developing the proposal.
- 3.3 Note that the initial high level Integrated Business Plan will be developed further over the next two months to test the viability of the social enterprise.
- 3.4 Delegate authority to the 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 and Housing, the Chair of the Healthier Communities and Older People Overview and Scrutiny Panel, the Monitoring Officer, and the Council's section 151 Officer, to:

- 3.4.1 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.
- 3.4.2 Implement the option including the organisational 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 General Practitioner Commissioning representatives and the Strategic Health Authority.
- 3.5 Instruct the Chief Executive to produce a further report should, in his opinion after taking relevant advice, he conclude the financial challenges as expressed in the Financial Implications to this report cannot be met or if sufficient agreement with General Practitioner Commissioning representatives and the Strategic Health Authority is not achieved.
- 3.6 Agree that the proposed option is subject to proportionate due diligence prior to any transfer of services.
- 3.7 Note that the Integrated Business Plan shall be submitted formally to the NHS South West, the Strategic Health Authority, following the meeting of the NHS Bath and North East Somerset Board, and will be subject to further development over the next two months.
- 3.8 Note the project's governance arrangements, next steps, costs, timetable and the high-level outline terms of the pooled project budget between the Council and NHS Bath and North East Somerset.

4. CORPORATE PRIORITIES

- 4.1 The NHS White Paper creates a number of new duties for the Council, including a duty on the Council to encourage integration of health services with social care services.
- 4.2 The proposals therefore directly impact on the following corporate priorities:
- Promoting the independence of older people.
 - Improving life chances of disadvantaged teenagers and young people.

5. THE REPORT

Introduction

- 5.1 This report is divided into five sections supported by detailed Appendices:
- A chronology of events to date.
 - The options appraisal, including a risk assessment (Appendix 3).
 - The proposed legal form [of the new organisation] (Appendix 4).

- An outline of the project arrangements, governance and budget (Appendix 5).
- An outline of the next steps.

Chronology of Events to Date

- 5.2 The requirement for the PCT to divest itself of its directly provided services spans both the previous Government and the current Coalition Government.
- 5.3 The Department of Health document Transforming Community Services (DH Jan 2009) and NHS Operating Framework 2010-11 (February 2010) required PCTs to divest themselves of their directly provided community health services by April 2011.
- 5.4 The Coalition Government's Revised NHS Operating Framework 2010-11 (June 2009) reaffirmed this policy direction. The White Paper subsequently introduced the intent to dissolve PCTs by 2013 and therefore to proceed with the provider divestment programme, even if this meant transfer to other organisations while a medium to long term solution is developed.
- 5.5 The revised operating framework stated that, "proposals should be capable of being implemented, or substantial progress made towards implementation, by April 2011."
- 5.6 Within this context, the chronology of events to date is shown in the table.

Date	Event	Outcome
March 2010	Response to the original NHS Operating Framework requirement for divestment.	NHS B&NES in consultation with B&NES Council submitted an options appraisal. This suggested that the Social Enterprise model is one that the Council and the PCT would like to explore further and that a detailed business case would be developed prior to any final decisions being taken. There was no opportunity for public involvement at that stage given the impending election. NHS South West (the Strategic Health Authority) approved this proposal in principle.
June 2010	Revision of the NHS Operating Framework 2010-11 by the Coalition Government.	Reaffirmation of the Coalition Government's intentions to continue with the divestment of directly provided PCT community health services.
July 2010	A work plan required for submission to NHS South	A work plan was submitted on time and

Date	Event	Outcome
	West (the Strategic Health Authority)	evaluated by NHS South West positively.
August 2010	A Commissioning Case for Change required for submission to NHS South West. The Case for Change sets out the financial, economic, clinical case for changing the current arrangements, including the options appraisal.	The Commissioning Case for Change was prepared in late August and submitted on time and evaluated by NHS South West positively for recommendation to the Department of Health. While the SHA/DH approval is in relation to NHS services the Case for Change included the strategic reasons for maintaining the integration of services.
September 2010	NHS Contracting Intentions, required for submission to NHS South West. The Contracting Intentions set out in broad terms the services to be provided, the resources available and other potential contracting issues.	Submitted on time and evaluated by NHS South West positively for recommendation to the Department of Health.
October 2010	Integrated Business Plan for the proposed provider required for submission to NHS South West.	It was agreed with NHS South West that no formal evaluation of the Integrated Business Plan would start until the Council and the PCT Board agreed the recommended option. A work in progress draft of the Integrated Business Plan was sent to NHS South West on 31 October to assure the SHA that progress was being made.
November 2010	The Council and the PCT Board to decide on the way ahead.	To be determined by the Council and the PCT Board

- 5.7 It can be seen from the chronology that the timescales are challenging and determined by the Department of Health nationally for the NHS services but not for the Council services.
- 5.8 NHS South West, in supporting the proposal, has been supportive in adapting the national deadlines as much as it can in recognition of the novel and complex nature of the proposal to explore the potential of a social enterprise for a joint provider of services.

5.9 In the case of a new organisational form being proposed, NHS South West has clarified “substantial progress” by April 2011 to be:

- Establishing a viable and sustainable business case for the provider organisation
- Establishing the provider organisation as a legal entity in a pre-trading form, including the appointment of the Board and the Leadership Team

5.10 If the Council is committed to maintaining and building on the benefits of integration it will need to work within the Partnership to help ensure that NHS B&NES meets its mandatory deadlines as set by the Coalition Government’s requirements. NHS B&NES and the SHA will similarly need to be responsive to the Council’s objectives and statutory responsibilities and have regard to existing agreements in place as between the parties.

The Scope of the Services to Potentially Transfer (Appendix 2)

5.11 The Transforming Community Services Contracting Intentions set out at a high level the contracting intentions for the new provider and these will be developed further with the integral involvement of General Practitioner representatives.

5.12 However, there are certain issues that have to be addressed in advance of any transfer to define the broad scope of the services to transfer. These include:

- Resources would need to be retained to ensure the Council’s statutory safeguarding duties and its statutory responsibilities for assessment in any option that transfers responsibility to an NHS body or a new organisation such as a social enterprise. An initial assessment indicates that 7.4 full time equivalent posts will need to be retained by the Council and the PCT to cover these functions of which 1.9 full time equivalent posts are additional. The latter have been reflected in the relative financial appraisal and, at present, in the initial Integrated Business Plan.
- The purchasing budget for placements (£23m net), which is used to purchase other services from other providers. It is proposed that this is currently retained under any option that transfers responsibility to an NHS body or a new organisation such as a social enterprise. This is because the placements budget is a high risk budget over which any other organisational form is not best placed to manage the risk. However, this could be examined further on an appropriate risk share basis.
- Income collection – it is currently being assumed that income collection remains a risk for the Council and that the Council will continue to manage income collection. However, other arrangements will be explored for any new provider to share this risk and to incentivise collection.
- Some elements of support services (including finance, ICT, HR,

Estates, and Facilities Management) will need to be retained by the Council and the PCT. This is a complex area which will need detailed work both in terms of transitional arrangements and longer term solutions in order to ensure the optimal structure as between the Council, PCT and the new provider which is also consistent with the requirements of the Transfer of Undertakings Protection of Employment (TUPE) legislation. The key principles contained in the commissioning intentions are:

- That the core business of the provider is not the provision of support services to third parties. The implications for commissioning bodies will need to be examined separately for both the PCT and the Council in terms of longer term provision of support services.
- That wherever possible support services will be separated subject to any national initiative to set up shared services.
- The assignment of staff to the provider under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006/246) as amended or replaced or any other regulations or UK legislation implementing the Acquired Rights Directive with the necessary adjustments to the contract values.
- That wherever possible, duties of staff where they are not wholly engaged in the activities of the provider will, in consultation with those staff, be adjusted to minimise the financial impact on the provider, the Council and NHS B&NES.
- It is acknowledged that Information Management & Technology is very complex. It is likely that the provider will require the use of the Council's and NHS B&NES ICT infrastructure. It is also likely that CHSCS will be required to use the Council's and NHS B&NES main service support applications. It is also likely that the provider may require certain support applications (e.g. general ledger). The initial thinking is in terms of the infrastructure and major applications remaining with the Commissioners with priced service specifications being developed and finalised by December 2010/January 2011. The provider will, over time, expect autonomy in provision of support services. There may be interim arrangements for an agreed period and the Council (and/or the PCT/NHS) may want to put together an 'offer' to the provider for the longer term if this represented commercial sense to both parties.
- That wherever there are contractual arrangements with other third party suppliers of support services these contracts will pass to the provider as another party to those arrangements up to but not exceeding the main contract period. If for some reason this is not acceptable the issue will be discussed with the provider and the third party to reach a solution that

minimises the financial detriment between the affected parties.

- CHSCS is also expected to provide adequately for support services to meet its other governance and statutory responsibilities. The Council and NHS B&NES will consider adjustments to the contract values where they can identify discrete budgets or where there is a subsequent cash reduction in their costs or charges from others.
- That wherever the provider indicates the need for transitional arrangements the commissioners shall ensure their best endeavours to provide for these transitional needs for a period of one year or at most the length of the main contract(s).
- The Council and the PCT will retain the ownership of their respective relevant property estate with arrangements put in place for the use of the estate by the provider.

5.13 These will be developed in detail as part of the project going forward.

The Options Appraisal Update (Appendix 3)

5.14 The original options appraisal, carried out in March 2010 included 11 options. Despite the challenging timetable, the original options appraisal of March 2010 has been re-evaluated to take into account changes since the General Election in May 2010 and the publication of the NHS White Paper in July 2010.

5.15 The reappraisal of the options is considering the original 11 options with the following four exception(s):

- The “remain as is” option; which is not now available due to the NHS White Paper policy to abolish Primary Care Trusts from 2013.
- The Community Foundation Trust option as the deadline for this option has elapsed; it is unlikely to be deliverable within the timescales of the Department of Health and is unlikely to receive the support of the Strategic Health Authority.
- Integration with other PCTs’ provider services again because of the NHS White Paper policy to abolish Primary Care Trusts from 2013 and for reasons of deliverability as neighbouring PCT Providers will all be going through similar changes.
- The managed dispersal of services, whereby various elements of services are transferred to other bodies (the Council, the Royal United Hospital NHS Trust, the Avon and Wiltshire Mental Health Partnership NHS Trust and other independent sector providers) as this is inconsistent with the strategic direction of the Commissioning Case for Change which puts integration of services at the heart of service delivery.

5.16 An additional option was introduced into the appraisal. This option is a joint venture with an established provider, as a partner may bring the business

infrastructure and expertise to run a new organisation and may be able to supply working capital.

5.17 The options reappraisal therefore focuses on eight long listed options which are summarised below:

- Standalone community services provider: Social Enterprise
- Operate at “arms-length” within local authority
- Integration with Royal United Hospital NHS Trust (vertical integration)
- Integration with the Avon and Wiltshire Mental Health Partnership NHS Trust
- Integration with GP Services
- Integration with Charity/Third Sector
- Transfer to the private sector
- A joint venture between the private sector and the Council

5.18 The qualitative analysis of the options in terms of the advantages and disadvantages is shown at Appendix 3, which also describes the criteria and options in more detail.

5.19 The criteria have been used in drawing up an initial short list of options to explore further.

5.20 Certain options are difficult to deliver in the timescales required for the NHS, whether this be for integrated services or just health services alone. These are integration with GP Services, integration with Charity/Third Sector, transfer to the private sector, and a joint venture between the private sector and the Council cannot be achieved within the timetable for the divestment of health services as under these options a tendering process will need to be established which at best would take 9-12 months to conclude, excluding a transition period for the transfer to occur.

5.21 On the basis of this, a short list of four options was drawn up which are:

- Standalone community services provider: Social Enterprise.
- Operate at “arms-length” within local authority.
- Integration with the Royal United Hospital NHS Trust.
- Integration with the Avon and Wiltshire Mental Health Partnership NHS Trust.

5.22 For the purpose of the relative financial appraisal the NHS Trust options have been grouped together as they are similar in nature for the purposes of the appraisal. It is also likely that all of these Trusts would need to be invited to express an interest and submit proposals.

- 5.23 A relative financial appraisal has been carried out for the short list of options. This is summarised in the table below and shows the relative financial challenges under each of the options in total (for the Council and PCT).

	Averaged Annual Costs		
	Social Enterprise £'000	NHS £'000	Council £'000
VAT	1,072	473	0
Operating Costs			
Pensions	87	234	0
Corporate Governance	315	50	100
IT/Licences	0	0	250
Corporation Tax	0	0	0
Delegations	80	50	30
Working Capital Costs	10	0	0
Funding Opportunity Cost	16	16	0
Set Up Costs Funding	17	0	0
	525	350	380
Total VAT and Operating Costs	1,597	823	380
One-Off Costs			
Set Up	1,000	600	350
Social Enterprise Grant	-230	0	0
Existing Budget	-300	-300	-300
	470	300	50

- 5.24 Appendix 4 shows a breakdown of the table above in terms of the costs arising from the Council and the PCT. It should be noted that these are annual average costs and the profile of costs may differ over the years. In the analysis of costs between the PCT and the Council, costs have been attributed where possible but other costs (for example, set up costs have been allocated on an equal basis between the PCT and the Council).

- 5.25 It can be seen that the relative costs of the options are incurred in different ways across the options. In broad terms, excluding the VAT issue, each option is broadly at the same order of additional operating costs in the range of £350,000 to £500,000.

- 5.26 However, the VAT issue is a challenge and this is, from initial research, a significant issue for all proposals to move to social enterprises whether this is for NHS services alone or integrated service transfers. While the profile of this issue is being raised at a national level the resolution of the issue remains a considerable risk.
- 5.27 At worst the social enterprise or an NHS Trust will need to make savings equivalent to the additional VAT liability and/or there will need to be discussions with commissioners about the quantity and quality of services that could be delivered for the resources available from the commissioners. The VAT issue also depends on the extent to which the liability can be reduced through different ways of working and the division of support services, which requires much more work.
- 5.28 It should also be noted that the one off costs differ between the options and the social enterprise option assumes a grant/loan from the Social Enterprise Investment Fund in line with a recent award for a similar project. However, this grant/loan has not been applied for at this stage and may be a significant risk.
- 5.29 The additional costs identified in the relative financial appraisal have been reflected in the initial high-level Integrated Business Plan. This leaves a significant gap in the financial position of the any potential social enterprise. However, given the stage of the business planning, considerably more work needs to be done to identify how these additional costs could be met through efficiency or service reconfiguration or through discussions with the commissioners about service levels and resources.
- 5.30 To a varying extent this is a common issue with all the options and any solution will require a commercial approach to demand, level of service and achievable efficiencies. In other words, the financial challenges cannot be totally passed to the provider.

An Initial High Level Business Plan for a New Organisation

- 5.31 In order to provide further information to the Council and the PCT Board and to meet the requirements of NHS South West, a high level initial Integrated Business Plan has also been prepared to further test whether the recommended option is viable.
- 5.32 B&NES PCT and Council formed a partnership in April 2009 for the delivery of community and social care services. Under the terms of the partnership there was a number of joint posts and a pooling of budgets however legal separation was not carried out. The partnership produced some financial information on the combined entity but this did not include full statutory accounts. As such there is some financial information on the merged entity from this point.
- 5.33 The following table summarises the historic performance of the partnership:

	2009/10 £'000	2010/11 £'000	2010/11 £'000 (5 Months Actual)
Income	87,244	86,690	38,586
Expenditure			
Pay	(40,573)	(39,975)	(16,819)
Non Pay	(46,370)	(46,402)	(21,200)
Operating Surplus	301	313	567

- 5.34 The table shows that BANES CH&SCS delivered a small operating surplus before depreciation in 2009-10 and is targeting a small surplus in 2010-11 despite very limited growth in revenues.
- 5.35 The potential social enterprise has been modelled in terms of its future financial performance using a long-term financial model (LTFM) developed in partnership with a private sector organisation. The LTFM is informed by historical trends and takes account of guidance on future levels of inflation, tariff uplift and savings requirements, as well as adjusting for known business changes agreed locally and resulting from the move to a Social Enterprise (SE).
- 5.36 The base case (most likely case) shows that in order for the potential social enterprise to operate in the market viably, it will need to deliver savings over and above those currently agreed with NHS and Council to fund the additional costs relating to its formation and operation, some of which relate to the diseconomies of scale, and some relating to the organisational form that the entity is moving to (such as VAT and pension implications). The base case assumes that these additional costs amount to £1.5 million per annum from 2011/12, and that additional savings to cover this cost will be found.
- 5.37 These assumptions are still subject to final clarification. It is also the case with the social enterprise option as well as other options that there will need to be further negotiations between any provider and commissioners about what is achievable in terms of service standards and efficiencies within the total sum available to commissioners.
- 5.38 It is recognised that more work needs to be done to the Integrated Business Plan to ensure the proposal is viable and that this work needs to be undertaken with GP Commissioning representatives.

5.39 The initial work shows that the social enterprise option will require the following level of savings to meet the PCT and Council's financial targets and the additional costs of a social enterprise, including generating a small but increasing surplus each year to underpin its financial stability.

	2011-12 (full year) £'000	2012-13 £'000	2013-14 £'000	2014-15 £'000	2015-16 £'000
Savings required to meet PCT/Council financial plan Targets (common to all options)	2,900	2,834	810	1,237	1,242
Further savings/mitigations required for a potential social enterprise	1,772	(94)	21	28	45
Total	4,672	2,740	831	1,265	1,287

5.40 The key assumptions are as follows:

- A baseline contract for services provided by NHS B&NES and the Council. The contract will cover a 3-5-year period and should be co-terminus between the PCT and the Council. These contract periods exclude contract periods for support services, which will be dealt with differently.
- Baseline service contract revenues show a reduction on the current Partnerships revenues due to the exclusion of certain services. It has been assumed that the "Purchasing Budget" and "Client Income" will be retained by the Commissioners. The net impact of this is to reduce the revenues by circa £30 million per annum. The financial value of the Council and PCT services are based on the current levels after adjusting for inflation, savings targets from the NHS and performance incentives.
- The generation of surpluses, which if retained would amount to a cumulative reserve of approximately £2m before tax either to be retained for financial stability or a portion to be reinvested in services if this is appropriate.
- The PCT budget is uplifted by 2.5% inflation and 1.5% for quality and innovation payments under the NHS' Commissioning for Quality and Innovation payment framework (CQUIN) in 2011-12 to 2013-14 but also include saving requirements of 4% per annum for each of these years under the NHS Quality, Innovation, Productivity and Prevention (QIPP). The model assumes a net increase of 1% in PCT revenues in 2014-15 and 2015-16.

- It has been assumed that Council revenues will decrease in 2011-12 and 2013-14 in line with agreed savings Council targets of £0.8 million and £0.4 million respectively. This does not include the stretch targets for savings within the Council. There is an assumption that revenues will continue to decrease in the last two years of the plan which will require negotiation with the provider about what is achievable within the commissioners' available resources.
- The Council and PCT revenue assumptions are in line with discussions with Commissioners.
- Third party income (mainly other PCTs) will remain static in 2011-12 to 2013-14 and then increase by 1% in 2014-15 to 2015-16. Most of this revenue is on short-term contracts with 6 month notice periods, although on one contract a longer period has been secured.
- Pensions contributions for NHS staff remain at 14% subject to a Direction Order, Council staff employer contributions will increase by 2.5% as a result of admitted body status in relation to future deficits. This also assumes there is no requirement for a bond. Finally the model assumes a reduced employer contribution of 10% to employees' pensions although this may also be incorporated with other flexible employee packages which will be at the discretion of the social enterprise.
- Non-pay inflation is modelled at 2.5% per annum. It is recognised that certain costs e.g. heat, light and power are likely to increase at a higher rate. It has been assumed that these cost increases can be absorbed by savings in other areas.
- Pay inflation will be zero in first three years of the business plan and 1% for the last two years of the business plan. This headline inflation figure covers both pay awards and incremental drift and is the same for both PCT and Council transferring staff;

5.41 These variables are used in the LTFM to extrapolate income and expenditure through to 2015/16 and produce an Income & Expenditure (I&E) plan for each of the next five years.

5.42 The LTFM assumes a number of changes to costs and income. These business changes are contained within the LTFM, and the key assumptions which underpin each of the Business Change schemes are:

- Business Change 1 (Revenues) – As noted previously, a number of functions currently undertaken by the Partnership will not transfer to the SE. These include the Purchasing Budget and Client Income. The net impact of these is to reduce revenues and costs by circa £30 million.
- Business Change 2 (New Social Enterprise Structure) – The SE is a different form to the current Partnership and this gives rise to a number of cost differentials. These include different management

and Board structures, increased audit and professional fees and increased insurance costs etc. The annual impact of this is circa £0.4 million. It is difficult to assess the costs including, if any, of the governance costs of a transfer to the NHS so this is currently not included in the relative financial appraisal.

- Business Change 3 (VAT) - Both the Council and NHS enjoy special rules with respect to VAT recovery. For VAT purposes the SE is considered a commercial entity and therefore will not qualify for these special reliefs. As a result it will be able to recover less VAT on purchased services than the current Partnership model. The annual impact of this is circa £1 million.
- Business Change 4 (Pensions) - The LTFM assumes that legacy Council and PCT staff will be able to retain membership of their respective pension schemes; the NHS through the SE being granted "Direction Status" and the Council by having "Associated Status". However the consequence of this is that new staff will not be eligible to join either of the legacy schemes. It has been assumed that the SE will establish a new defined contribution scheme for new staff. The LTFM assumes that employer contribution to the new scheme will be lower than the current Council and PCT employer contributions. However, it should be noted that if recruitment proves difficult, the SE may need to put in place a pension scheme that is equivalent to the NHS/Council Pension scheme. The LTFM does not include provision for such a cost. The LTFM assumes that the contributions payable to the Council scheme will increase. The net impact of the Pension Scheme changes is to increase annual costs in 2011-12 by £0.2 million reducing to a saving of £0.05 million by 2015-16.
- Business Change 5 (SE Savings) – Business changes 2 to 4 and 8 will result in increased costs to the SE. The LTFM assumes that the SE will be able to deliver additional cost savings over and above those already identified by PCT and Council Commissioners (see below) to offset these cost increase and deliver a small surplus to the SE.
- Business Change 6 (QIPP Workforce) – There is a requirement for the PCT Provider Services to achieve a 40% reduction in management costs. This amounts to savings of £363k in 2011-12 and a further saving of £153k in 2012-13. The LTFP assumes the 2011-12 savings will be achieved by the Partnership prior to the transfer to the SE in October 2011. The SE will need to deliver the 2012-13 target. There is no redundancy provision in the LTFM associated with this.
- Business Change 7 (CRES/PCT Savings) – The current Partnership is committed to deliver CRES savings of £0.9 million in 2011-12 and 2012-13. The LTFM assumes that the Partnership is able to identify the 2011-12 prior to the transition to the SE. The SE will need to deliver the 2012-13 and 2013-14 savings of £0.9 million in each year. The section below considers the savings initiatives currently

being undertaken by the Partnership and initiatives to be undertaken by the SE.

- Business Change 8 (Council Savings) - The current Partnership is committed to deliver Council savings of £0.8 million in 2011-12 and £0.4 million 2011-13. The LTFM assumes that the Partnership is able to identify the savings to deliver the 2011-12 target prior to transfer. The SE will need to deliver the 2012-13 target. The section below considers the savings initiatives currently being undertaken by the Partnership and initiatives to be undertaken by the SE.
- Business Change 9 (Transition Costs) – This business change reflects the increased costs in 2010/11 and 2011/12 of going through transition. A total cost of £1million has been identified. The LTFM model assumes that £0.4 million of this will be met from existing Council and PCT budget allocations for 2010/11, receipt of a Social Enterprise Investment Fund (SEIF) Grant of £0.23 million and a commercial loan of £0.37 million. If the SE is not successful in its SEIF grant application and/or seeking a commercial loan then the funding pressures on the SE will increase.
- Business Change 10 (Redundancy) – The savings requirements of the LTFM will result in a reduction in headcount. The LTFM does not contain any provision for redundancy costs. The LTDM assumes that all the redundancies required to deliver the 2011-12 savings will be implemented prior to the transfer to the SE and any share of redundancy costs required to be met by the current joint provider will be met through savings agreed by the current commissioners and the current provider, including any changes in service provision. It has been further assumed that redundancy costs relating to headcount reductions to deliver the 2012-13 savings will be covered by the PCT Commissioners based on guidance from the Strategic Health Authority. In relation to the Council the assumptions for 2012-13 are similar to 2011-12, that is, that any share of redundancy costs required to be met by the current joint provider will be met through savings agreed by the current commissioners and the current provider, including any changes in service provision. The LTFM assumes that any subsequent redundancy costs associated with Commissioner agreed changes in the service delivery model will be covered by a risk share agreement with Commissioners, based on the services to be delivered within commissioning budgets. This will need further work to ensure any arrangements are within NHS rules and fair in terms of risk share from the Council's point of view.
- Business Change 11 (Facilities) – The LTFM model assumes that all the facilities used in the delivery of the services will be retained by the Commissioners with the SE granted use of the facilities. The LTFM also assumes that the Commissioners will retain responsibility for repairs and maintenance of the facilities. The

LTFM assumes that use of premises will be cost neutral. Facilities are subject to a detailed work stream.

- Business Change 12 (IM&T) - The LTFM model assumes that all the IM&T equipment used in the delivery of the services will be retained by the Commissioners – the Council with the SE granted use of the facilities. The LTFM also assumes that the Commissioners will retain responsibility for repairs and maintenance of the facilities. The LTFM assumes that use of premises will be cost neutral. Facilities are subject to a detailed work stream.
- Business Change 13 (Cost Pressures) – The underlying assumption in the LTFM is that the SE will manage its cost pressures and not seek additional funding from Commissioners.

5.43 It is recognised that more work needs to be done to the Integrated Business Plan to ensure the proposal is viable and that this work needs to be undertaken with GP representatives. The initial work shows that the social enterprise option will require significant additional levels savings each year to meet the PCT and Council's financial targets and the additional costs of a social enterprise, including generating a surplus to underpin its financial stability. This will need to include a discussion with the provider and commissioners about what is achievable through efficiencies and service changes.

5.44 The Financial Implications section of this report sets out the various issues and tests for the viability of a social enterprise. It should be noted that these test apply equally to other options and will also require commissioners to be clear about what is achievable within the available resources across the options.

5.45 However, it should be noted that in terms of even the baseline savings required by the PCT and the Council in future years it can not be assumed that these will all be passed to the provider under any option but that commissioners will also be required to define changes in level of services.

5.46 A process of due diligence will be carried out for the Council, NHS B&NES and the new provider to test the assumptions in the Integrated Business Case prior to any formal transfer of staff or services. Should there be any significant changes in assumptions that make the proposal unviable or unacceptable to GP Representatives, the Chief Executive will bring forward a further report to Council.

Governance and the Potential Legal Form for Social Enterprise (Appendix 5)

5.47 While this section of the report focuses on potential governance arrangements for a potential social enterprise the Council will need to take into account the differences in possible governance arrangements between the options, which can be summarised as follows:

- A social enterprise offers the opportunity for a wide range of stakeholder involvement, including the democratic input of the Council as well as GPs as future commissioners.

- The NHS option may be more restricted, in particular the input of the Council in the governance arrangements in relation to its services within the rules for NHS Trusts and Foundation Trusts. The cost of additional governance arrangements within the NHS to include Council services is difficult to assess given the lack of widespread experience of the transfer of social care services to an NHS body.
 - The Council option will have to accommodate clear arrangements for clinical governance.
- 5.48 Given the timescales, it has been necessary to conduct a review of the options for the organisational form for a social enterprise should the Council (and the PCT Board) decide that this as the way forward.
- 5.49 The specific legal form of a new organisation is influenced by the objectives of that prospective organisation, which in this instance should take into account the objectives of the Council and NHS B&NES. In turn the specific legal form of the new organisation and its objectives then influences the governance structure of the social enterprise.
- 5.50 The analysis of the prospective legal form and governance arrangements of a new organisation should this prove viable and if the Council decides that this is the way forward is shown in Appendix 4, including the options considered. The Council has also received a background paper on the organisational options.
- 5.51 It would appear from the analysis that there are two potential forms of new organisation:
- A Community Interest Company underpinned by a Company Limited by Guarantee.
 - A Charitable organisation again underpinned by a Company Limited by Guarantee.
- 5.52 Both legal forms have the following features:
- They are both forms of non-profit distributing organisations. Any surpluses may be re-invested in the organisation to improve services, provide reserves, expand the business etc.
 - There is no right to returns to shareholders as neither has shareholders.
 - The organisational form permits (by application for a Direction) existing staff access to the NHS pension scheme (under certain conditions) and (by application for Admitted Body Status) for Council staff although the latter will be at a potential additional cost.
 - Both options (together with other options) provide an opportunity for the involvement of stakeholders in their governance, including the Council either through membership of the company or in the case of a charitable organisation through Directorship/Trustee status as well as membership.
- 5.53 In addition, for a Community Interest Company:

- The company is required to have a clear Community Interest Statement to reflect its community objectives.
- The company will be regulated by the Community Interest Company regulator to ensure it is meeting the stated intentions of its Community Interest Statement.
- There is an asset lock, which requires assets to be disposed of for market value. Assets are defined widely so that this includes the remuneration of Directors.

5.54 In addition, for a Charitable Organisation:

- The Charity is required to have a clear set of charitable objectives, which are generally more narrowly drawn than a Community Interest Statement although this may not necessarily restrict a new organisational form.
- There may be certain tax advantages and disadvantages, which may make a new organisational form more viable.
- The company will be regulated by the Charity Commission regulator to ensure it is meeting the stated intentions of its charitable objectives.

5.55 The detail of the organisational form will, if a social enterprise should prove viable and if the Council and the PCT decide that this is the way forward, be developed after the Council and PCT's decisions.

5.56 The governance of the two organisational forms broadly consist of:

- Membership of the Community Interest Company and a separate Board of Directors consisting of Executive and Non Executive Directors
- Membership of the charitable organisation, a Board of (unpaid) Directors/Trustees and a separate (paid) Leadership Team

5.57 Such stakeholder involvement may include the following:

- The Council
- The relevant local statutory health body
- The public/service users – possibly including, but not limited to, Local Strategic Partnership representatives
- Staff representatives
- The organisation's leadership team

5.58 There are a number of ways key stakeholders could be represented:

- As members of the company in both a Community Interest Company as well as a charitable organisation. There are certain statutory rights of members (including the removal of Directors) and others that can be added by agreement
- As unpaid appointed Directors/Trustees of the Charity should this be the

appropriate form

- As appointed paid Non Executive Directors of the Board in the case of a Community Interest Company

5.59 Some suggested broad principles to structure the non clinical governance arrangements of a social enterprise (charitable or otherwise) which balance the interests of the statutory bodies, staff, the Directors and user are as follows:

- That the statutory bodies (the Council and the relevant NHS body) could have an equal voting capacity and a combined majority of votes as members of the Community Interest Company or the Charity. It should be noted that currently PCTs only have a power to participate in companies in relation to LIFT or income generation schemes. There is no general power for such participation and Secretary of State approval would be required.
- That the Council and the relevant NHS body individually should not be able to have a majority vote as members of the CIC or charity without at least another voting constituency (e.g. directors, staff, the public/users)

5.60 The appointment of Directors/Trustees of a potential charity or the Non Executive Directors of a Community Interest Company will need to balance who can nominate such Directors and how many with the need to ensure the right mix of skills. The over-riding principle should be that the social enterprise has the right skills on the Board to ensure effective strategic leadership. There may also be specific requirements or guidance from Government as models are progressed.

5.61 The SE model can and will consider further opportunities for integration with GP Provider services as matters progress and with related amendments to governance structures.

5.62 The Council is asked to agree the broad principles of stakeholder representation should a new social enterprise be possible. The Council is also recommended to delegate the agreement of the precise legal form of the social enterprise and its governance arrangements on behalf of the Council to the Chief Executive. Similar arrangements will be recommended to the PCT Board.

Project Arrangements and Next Steps (Appendix 6)

5.63 If the Council and the PCT Board agree to a way forward the implementation will need to be managed on a project basis.

5.64 Project governance arrangements have been established and it is proposed to continue those arrangements into implementation should the Council and PCT Board agree a way forward. Those arrangements include the role of this Panel to oversee the implementation of the option agreed by the Council (and the PCT).

5.65 The project governance arrangements are shown in Appendix 6. The key features of the governance arrangements include:

- Clear Member, PCT and officer leadership
- Arrangements to minimise conflicts of interest
- The involvement of the emerging/transitional GP commissioning structure
- The inclusion of both the Council's Audit Committee and NHS B&NES Audit and Risk Committee as a key source of assurance for the Council and NHS B&NES
- A key role for the current Health and Well Being Partnership Board, which may need to be reviewed in the light of changes proposed in the NHS White Paper.
- A key role for the Healthier Communities and Older People Overview and Scrutiny Panel to oversee the implementation of any agreed option.

5.66 If the proposal is agreed by the Council and the PCT Board and approved by NHS South West and the Department of Health, there is a challenging implementation plan. The main next steps are summarised below:

- Establishing a new organisation in the proposed legal form or to transfer services to the relevant NHS Body, the Council or both
- Further detailed work on the business plan for any chosen option, including support services, estates and other financial/affordability challenges
- Developing the contractual arrangements where necessary
- Due diligence work on the part of the Council, NHS B&NES and any provider
- Finalising the business plan and contracts with the provider, including any adjustment to pooled budget arrangements
- The transfer of staff where necessary

6. RISK MANAGEMENT

6.1 Various risk assessments and risk management arrangements for the proposed changes have been put in place in compliance with the Council's and NHS B&NES risk management guidance. In many instances there are common risks which need to be managed.

6.2 The Council and NHS B&NES corporate risk registers will be revised to reflect these risks and be monitored in the usual way by management and through the Council's Audit Committee and the PCT's Audit and Assurance Committee.

6.3 In addition, due diligence from the different perspectives of the Council, NHS B&NES and any provider will be carried out throughout the implementation period and finalised prior to the transfer of services and staff.

6.4 The risks common to all options can be summarised as follows:

- Local GPs are indicating their expectation that the design of services and the organisational form should remain fluid until they have had chance to form their views on the way forward. As the prospective commissioners of NHS services and individually as the major gatekeepers determining access to services, they have the potential to affect the viability of any of the proposed options.
- Competition for health services across all the options_The indication from the Department of Health that Any Willing Provider (AWP) will apply for NHS Community Services from October 2011. This policy is intended to promote choice for service users and encourages new market entrants to compete directly for NHS business – the mandated NHS contract only includes indicative cost and volume it does not denote security of income.
- Security of income in terms of the length of contract.
- The risk that either the PCT or the Council might invoke the terms of the current Partnership Agreement and in particular require adherence to the term of notice [need to check the precise wording & include].
- Leadership capability.
- Project & business planning costs.

6.5 The risks & opportunities that vary between options include:

- Focus on integration across the options given other organisational objectives.
- Quality and improvement across the options given other organisational objectives.
- Recruitment & retention
- Taxation (VAT)
- Pension costs
- Working capital
- Costs of implementation.

Project Risk Management

6.6 A detailed project risk assessment was undertaken during this phase of the project i.e. up to this decision making point. Clearly the risks change when the project enters its implementation phase and the risk assessment and risk management arrangements will need to be adapted to the decisions of the Council and the PCT Board.

6.7 The generic key risks are:

- The challenging timescale of 1 April 2011.
- Continuing changes in national policy may change contractual arrangements, which may be a risk or an opportunity.

- The viability of any solution including resolution of estates, pensions, taxation, working capital, equal pay and contractual issues.

7. FINANCIAL IMPLICATIONS

7.1 The financial implications identified in this section apply to a varying degree to each provider option set out in the report.

7.2 The specific issues identified here relate to the recommendation and proposed delegation for continuing to develop and explore a social enterprise as the preferred option for the transfer of integrated community health and social care services. Further work needs to be undertaken to clearly identify and quantify the related benefits and costs.

7.3 In testing the viability of the social enterprise the specific objective will be to establish an Integrated Business Plan that shows the organisation could be expected to deliver all financial requirements whilst maintaining the business as a going concern. Any potential trading deficit will need to be viewed in the context of the overall £48M business and the individual rights of all the potential creditors of the social enterprise.

7.4 The following key financial issues will be appropriately modelled within the Integrated Business Plan and will also need to be addressed within the terms of the specific delegation:

- **Baseline Savings** - the baseline savings identified by the Council and PCT Commissioners are £2.9M for 2011/2012 rising to over £9M by 2015/2016. These savings are potentially required of any option in terms of delivering the existing Commissioner financial plans. The Commissioners will also need to review the savings required of the provider and how these might be delivered from looking at efficiencies within the provider to agreeing new ways of working, service redesign and potential areas where service levels might be reduced. The availability of additional Government funding for these service areas via both the PCT and Council will also need to be considered. This is consistent with the PCT and Council commissioners' approach with all providers.
- **VAT** - the current model for the social enterprise would be unable to reclaim VAT on relevant goods and services. This represents a potential additional cost or additional savings requirement currently estimated at £1.1M.
- **Contract Length** – the business case will initially be modelled based upon both 3 and 5 year contract terms. This will need to be tested with GP's and EU procurement rules. The contract end arrangements also need to be clarified to establish the ongoing position of the social enterprise in the event some or all of the contracts are lost at this point.

- Financial Reserves – the social enterprise will need to establish suitable financial reserves to meet unforeseen costs and trading variations. These will need to be built up from trading activity and will present a further cost saving challenge. Based on estimated turnover reserves of approximately £2M should be targeted.
 - Severance Costs – funding of severance costs (redundancy and related pensions costs) arising as a result of baseline and further savings requirements should be accounted. The Council and PCT Commissioners will need to consider appropriate funding for such costs to support the delivery of the baseline savings set out above.
 - Working Capital – this requirement can be minimised by the Council waiving existing standing orders in order to allow the social enterprise to be paid monthly in advance. Maximum financial exposure for the Council is estimated at £2M.
 - Governance and Other Recurring Costs – these are currently estimated at £0.5M per annum although further work is required to support this estimate. This represents a further cost saving challenge.
 - Investment Costs – specific provisions for investment costs should be offset by equivalent cost savings as part of a specific business case. The social enterprise and/or commissioners will need to identify potential commercial funding to support such proposals.
 - One-Off Set Up Costs – currently estimated at approximately £1M although this could be reduced by funding from a Social Enterprise Grant and any balance remaining in the approved pooled project cost budget.
 - Resourcing – in the context of the overall timetable the Integrated Business Plan will need to consider the specific project resourcing requirements including the significant challenges to implement and maintain a suitable financial management, reporting and control environment for the social enterprise.
- 7.5 There are likely to be significant financial benefits as a result of maintaining the integration of Community Health and Social Care Services. Further work needs to be undertaken to clearly identify and quantify these costs.
- 7.6 In considering the specific delegation an evaluation will need to be made as to whether the Integrated Business Plan can be delivered within existing approved budgets in the context of the overall financial challenge facing the Council and the current budget planning process. This will include consideration of resource prioritisation within the Council and PCT together with the allocation of additional funding for health and social care services announced by the Government as part of the Comprehensive Spending Review.

- 7.7 The role of the commissioner in terms of contract and financial monitoring together with the specific allocation of responsibilities, particularly in terms of support services could impact upon the Integrated Business Plan. This work needs to be developed to ensure the overall financial implications for the Council can be identified.
- 7.8 The additional financial resources needed to complete the transfer of Community Health and Social Care Services are assessed as £700,000, including a contingency sum, which has been identified from existing budgets and reserves of the Council and PCT.
- 7.9 The Council and NHS B&NES have entered into a pooled budget arrangement for these costs which sets out:
- That joint costs are shared 50%/50% as between the Council and the PCT
 - A high level communication protocol
 - A high level information/advice sharing protocol with rights for both parties to seek their own advice should differences in views be irresolvable
- 7.10 The project costs include joint working with the current internal provider. However at the point the new organisation is set up and the Board and Leadership Team are appointed (expected February/March 2011) it will be essential that the Board and Leadership Team seek their own advice should they so wish. Alternatively, if the option to be pursued is a transfer to an NHS Trust that Trust would need to make its own provisions for the cost of preparing for the transfer.

8. LEGAL IMPLICATIONS

Powers

- 8.1 Local authorities have a general power to enter contracts to enable them to discharge their functions, but this needs to be distinguished from a delegation enabling a third party to exercise the unique powers of the authority. Where a local authority has a statutory function, Section 1 of the Local Government (Contracts) Act 1997 gives it the power to enter into a contract “for the purpose of or in connection with” the discharge of that function. This is a very broad ability for a local authority to buy goods and services from any appropriate source, whether that be a public body or a private sector provider, where that will assist in the discharge of the authority’s functions, but needs to be distinguished from the exercise of the statutory powers which have been granted to the local authority. This is dealt with under “Delegations” below.
- 8.2 In terms of the proposed transaction, the Council has powers, which it is currently exercising to provide services and can enter into contracts with third parties.

- 8.3 Similarly under the Local Government act 1972 the Council has powers to lease property.
- 8.4 The PCT's relevant powers to enter into the contracts and leases are those set out in Section 9 and Schedule 3 of the National Health Service Act 2006.
- 8.5 In using its powers the Council (and the PCT) will need to ensure an appropriate exercise of those powers, on the particular facts. This is a matter of general public law decision-making and the Council must be satisfied that it has taken into account all relevant considerations, is not taking into account irrelevant considerations and is acting proportionately in respect of any European or Human Rights Act implications.
- 8.6 In this latter context it may be relevant to note that transfer to a social enterprise may for some functions mean that the provider ceases to be a public body for the purposes of the Human Rights Act 1998. Where this is the case the NHS Community services Contract and the NHS constitution require all providers under contract to meet those standards and a similar approach may be taken by the Council where this is the case.
- 8.7 Similarly under the social enterprise option the organisation will not be subject to Freedom of Information requirements. In the context of this proposal, the ability of the commissioners to require compliance under contract should not lead to any difficulty.

Procurement

- 8.8 In terms of procurement, the relevant European Union (EU) Rules are contained in the Public Contracts Regulations 2006 (as amended) and wider EU Law (The EU Rules). These rules apply where contracting authorities such as the Council and the PCT enter into contracts in writing with service providers that are above a prescribed limit in value unless any applicable exemptions apply. The EU rules divide services into either 'Part A' or 'Part B' services. Part A services are subject to all the EU Rules whereas Part B services are only subject to some of them. The services that would transfer are health and social services and these are classified as Part B services. This means they are subject to the lighter regulatory regime.
- 8.9 There is an element of risk that a claim could be made based on a breach of the underlying Treaty principles. Legal advice indicates that at present there seems to be little appetite for challenge of this nature to transfers of PCT provider services across the country, and the need for an integrated provider would also diminish the likelihood of a claim. Legal advice taken indicates that a claim from a would-be contractor is relatively unlikely, although there is a risk that if complaints were made to the European Commission they might want to take the matter up. The length of contract may mitigate this, by which time new commissioners move to a competitive process earlier rather than later. This would appear to increase the risk of

challenge of an interim solution to transfer services to the NHS or the Council on a temporary basis.

- 8.10 The EU procurement rules do require the award of a contract for Part B services to be notified and published in the OJEU using a Contract Award Notice. It is also important to ensure that any technical standards used are non-discriminatory and are EU standards (or equivalent).

Delegations

- 8.11 In principle the Council must retain functions that require it to act in a particular way and where it is making decisions in the exercise of functions that go beyond the day-to-day incidental decisions.
- 8.12 There are a number of key areas where such functions cannot be delegated and for which sufficient resources will need to be maintained if for example the option to create a social enterprise is pursued, including:
- Assessment and care provision decisions made by the Council under s47 of the NHS and Community care Act 1990 where the Council is under a statutory duty to assess and make a service provision decision where it considers that an individual may be in need of community care services. While the information gathering element of the assessment can be carried out by an external body, the approval of the assessment and the care plan (where appropriate) should be retained by the Council, and indeed reviews should be a matter of reporting back to the Council. The Council's contract with the provider would require the provider to deliver the care in accordance with the care plan, and may include a degree of latitude in terms of variations to the plan to meet marginal changes of need. Similar arrangements will be necessary in relation to Continuing Health Care and Free Nursing Care assessments for which the decision-making has to remain with the PCT under current legislative arrangements.
 - Personal budgets and direct payments - the initial establishment and payment arrangements must sit with the Council (or the PCT if and when health personal budgets become relevant to the NHS).
 - The function of appointing Approved Mental Health Practitioners must remain with the Council but it does not need to employ them.
 - Safeguarding issues - key decisions for example: whether an alert is a safeguarding issue; whether to proceed to formal investigation; and any decisions to terminate the process would be taken by a relevant Council officer.
- 8.13 More detailed work is being carried out on these functions (and others, for example the deprivation of liberty) to determine the best arrangements and the resources that will need to be retained. This will include consideration to retain the budgets and functions for the Council's placement budget with other providers (so called micro-commissioning).

External Approvals

- 8.14 Because of the integrated nature of the services, the options have differing requirements for approval for the transfer of health services (not Council services). NHS South West has indicated that the social enterprise option would not require any further approval beyond the Strategic Health Authority and the Department of Health. This would appear to be the case for a transfer to the Council.
- 8.15 However, under the options to transfer to an NHS body, the approval of the NHS' Cooperation and Competition Panel would be required if services went to an NHS Trust and the approval of Monitor if the decision had been to select from NHS providers and a Foundation Trust depending on the size of the services transferred and the size of the proposed NHS provider.

Employment Issues

- 8.16 Employment issues are dealt with in section 9 of this report.

Partnership Issues

- 8.17 It should also be noted that there is an agreement in place between the Council and the PCT that covers existing partnership arrangements. Under that agreement it would normally be appropriate for any material change in the arrangements (or any notice of termination) to be given by 12 months notice on 1 April of the relevant year. However, the Council and the PCT are making every effort to progress revised arrangements in accordance with the Coalition Government requirements and without invoking the terms of the agreement. It is important, however, to recognise that there is a formal agreement currently in place to protect all parties.

9. EMPLOYEE IMPLICATIONS

- 9.1 Around 1,700 staff (including relevant support staff) currently provide the in-scope services. Of these approximately 700 are currently employed by the local authority and 1,000 by the NHS. Under current partnership arrangements, members of staff retain the terms and conditions of their employer and employment policy and procedures have been harmonised wherever possible (recognising different governance arrangements in some cases).
- 9.2 HR consideration on each of the future options has to date been based upon an assumption that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) would apply to the transfer of the services. Any new staff recruited to the new organisation after the transfer to work alongside the staff who transferred from the local authority or the PCT will be engaged on terms and conditions of employment determined by the organisation to which they transfer. A new organisation may consider the application of the Code of Practice on Workforce Matters in determining those terms and conditions, parts of which are currently under review by the Coalition Government.
- 9.3 The staff group is covered by two different public sector pension schemes (the NHS Pension Scheme and the Local Government Pension Scheme

(LGPS)) for which different regulations are in place. Provisions exist within the existing LGPS Regulations, subject to the agreement of the Avon Pension Fund and the affordability of any additional pensions costs, to allow the employees transferring from the local authority to continue to have access to the LGPS. Within Health it is anticipated that Direction Employer Status would be granted to the new organisation if the Right to Request is successful. If granted, the majority of pension benefits would continue to be available to those staff who are in current membership of the scheme and who transfer from the PCT. Alternatively, the new organisation could ensure that it provided access to a broadly comparable pension scheme. Under current requirements, both the local authority and the PCT would need to satisfy themselves that the new organisation could afford appropriate pension provision before the staff transfer to the new organisation.

9.4 In the event that, as part of the new arrangements, the relevant transfer is to the Local Authority rather than a new organisation, then those employees who are currently employed by the Local Authority would remain employed by the Local Authority and therefore able to remain members of the LGPS. In relation to those NHS employees employed by the PCT, their employment would transfer under TUPE to the Local Authority. As this would be a compulsory transfer of those NHS employees, the PCT would need to liaise with the Secretary of State for Health to ask him to make a 'Transfer Order' for that transfer. The Transfer Order would usually provide for all existing terms and conditions of service for those employees to continue post the transfer of their employment to the Local Authority under TUPE and would also provide for those employees to continue to participate in the NHS Pension Scheme. The Transfer Order would have to be drawn up by the Department of Health lawyers before any such transfer happens, as this cannot be done retrospectively.

9.5 Alternatively, in the event that, as part of the new arrangements, the relevant transfer is to an existing NHS organisation rather than a new organisation, then in relation to those NHS employees currently employed by the PCT, their employment would transfer under TUPE to the NHS organisation and they would remain members of the NHS Pension Scheme as they would still be employed by an NHS employer following the transfer of their employment. For those employees who are currently employed by the Local Authority, the usual course of action would be for the NHS organisation to seek admission body status to the Avon Pension Fund so that those employees could remain members of the LGPS following the TUPE transfer of their employment to the NHS organisation. This is because the NHS Pension Scheme is not considered to be 'broadly comparable' to the LGPS and so if membership of the NHS Pension Scheme was offered, the Government Actuary's Department would be likely to attach additional conditions to its use which could have significant cost implications for the NHS organisation. Therefore, the admitted body status route to allow continued participation in the LGPS would be the better (and potentially cheaper) option in relation to those Local Authority employees who are to transfer to the NHS organisation under TUPE.

- 9.6 The staffing figures outlined above include a number of support functions, which currently provide services for the whole of or the majority of their time within the Provider function.. The final total for support staff and their inclusion in the staffing numbers will depend on which parts of support services transfer to the new organisation and a detailed review of the 'assignment' of staff for purposes of TUPE to the parts that are transferring.
- 9.7 Within both the Council and NHS there are significant financial challenges and there is an expectation that the future organisational arrangements will accommodate the implementation of QIPP (the NHS savings and service change programme) and MTSRP/SPA (Council saving programme and associated service changes). In order to accommodate such pressures and to be viable for the future the new organisation may need to carry out a degree of restructuring or reorganisation of staff just as is will be required within other Council and PCT activities.
- 9.8 Any subsequent changes resulting from the savings and efficiency programmes would need to be managed in accordance with employment law and involving appropriate consultation with staff.
- 9.9 Bringing staff from two separate employing bodies into one organisation and engaging new staff on potentially differing terms may pose a potential risk of equal pay claims after the transfer. Under TUPE, liability for any such claims will lie with the new organisation. A risk assessment of the implications and potential costs in relation to this is being undertaken together with steps to mitigate and minimise such risks in the short to medium term.
- 9.10 There will be a need to ensure that all processes associated with the organisational changes are fair and transparent and that issues of equality are impact assessed and addressed. Staff will have the right to opt out of the transfer if they do not wish to transfer to the new organisation. This will bring their employment to an end and they would not have the right to a redundancy payment.

10. EQUALITIES

- 10.1 Community Health and Social Care have carried out equality impact assessments over the majority of services provided over a period from December 2008 to the present. Equalities impact assessments will also be carried out in service changes to services resulting from the NHS and the Council's savings programmes or other changes in service.
- 10.2 With this approach any impact of service changes will be assessed. The Transfer of Undertakings Regulations will determine the transfer of services.
- 10.3 This approach has been agreed with the Council's Equalities Team and the PCT's lead on equalities.

11. CONSULTATION AND ENGAGEMENT

11.1 Extensive consultation and engagement has been carried out on developing the proposals to date. The arrangements and their outcomes are described below together with arrangements in place for the implementation phase of the change.

Staff and their Representatives

11.2 Early involvement of Trade unions from both organisations started in July soon after the publication of the Government's White Paper and has continued through the formation of a dedicated Management/union representative working group. The integrated Health and Social Care Trade Union forum is meeting towards the end of the month to consider the feedback from staff about the organisational proposals and the Trade Unions have been invited to submit their own views to the decision-making bodies.

11.3 A series of twelve staff engagement workshops at various locations and times have been arranged in order to get as wide an involvement of staff directly affected as possible. 524 staff (388 PCT/136 Council staff) have attended these events. The workshops have been supported by 'bespoke' materials and a dedicated website where staff have been able to access additional information and the set of frequently asked questions arising from the content of the workshops. In addition to the workshops, a specialist on Social Enterprises was invited down so that staff could gain independent, specialist information on the organisational form they were least familiar with.

11.4 As a result of these workshops 247 questions were submitted by staff, which have been responded to by management. There were also 52 individual submissions from staff resulting from the engagement events. The intranet site also received 660 visits.

11.5 It is important to note that the primary concern surrounding this issue remains the ability to best meet the needs of those using services; the interests of staff who provide those services in a dedicated and committed way needs to be balanced against the needs of those using services.

11.6 The key issues emerging from staff engagement and engagement include:

- Concerns about pensions and terms and conditions. This issue is explained in the body of this report.
- Understandably mixed views about the way forward. There are clearly expressed views that staff feel that they should remain with their current employer although there were some views expressed more positively about other options. It should be noted that the national agenda for change expressed in the White Paper indicates a significant shift in the landscape for NHS commissioning and provision. The Council is also considering the shape of its future commissioning and provision activity in response to the difficult financial climate. The provision of services will therefore change significantly over the next 3-4 years with NHS

Foundation Trusts being subject to more competitive market pressure to an extent that the future may encompass an NHS funded service but not necessarily an NHS provided service.

- The viability and sustainability of any option. This is recognised throughout the report and it is suggested further work be carried out particularly on the social enterprise option.
- There is no strong appetite to work for a profit-making organisation, although there is recognition that under any option costs have to be covered.
- Concern about working with new GP Commissioners on a wider range of services. Further reports will be brought to the Council and the PCT on future commissioning arrangements. This report recognises the key role of the newly established GP representatives in the forward development of the service delivery model and consequent organisational form.

11.7 There are further obligations under TUPE to inform and consult staff representatives of the affected employees, which will be met throughout the process.

General Practitioners

11.8 Engagement with the General Practitioner community is critical in such a proposed transfer of services in an uncertain climate for service provision. The statutory requirements, which influence the way in which PCTs seek views from GPs, are in a period of change. PCTs were originally constituted with a Professional Executive Committee (PEC), which provides clinical advice and representation to the PCT Board. Within NHS B&NES the PEC is chaired by a retired local GP, and also includes two other GP members as well as other clinicians from community and secondary care services. PCTs have also been required to have in place a Directed Enhanced Service (ie a contract) to support Practice Based Commissioning. Within B&NES this has until very recently been a B&NES wide commissioning consortia chaired by one of the GPs who also sits on the PEC, and comprising local GPs as well as other primary care staff.

11.9 The NHS White Paper published in July 2010 signals the end of PCTs as commissioners of healthcare, and the establishment of new statutory bodies of local GPs commissioning a range of services, including most community based services. It is recognised that consultation with GPs needs to take into account their transition into the primary commissioners of health services of the future while balancing this with the need to preserve stability in service provision at a local level, to promote integration of services for the benefit of patients and taxpayers and to meet Department of Health requirements for the divestment of PCT community health services.

11.10 On July 29th 2010 Sir David Nicholson the Chief Executive of the NHS wrote to all NHS bodies and to councils confirming the new tests to which

all future service reconfigurations should be subject. Proposals for change, which will include proposals developed under Transforming Community Services (TCS), need to be able to demonstrate support from GP Commissioners in order to be approved by the SHA and the Department of Health. GP commissioners are asked by the CEO of the NHS in this letter to lead local service reconfigurations and to assure themselves that the proposals meet the reconfiguration tests.

- 11.11 The original commissioning intentions for community services, which were produced in July 2009, were approved by the Professional Executive Committee of the PCT, the legitimate mechanism for securing GP views at the time. The commissioning intentions were summarised for the different stakeholder groups. A specific briefing on the impact on primary and community services was distributed to local GP practices and the offer of separate meetings was made to all providers, including primary care providers. In addition to the series of public meetings explaining the commissioning intentions, a provider seminar was held in September 2009 for all providers, including those in primary care. GP representation at these events was very limited. A presentation on the commissioning intentions was also made to the Practice Based Commissioning Consortium.
- 11.12 The initial option appraisal undertaken in February/March 2010 was presented to a seminar comprising clinical members of the PEC & PbC Consortium, PCT Board members and Council officers and members.
- 11.13 The Commissioner Case for Change was discussed with and approved by the Professional Executive Committee (including the GP representatives) in August 2010.
- 11.14 Correspondence was sent to the former Chair of the GP Forum in mid August requesting early consideration of the Transforming Commissioning Services agenda once the GPs had determined how they wished to organise themselves locally. The Acting Chief Executive of the PCT undertook individual practice visits with most but not all of the 28 practices and highlighted the need for engagement in the agenda. Practice Managers have been working with the current joint provider of services to inform the service specification as part of the business planning for TCS.
- 11.15 It is recognised that GPs are only just beginning to organise themselves into a forum where the future of integrated community health and social care services can be discussed. GPs within B&NES have moved swiftly to establish a group in mid September, which is designing the new commissioning arrangements. This group received verbal briefing from the Managing Director of the current joint provider in early October, and their first debate with the wider GP community took place at the end of October.
- 11.16 The Chair of the Overview & Scrutiny Panel invited GP Commissioner representation at the public meeting to scrutinise the TCS proposals which took place on October 28th, however this offer was not taken up and no GP view was represented at this meeting.

- 11.17 The speed with which the TCS agenda is necessarily being pursued in order to fit within the DH timescale and the fact that the existing statutory arrangements for ensuring a GP view at the PCT Board are being superseded by the new GP led commissioning consortia has left GPs feeling that they should have had a greater say in the development of the options and their assessment than has been the case. The emergent GP Consortia has formally requested that the decision on future arrangements be deferred until they have had more time to consider. The Department of Health has been copied into this request.
- 11.18 Engagement with the General Practitioner community is critical in such a proposed transfer of services in an uncertain climate for service provision. At the present time, the PCT remains responsible for the commissioning of NHS services. However, any arrangements for the future of community health services and, in addition, the integration of health and social care will require the support of future GP Commissioners if they are to remain workable and viable under any of the options.
- 11.19 It is recognised that consultation with GPs needs to take into account their transition into the primary commissioners of health services of the future while balancing this with the need to preserve stability in service provision at a local level, promote integration of services for the benefit of patients and taxpayers, provide clarity for all relevant staff for the future, and meet Department of Health requirements for the divestment of community health services.
- 11.20 Following the establishment of the interim GP Consortium Board, discussions have been held on the future provision of services. In a letter dated 3 November from the Chair of the GP representatives to the Acting Chief Executive of NHS B&NES the following points were expressed:
- A recognition of the timescales imposed by the Coalition Government with respect to the transfer of community health services, which has not allowed sufficient involvement of GPs given the White Paper's transfer of responsibilities for commissioning of health services from the PCT to GP Commissioning Consortia.
 - A concern that if plans proceed without further engagement of the emerging GP Commissioners the arrangements may not be supported and therefore this may undermine future service delivery.
 - A commitment to work with partners to develop joined up solutions to benefit patients and service users that are productive and cost effective.
- 11.21 Both the Council and the PCT are committed to further engagement with the GP community in order to ensure service stability and the realisation of long-term benefits from the integration of services.
- 11.22 The report suggests that if the Council and the PCT Board approve the further work on the development of a potential social enterprise this work should be developed in partnership with GP Commissioning representatives

to ensure the best possible services for the residents of Bath and North East Somerset.

11.23 Given the stage of development of the Integrated Business Case, this involvement in service design, governance and organisational form presents an important and critical opportunity. However, the Council, the PCT and GP commissioners should be mindful of the increased risk that the Secretary of State may impose a solution. The existing agreement in place between the Council and the PCT, the specific requirements of the letter from Sir David Nicholson, and the Coalition Government's statements about Integration and Social Enterprise are also germane.

Other Stakeholders

11.24 In addition to the staff engagement, phase one of the consultation includes:

- Documentation on the organisational options being circulated in a targeted but wide way and comments have been invited. This includes parish councils, (Local Involvement Network) LINKs, the third sector and other providers
- The document is also available on the websites of the Council and the PCT and allows for the public to comment and express their views
- The issue has been incorporated in the latest "healthy conversations" public meetings

11.25 The Partnership Board, PCT Board and Council will also be considering this in public.

11.26 A public meeting addressing two strategic change agendas and including Transforming Community Services was held on October 15th in liaison with Bath and North East Somerset Local Involvement Network (Link). Some 40 people attended including users of services, carers, voluntary sector representatives, Disabled people, Link members and other interested parties.

11.27 The programme for change was presented and workshop style conversations specifically on Transforming Community Services were held during the morning with three participant groups.

11.28 Feedback from these sessions was mixed. People expressed enthusiasm, concerns and information requests with a variety of comments recorded. These included:

- "Undertaking minimal change is the best approach"
- "What is needed on the ground should be what drives decisions"
- "Will there be scope for third sector expansion in social enterprise model"
- "Any change should deliver more localised services"

- “Everyone needs to support change for it to work”
- “Change should cut down on bureaucracy”
- “Don’t forget children’s services and how they might be affected”

11.29 The varied content from the three sessions was collated and five common themes emerged these were presented back to the participants as a summary. These five themes can be regarded as the key points from the public meeting:

- Maintaining integration was valued as important by all contributors. There was a consistent request not to undermine or dismantle the partnership through any reform.
- The model chosen must be able to deliver the best service now and into the future.
- In any change process and into the future it’s crucially important to ensure quality and monitor that quality to make sure standards are maintained.
- It is for the service managers and planners to decide on the organisational model. People are concerned with the delivery of the services and not the model.
- Giving good Information to people is essential, Its Important to inform people about where to get help and give people the service information they need to access the right services. Especially in a time of change.

11.30 The Healthier Communities and Older People Overview and Scrutiny Panel considered a report on the options for the future provision of integrated community health and social care services at its meeting on 28th October 2010. An extract of the relevant item from the draft minutes of the meeting are attached at Appendix 7.

11.31 The main points made at the Healthier Communities and Older People Overview and Scrutiny Panel which the Council and PCT need to consider are:

- The Panel expressed its concerns about the speed of the decision-making timescale compared to the significance of the decision. This issue is shared by the PCT and officers of both the PCT and the Council. The Council and the PCT (and GP Commissioning representatives) will need to make a judgement about the balance between the risk of the proposed way forward with the benefits of integration and the proposed solution.
- The Panel did not dismiss any of the shortlisted options presented in their report and did not add any further options.

- The Panel supported the principles of stakeholder involvement in the governance arrangements of a social enterprise should this be the option decided upon by the Council.
- The Panel noted the project governance arrangements for the implementation of the proposed option and welcomed its involvement in overseeing the implementation, subject to the introduction of the new statutory Partnership Board proposed under the NHS White Paper.

11.32 The meeting of the Healthier Communities and Older People Overview and Scrutiny Panel also received written comments from two members of the public and Bath and North East Somerset Local Involvement Network (LINKs), which have been listed as background papers, as well as a verbal contribution on behalf of the trade unions.

11.33 The public contributions and officer comments (in italics) include, in summary:

- A request to consider the range of co-operative models for any new organisation if this option is pursued. *While the model is appropriate in certain circumstances, the co-operative business model is based on open membership and one-person one-vote. The principles for the governance of a new social enterprise outlined in this report sets out a number of stakeholders potential involvement and possibly differential voting rights as members of the company which would not be achievable under the Co-operative Society model.*
- A request for the inclusion of a dedicated Health Improvement Officer for BME communities within the plans for Transforming Community Services. *This is an issue for the further development of the proposals either as part of developing commissioning intentions under the new GP Commissioner arrangements or the Community Interest Statement for a new social enterprise should this model be taken forward.*

11.34 The written contribution of LINKs and officer comments (in italics) included the following points:

- A concern about the timescales to provide a contribution and that this may also preclude certain options, as they are not achievable in the Coalition Government's timescales.
- Support for integration both of commissioning and the provision of seamless services.
- A recognition that a difficulty at present is the PCT's current responsibilities for commissioning the services and the involvement of the emerging future GP commissioners in developing the arrangements for which they would have to take responsibility in future. *This is recognised in this report. Now that there is a group of GP Commissioning representatives elected by the GP community to take forward the Interim GP Consortium, a mechanism is in place to*

take forward future proposals is in place. This has been established quickly after the publication of the Coalition White Paper in late July 2010. However, this report also recognises the tension between the Coalition Government timescale for the transfer of community health services and the involvement of the GP Commissioning representatives.

- *Questions about the options – including the re-emergence of some options (integration with NHS Trusts) and the exclusion of an option (integration with GP Services). The reappraisal of the options was made necessary by the proposals in the Coalition White Paper which has radically changed the commissioning environment as well as keeping to the original timescale for the divestment of PCT provided community health services. The report explains why some options, including integration with GP services (GPs are considered by the NHS as independent contractors), are not achievable, as they require tendering exercise beyond the April 2011 timescale. The social enterprise model is a managed transfer of services and could therefore still be included in the options, given the concession to make substantial progress on such options by April 2011. The reappraisal was also moderated by external advisers to ensure objectivity.*
- *The risk of rejection of the all options by stakeholders through the process, in particular the social enterprise option. None of the options is risk free and all of the options will require a deepening of the engagement throughout the process to ensure solutions meet the needs of the residents of Bath and North East Somerset, including how workable the social enterprise model will be.*
- *A concern that the right to request for NHS staff was not submitted in time for the social enterprise option to be excluded. The right to request application was made on time, as a preventative measure should the social enterprise model be chosen as the way forward.*
- *An assurance that there will be further and full consultation with stakeholders on any option proposed for adoption. At this stage the report recommends the Council continue to work in partnership with the PCT and GP representatives on the development of the social enterprise option and this will include ongoing consultation with stakeholders.*

Strategic Health Authority (NHS South West)

11.35 NHS Bath and North East Somerset have liaised closely with NHS South West throughout.

11.36 NHS South West's role is to ensure, in relation to local NHS services not Council services, that sufficient progress is being made by NHS B&NES against the mandatory deadline to transfer or to have made substantial progress to transfer its directly provided service by 1 April 2011.

11.37 NHS South West has also evaluated the project work plan; the Commissioning Case for Change (which has been recommended for approval to the Department of Health); the Contracting Intentions; and will evaluate the providers Integrated Business Plan.

11.38 It is recognised that the Integrated Business Plan for a social enterprise needs further work to establish whether a social enterprise model is viable and sustainable. This will need extensive involvement of the GP representatives and further consultation and stakeholder involvement. Due to the timescales involved discussions will be held with the SHA about the further development of the Integrated Business Case in terms of the service model and the financial challenges.

Ongoing Consultation and Engagement

11.39 Stage 2 plans for consultation and engagement are to involve service users and other groups in the shape of the services to be provided, how to performance manage the arrangements and the sorts of outcomes people would be expecting.

11.40 The report, and indeed the comments from other stakeholders, recognise the key involvement of relevant GP Commissioning representatives for the emerging GP Commissioning Consortium as partners in developing the proposals further. This is in addition to further development of the governance arrangements for any potential social enterprise to include GPs/the new statutory body subject to new legislation concerning such involvement and any potential conflicts of interest.

12. ISSUES TO CONSIDER IN REACHING THE DECISION

12.1 The issues to consider are included in the report at Section 2 of this report.

13. ADVICE SOUGHT

13.1 Advice was sought, and is reflected in the report, from:

- The Council's Monitoring Officer (Council Solicitor).
- The Council's s151 Officer (Divisional Director – Finance).
- The PCT's Acting Director of Finance.

13.2 Advice was sought from external legal and financial advisers due to the novel, innovative and complex nature of the transaction and is reflected in the report.

Contact person
<i>Janet Rowse, Acting NHS B&NES Chief Executive and B&NES Council Strategic Director Adult Social Care and Housing – Tel: 01225 831827 email: janet.rowse@banes-pct.nhs.uk</i>

Background papers

NHS Operating Framework 2010-11, (Department of Health, July 2010).

Revised NHS Operating Framework 2010-11 (Department of Health, July 2010).

Equity and Excellence: Liberating the NHS, Department of Health, July 2010.

Original Options Appraisal, March 2010.

Guidance on the Approval Process for Transactions in NHS South West, NHS South West, July 2010.

Transforming Community Services Work Plan submitted to NHS South West, July 2010.

Commissioners Case for Change, August 2010 with a revised version in September 2010.

Transforming Community Services Contracting Intentions, September 2010.

Transforming Community Services Across Bath and North East Somerset – What's Your View? Employee Consultation Document, September 2010.

Transforming Community Services Update, NHS B&NES Board, 14th October 2010.

Benefits Realisation: Assessing the evidence for the cost benefit and cost effectiveness of integrated social care, Turning Point, February 2010.

NHS Mutual: Engaging Staff and Aligning Incentives to Achieve Higher Levels of Performance, Nuffield Trust, July 2009.

NHS Standard Contract For Community Services 2010-11, Department of Health (revised annually).

Background note on the various forms of social enterprise, Bevan Brittan, October 2010.

Report to and draft Minutes of Healthier Communities and Older People Overview and Scrutiny Panel, 28th October 2010, including the contributions of external participants in the meeting.

LINK's Comments for Healthier Communities and Older People Overview and Scrutiny Panel, 28th October 2010.

Co-operative Business Models Comments from Peter Sas Co-operative Party South West Regional Council contribution to Healthier Communities and Older People Overview and Scrutiny Panel, 28th October 2010.

Needs of Hard to Reach BME Communities, contribution of Anne Marie Jovcic-Sas to Healthier Communities and Older People Overview and Scrutiny Panel, 28th October 2010.

Analysis of Written Questions Submitted at Staff Meetings, September – October 2010.

Collation of Staff Feedback Forms, October 2010.

Minutes of the TCS Working Group (which includes Trade Unions), various September

Background papers

– October 2010.

Minutes of the Joint Partnership Consultative Committee, various August – October 2010.

Joint Management/Trade Union Meeting - Notes of meeting 21st July 2010

Letter from Dr Ian Orpen (Chairman of the Interim Bath and North East Somerset GP Consortium) to the Acting Chief Executive of NHS Bath and North East Somerset, 3 November 2010.

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

**Summary of the White Paper: Equity & Excellence: Liberating the NHS
(published July 12th 2010)**

NHS Core Values reaffirmed: available to all; free at the point of use; based on need not ability to pay

Patient Focus

- Consumer ratings for hospitals & clinicians according to quality of care (Safety, effectiveness & experience)
- Extended range of choice: of provider, consultant led team, GP practice and diagnostic tests
- New consumer champion: HealthWatch to be commissioned by Local Authorities to replace Local Involvement Networks (LINKs)
- “Information revolution” to support (based on use of information not IT infrastructure)

Focus on clinical outcomes

- New outcome frameworks for health, public health & social care
- New role for NICE to provide library of standards for health, public health & social care
- Removing existing targets that have no clinical justification
- Establish Public Health Service (White paper later in year) & responsibility for Public Health moves to Local Authorities

Empowering health professionals

- GP commissioning consortia as new statutory bodies allocated commissioning resource & required to commission with Local Authorities
- From 2012 Independent NHS Commissioning Board allocating & accounting for NHS resources.
- ALL NHS trusts to be Foundation Trusts; expansion of Any Willing Provider, expansion of Social Enterprise
- New statutory arrangements within Local Authorities [Health & Well Being Boards] to take strategic approach, promote integration across health & social care & wider council
- Health Overview and Scrutiny replaced by Council new statutory functions
- Strategic Health Authorities cease in 2012
- Primary Care Trusts cease in 2013

APPENDIX 2

Services Currently Provided by B&NES Community Health and Social Care Services

Service	<i>Council or Health Funded</i>
LEARNING DISABILITIES	
Adult Family Link Service	<i>Council</i>
Care Management & Social Work	<i>Council</i>
Community Learning Difficulties (Health)	<i>Council</i>
Day Services - Carrswood, Connections & Community Day	<i>Council</i>
Employment Development	<i>Council</i>
Maple Grove Residential Service	<i>Council</i>
Supported Living Service	<i>Council</i>
Epilepsy Nursing	<i>Health</i>
Learning Disabilities Management	<i>Council</i>
COMMUNITY TEAMS	
Access Team (Social Work Duty Service)	<i>Council</i>
Brokerage Service	<i>Council</i>
Community Health & Access Team	<i>Health</i>
Community Nurses for Older People	<i>Health</i>
District Nursing	<i>Health</i>
Hospital Social Work Team	<i>Council</i>
Intake, Assessment & Re-enablement	<i>Council</i>
Intermediate Care Service	<i>Council</i>
Intermediate Care Teams	<i>Health</i>
Locality Team - Social Care	<i>Council</i>
Occupational Therapy Services	<i>Council</i>
OUT-PATIENT SERVICES	
Adult Outpatient Speech & Language Therapy	<i>Health</i>
Contraception and Sexual Health	<i>Health</i>
Clara Cross Rehabilitation Unit	<i>Health</i>
Hearing Therapy	<i>Health</i>
OP Physiotherapy & GP practice-based clinical specialist Physiotherapy	<i>Health</i>

Service	Council or Health Funded
Orthopaedic Interface Service	<i>Health</i>
Paulton Hospital Minor Injuries Unit and Out Patient Department	<i>Health</i>
Podiatry	<i>Health</i>
CHILDREN	
Audiology	<i>Health</i>
Community Paediatrics	<i>Health</i>
Designated Doctor	<i>Health</i>
Health Visitors	<i>Health</i>
LD Service	<i>Health</i>
Lifetime Service (includes core & homecare)	<i>Health</i>
Named Nurse	<i>Health</i>
Population Services	<i>Health</i>
Speech & Language Therapy (includes adults and children)	<i>Health</i>
School Nurses	<i>Health</i>
Child Health (includes audiology, community paediatrics, designated doctor & population services)	<i>Health</i>
COMMUNITY HOSPITALS & COMMUNITY RESOURCE CENTRES	
Community Hospital In-Patient Services (St Martin's Hospital + Paulton Hospital)	<i>Health</i>
Community Resource Centres & Extra Care (Two of the Community Resource Centres (Midsomer Norton and Keynsham) contain 30 residential care beds, 30 extra care flats and a day centre. The remaining CRC in Bath has 45 residential care beds and a day centre with extra care provided separately alongside "ordinary" sheltered housing at St Johns Court)	<i>Council</i>
MENTAL HEALTH	
Approved Mental Health Professional Service	<i>Council</i>
Community Development Service for Black & Minority Ethnic Communities	<i>Council</i>
Community Options Team	<i>Council</i>
Home Support Team	<i>Council</i>
Professional Lead for Social Work	<i>Council</i>
Psychological Therapies	<i>Health</i>

Service	Council or Health Funded
Work Development Team	<i>Council</i>
Community Rehab	<i>Council</i>
SPECIALIST COMMUNITY SERVICES	
Community Alarm Service and Community Equipment Service	<i>Council</i>
Community Learning Service	<i>Council</i>
Community Lymphoedema Service	<i>Health</i>
Community Toe Nail Cutting Service	<i>Health</i>
Continuing Health Care Team	<i>Health</i>
IMPACT Service	<i>Health</i>
Hearing and Vision (Sensory Impairment) Team	<i>Council</i>
Specialist Community Neuro-Rehabilitation & Stroke Service	<i>Health</i>
Specialist Community Nursing Services	<i>Health</i>
Heart Failure Nursing	<i>Health</i>
Diabetes Education	<i>Health</i>
Care Home Support Service (In reach nursing)	<i>Health</i>
Tissue Viability Service	<i>Health</i>
Continence	<i>Health</i>
HEALTH IMPROVEMENT SERVICES	
Food in Schools	<i>Health</i>
Food Worker Programme	<i>Health</i>
Health Improvement Service	<i>Health</i>
Health Trainers	<i>Health</i>
Stop Smoking	<i>Health</i>

Transforming Community Services Options Re-Appraisal

**Bath & North East
Somerset Council**

NHS
*Bath and
North East Somerset*

Working together for health & wellbeing

**Transforming Community Health and Social Care
Services**

Next Steps in Working Together – Options Re-Appraisal

Updated October 2010

Introduction

Over recent years there has been a shared vision across governments to put people first through a radical reform of public services, enabling people to live their own lives as they wish, confident that services are of high quality, are safe and promote their own individual needs for independence, well-being and dignity.

Previous Governments and the present Coalition Government have highlighted that a vital pre-requisite for success was that key bodies in health, social care and housing work together to ensure shared practices that offer potential for better service outcomes, greater efficiency and improved service user satisfaction.

In December 2009 the Department of Health published both its five year plan "*NHS 2010 – 2015: from good to great*" and its Operating Framework for 2010/11. The Plan was developed to set the direction for the reshaping of the NHS to meet the challenge of delivering high quality health care for all in what we know will be a tough financial environment. Its key message is the need for the NHS to organise care and services around patients with a new drive towards more preventative and more productive services.

The Coalition Government's Revised NHS Operating Framework 2010-11 (June 2010) reaffirmed this policy direction and the NHS White Paper (July 2010) subsequently introduced the intent to dissolve PCTs by 2013 and therefore to proceed with the provider divestment programme, even if this meant transfer to other organisations while a medium to long term solution is developed.

The revised operating framework stated that, "proposals should be capable of being implemented, or substantial progress made towards implementation, by April 2011."

Working across boundaries is something familiar to Bath & North East Somerset. The Health and Well Being Partnership is working hard to bring about closer working between health and social care services and the development of community teams in local areas is aimed at making this happen in partnership with primary care colleagues and services. A number of joint initiatives between our community and acute hospital providers to reduce unnecessary hospital admissions or unnecessary long stays in hospitals are also helping to ensure that boundaries between different providers do not fragment care.

The next three years are pivotal. The public sector, in keeping with the rest of the community, is facing significant financial challenges and this, linked to the year on year improvements that all services need to sustain, means that the public sector will need to "tighten its belt" which will need radical approaches and innovation in order to transform services, improving the quality of services while also reducing costs.

Bath & North East Somerset has set out its service transformation agenda in "*Transforming Community Health and Social Care in Bath & North East Somerset – 2010/11 – 2014/15*". Although this is focussed on service change it recognises

the need for the development of a new and dynamic organisation to provide community health and social care services.

In March 2010, a document was prepared that outlined the first step in setting out the case for change; the options around future organisational structures and the proposed next steps to achieve our aims.

Since March, there has been a change of Government and this has led to new and/or updated policies including a Revised Operating Framework for the NHS (June 2010) and the publication of a White Paper "Equity and Excellence : Liberating the NHS (July 2010).

Of particular relevance in both these documents has been the requirement for the NHS to ensure that the PCTs divest themselves of their provider services by April 2011 or to make substantial progress towards this. The Revised NHS Operating Framework states:

"Separating primary care trust commissioning from the provision of services remains a priority. This must be achieved by April 2011, even if this means transferring to other organisations whilst sustainable medium term arrangements are identified and secured. PCTs should therefore continue to develop and review proposals for the divestment of their directly provided community services.

As a result the PCT together with its Local Authority partner has considered again the range of options available for the future provision of services.

This document is an updated version of the March options appraisal taking account of the further developments since the General Election in May 2010.

This document sets out the context in which community services have developed in recent years across Bath & North East Somerset and the options still under consideration for the potential re-shaping of the organisational form of these services. Although there are nationally imposed imperatives in taking this forward for the NHS our local proposals support the direction of travel already begun in B&NES and the partnership that exists between NHS B&NES and the Council. Effective engagement and joint decision making remains essential, despite the challenging pace, and there continues to be full and meaningful discussions on the proposals to assist both the PCT and the Council in its decision making processes.

Section 1 - Background and Context

Local Context

The key drivers for the provision and development of services locally are set out in the document *Transforming Community Health and Social Care in Bath and North East Somerset – Commissioning Intentions 2010/11 – 2014/15, the Commissioners Case for Change (August 2010)* and conditional *Commissioning Intentions (September 2010)*.

An overriding and consistent theme is that of quality as the organising principle that will enable the provision of safe, effective and personalised care. The challenge for providers will be to demonstrate their role in the transformation of services that improves quality, reduces inequalities and ensures value for money through increased productivity and innovation.

In this context, the PCT and the Council are working together on a change programme that is already pursuing a route of separate commissioning and delivery functions. Against this background, "Community Health and Social Care Services" (CHSCS) was established in 2009 as a separate provider within the Partnership delivering seamless care across both health and social services. To date, significant benefits around improved service user experience; less duplication of provision and sharing of skills and learning across different workforce groups are being reported and the partnership wishes to continue to build on these successes.

Although services are now working together within a single management structure, formal accountability for services still remains separate within the PCT and the Council. This creates complexity in governance and, for example, results in staff needing to follow separate policies and having different terms and conditions of service. This is not the optimal or most efficient way of running front line services.

The next step, therefore, is to look at a range of options for a new organisation that will support the continued bringing together of services and the delivery of the key strategic objectives of the Partnership, especially in relation to the personalisation agenda.

Whatever organisational form is agreed must be able to demonstrate added value for local people and for those using our services. In other words any future form must be able to demonstrate:

- Improved quality of care: better experience for the service user, safer services, and the agility to respond quickly to latest best practice in health and social care.
- Ongoing sustainability of integrated provision and the benefits that this delivers for service users
- Robust governance arrangements to ensure patient and service user safety, effective performance and the safeguarding of significant public funds.
- Improved value for money for commissioners of health and social care.
- Cash releasing savings in line with already agreed plans (The Council's Medium Term Financial plan & the NHS QIPP programme).
- Ongoing financial viability

Section 2: Options for Future Organisational Forms

Overview

The continued close working of health and social care services is important to the Health and Well Being Partnership and is a direction of travel that the Partnership wishes to continue and strengthen. There is increasing evidence that the bringing together of service delivery around the needs of the individual can improve outcomes through:

- Avoiding duplication of service provision by different professionals and/or in different settings
- Reducing inefficiencies in care
- Reducing opportunities for individuals to “slip through the net” between health and social care and within the different tiers of healthcare delivery
- The development of common standards and sharing of best practice

In this context any options for organisational form will need to demonstrate how the ongoing joint working can continue to be achieved and strengthened.

The Commissioning Intentions of the Health and Well Being Partnership has set out a number of assumptions and requirements that will need to influence and shape any future proposals for organisational change including:

- An expectation that all providers will contribute to a system wide culture of self care and self directed care in order to promote independence, choice and control. This will include:
 - Providing people with comprehensive information and support to navigate the system
 - Rolling out personalised budgets and the associated support mechanisms
 - Delivery in primary, community and secondary care of brief interventions that signpost people to support services for lifestyle change.
- A need for primary, community and secondary care services to work closely together to prevent unnecessary hospital admissions, provide locally sensitive and accessible services and support the prevention and well being agenda.
- A shift of resource from specialist interventional services into early intervention and prevention, including advocacy information and advice to create a sustainable system of health and social care for the future.
- A requirement for all providers to cooperate in identifying and implementing changes that deliver net reduction in spend across the system as well as

improving their own internal productivity in order to cope with the anticipated financial and demographic challenges ahead.

- Innovation to bring about change in these financially constrained circumstances. Examples could include the use of technology to support people in the community in order to reduce lengths of stay or to encourage independence and avoid the need for admission either to hospital or to long term care.
- A commitment to working with all partners in the public, commercial and voluntary sectors to create the kind of environment which enables people to live a healthy lifestyle.

This highlights the enormity of the challenges ahead. It is not only the significant financial challenges that services need to respond to but also an emphasis on quality, safety and individual experiences of services.

B&NES Community Health and Social Care Services (CHSCS)

B&NES Community Health and Social Care Services is the current provider of services established as part of the B&NES Health and Well Being Partnership. The Managing Director for CHSCS holds formal accountability to both the Council and NHS B&NES for the services managed and there are joint management arrangements in place across all service areas.

Current services are provided through joint Community Adult Health and Social Care Locality Teams, supported by a range of specialist services in two Community Hospitals, three Community Resource Centres and a range of other centres and clinics across the area. Community Health & Social Care Services (CHSCSS) also provides children's healthcare services commissioned from and working in close partnership with the Children and Young Families Directorate of the Council.

The three community health and social care teams, which work in the defined geographical areas of Bath, Keynsham & Chew Valley and Norton/Radstock & Paulton, have been in place since April 2009. It is anticipated that these will develop over time, but the first phase has seen the integration of the following services:

- Social work and care management staff
- Social care Occupational Therapy services
- District nursing
- Community matrons
- Intermediate care services including rapid response, facilitation of discharge, community rehabilitation teams and in-take & re-enablement service
- In-reach nursing service
- Administration staff associated with the above services

The model of care is driven by a single assessment for health and social care needs and a multi-professional team developing with service users personalised packages of health and social care that meet their needs. The locality teams provide advice and information, assess and respond to immediate care requirements and arrange individual care packages as required.

These three localities are supported by the Community & Health Access Team which offers the first point of contact to health and social care professionals and the public wishing to contact care professionals and is co-located in one of the Council's facilities. Clinical staff within the Access Team provide support and advice to general practitioners and health professionals regarding potential hospital admissions and support the discharge process by coordinating health and social care services to assist timely discharge.

The CHSCS service currently includes the provider elements of the public health service, in particular the health promotion service, health trainers and the specialist smoking cessation services. Responsibility for health improvement and tackling health inequalities is expected to move to the Local Authority as indicated in the recent NHS White Paper. A further White Paper on public health is expected later in 2010 and there is currently a Select Committee enquiry gathering evidence on the future shape of public health services. For planning purposes it is currently assumed that the health promotion service would remain within the provider services, however this may be subject to change if this is inconsistent with future public policy.

A number of healthcare services are provided by B&NES CHSCS on a wider geographic basis. Income for these services is secured through contracts between CHSCS and the relevant PCTs. Most notably:

- Consultant Community Paediatrics and Child Health Administration services are provided to two other PCT areas (parts of Wiltshire and Somerset)
- Specialist Services for supporting seriously ill children at home are provided to five other PCT areas (parts of Wiltshire and Somerset; Bristol, North Somerset and South Gloucestershire)

The current gross budget for CHSCSS is over £80m. This is made up of £56m for directly provided services and £26m which is used to sub contract services from the independent sector most significantly residential and nursing home placements.

In addition to the direct service provision identified above, as an arms length body sitting with statutory organisations, it has to date been possible to devolve to the CHSCS a number of statutory functions of both the PCT and the Council:

- CHSCS staff currently agree people's social care needs assessments and reviews and agree support plans to meet these needs. CHSCS staff similarly assess people's needs for continuing health care and often influence how

these needs are met. The budget for meeting these needs currently sits with the commissioner rather the provider.

- With the exception of one senior member of staff leading on Safeguarding Vulnerable Adults, the body of social work expertise currently sits within the CHSCS and there is an internal service level agreement for CHSCS to undertake safeguarding investigations on behalf of the commissioners.

In order for the commissioners to meet their ongoing statutory duties, and for the financial risks to which both commissioners and provider are exposed to be manageable, accountability, decision making and risk need to sit in the same organisation in order to ensure appropriate control and stewardship of resources. For this reason further discussions are ongoing around the range and levels of purchasing services that will remain within the commissioning function, most notably in relation to the purchasing of residential and nursing home care. In addition to the funding itself, there is a need to approve assessments of need undertaken by the provider, and the packages of care put in place to meet these. The model of how this would work is currently being finalised through a more thorough assessment between the commissioners and the current provider.

For similar reasons discussions are also ongoing around the accountability for setting the strategic direction for safeguarding, including coordinating the multi-agency Safeguarding Adult interagency Partnership Board and leading the investigation of safeguarding alerts.

Consideration was given by the clinicians on the Professional Executive Committee (PEC) to the inclusion of Medicines Management within the provider services being considered. However this is not part of the current proposal. If we follow the logic that risk, accountability and decision making need to sit together, then it is important that Medicines Management transfers from the current PCT to the new GP Commissioning Consortia.

At this stage it is assumed that NHS assets would not transfer to any new provider body but that facilities would be leased back by whichever successor body to the PCT is the recipient of these assets. Community Hospitals continue to play an integral part in the future vision of an integrated health and social care service although the range and style of services provided on these sites may change in time.

Similarly it is assumed that the Council assets associated with the provision of community social care, including the Community Resource Centres, would remain within the Council, but would initially be available for lease back by the new provider organisation. The strategic intent of the Partnership remains unchanged: the opportunity provided by the Community Resource Centres is not yet being fully realised as part of the integrated provision and, as with the Community Hospital sites, the Community Resource Centres offer real potential to develop a very different model of care. The commissioners would want to ensure that this potential is fully utilised to provide the best outcomes and the optimal value to tax payers. It should be stressed, however, that the Council has yet to take a formal decision with regard to the use of its assets.

Consideration of Options – March 2010

In March an initial appraisal of the range of options available for the future provision of the current health and social care services was undertaken.

The full range of options considered was:

- Option 1: Remain as is
- Option 2: Standalone community provider services : Community Foundation Trust
- Option 3: Standalone community provider services : Social Enterprise
- Option 4: Operate as “arms-length” within local authority
- Option 5: Integration with Royal United Hospital NHS Trust
- Option 6: Integration with neighbouring PCT provider services
- Option 7: Managed dispersal of services
- Option 8: Integration with GP Services
- Option 9: Integration with Mental Health Trust
- Option 10: Integration with Charity/Third Sector
- Option 11: Private Sector

A high level assessment of each of these options was undertaken through a number of seminars with key stakeholders.

As a result of the assessment, a short list of option for more detailed consideration was drawn up.

The key overriding principles against which a short list was developed were:

- The need to continue and strengthen the integration of services
- A focus on the local population
- An organisational structure that can provide strong leadership, governance and culture and add value to the local partnership
- Increased quality, innovation, productivity and efficiency
- Equal focus on health and social care services
- Staff stability and sustainability of organisation
- Continuity of Service Delivery

The outcome of this was to discard 8 of the 11 options.

This left three options remaining.

Option 3 : Standalone community provider services : Social Enterprise

Option 4 : Operate as “arms-length” within local authority

Option 8 : Integration with GP Services

Further work was undertaken to consider the criteria to be used in assessing the relative strengths of each of these options against an agreed set of criteria.

A scoring system was then used to assess each of the options against the criteria. In determining the relative weighting for each of these criteria it was recognised that at this stage much of the assessment was subjective and some of the assessments could only be undertaken after a more detailed and in-depth analysis of the proposed form was undertaken. It was therefore agreed that the weightings should not significantly influence the outcome and no one criteria was therefore given undue priority at this stage. It was also agreed not to weight the affordability criteria as this is an absolute given and all final proposals would need to be tested against this.

As a result of this assessment the options were ranked in order of preference as:

- Option 3 : Standalone community provider services : Social Enterprise
- Option 4 : Operate as “arms-length” within local authority
- Option 8 : Integration with GP Services

The weightings for each criteria and the scores allocated for each option are shown in the table attached as Annex 4.

Updated Options Appraisal: September/October 2010

Since this initial work was undertaken there has been extensive review of the options appraisal to both ensure the robustness of the original assessment and in light of the revised guidance from the Department of Health.

This review has been undertaken with the financial advisers appointed to assist the Partnership with the establishment of new provider arrangements.

For the purpose of the review, the following four of the original 11 options have been discarded for the reasons given:

Option 1: Remain as is - there is no longer a “do nothing” option. The PCT must divest itself of its provider services by April 2010 (or have made substantial progress towards that)

Option 2: Standalone community provider services: Community Foundation Trust - there are no further opportunities for provider services to become a Community Foundation Trust. All applications needed to be agreed by end August 2010.

Option 6: Integration with neighbouring PCT provider services - as all PCTs need to divest themselves of provider services this can only be an option as part of another proposal around organisational form

Option 7: Managed dispersal of services - the timescale, cost and capacity required to tender services is considered prohibitive in achieving the required changes quickly. A protracted time frame for determining the future provider is a risk to the ongoing management and stability of the current services (both commissioning and providing) which could hinder the delivery of the significant financial challenges currently being addressed.

An additional option was introduced into the appraisal. This option is a joint venture with an established provider, as a partner may bring the business infrastructure and expertise to run a new organisation and may be able to supply working capital.

This leaves a long list of 8 options reappraisal which are summarised below:

- Standalone community services provider: Social Enterprise
- Operate at “arms-length” within local authority
- Integration with Royal United Hospital NHS Trust (vertical integration)
- Integration with the Mental Health Trust
- Integration with GP Services
- Integration with Charity/Third Sector
- Transfer to the private sector
- A joint venture between the private sector and the Council

It is also apparent that certain options are difficult to deliver in the timescales required for the NHS, whether this be for integrated services or just health services alone.

These are:

- Integration with GP Services
- Integration with Charity/Third Sector
- Transfer to the private sector
- A joint venture between the private sector and the Council

Against the deliverability criteria these options cannot be achieved within the timetable for the divestment of health services as under these options a tendering process will need to be established which at best would take 9-12 months to conclude, excluding a transition period for the transfer to occur.

Therefore the four options that have continued to be assessed are:

- Standalone community provider services: Social Enterprise
- Integration within local authority
- Integration within an NHS Trust - Royal United Hospital
- Integration within an NHS Trust - Avon & Wiltshire Partnership Trust

The ongoing assessment has included a review of:

- The advantages and disadvantages of each of the remaining options as undertaken in March 2010.
- The criteria used to assess each of the options.
- The relative weightings of each of the criteria.
- The scoring for each option on a qualitative basis.

Option 1: Social Enterprise

Summary

This option aims to establish a new organisation that will keep together health and social care services and staff. If this option went ahead staff would transfer to the new organisation. There is an assumption that staff working within Community Health and Social Care Services would transfer in accordance with the Transfer of Undertakings and Protection of Employment Regulations (or the appropriate legislation at the time any transfer took place).

A social enterprise is a business with a social purpose. It is defined not only by its legal status but also by its nature, its social/community aims and outcomes and the basis on which its social mission is embedded in its structure and governance. Its surpluses are re-invested to achieve its social objectives.

There are a number of characteristics common to Social Enterprises:

- They have explicit social/community aims and their profits are usually reinvested to achieve those objectives
- They are autonomous organisations whose governance and ownership structures are normally based on participation by key stakeholder groups e.g. staff, users,
- They are accountable to their stakeholders/members and the wider community for meeting their social/community objectives.

Social Enterprises can take many legal forms but the two most likely forms applicable to Health and Social Care Services would be:

- A Community Interest Company (underpinned by a company limited by guarantee or by shares)
- A Charity (underpinned by a company limited by guarantee)

The proposal is to ensure that whichever legal form is adopted, the governance arrangement would reflect local partnership working and would include representatives from the relevant statutory bodies, staff and the public (including Service Users and Young People).

Social Enterprise – Benefits and Risks	
Benefits	Risks
As a new organisation the social enterprise will have the opportunity to establish its own values and have the freedom to deliver services in the most efficient and cost-effective way to meet users' needs. There may be more opportunities for staff to be more directly involved in the development of the new organisation.	As a new organisation, the social enterprise will need to establish and maintain its viability. It would have to generate a surplus in order to be able to reinvest in the development of its services and to create financial headroom to deal with any unexpected financial obligations.
There is an assumption that staff working within Health and Social Care Services would transfer in accordance with the Transfer of Undertakings and Protection of Employment Regulations (or the appropriate legislation at the time any transfer takes place).	New staff coming in to the organisation may not have access to the same terms and conditions and pensions as existing staff.
There will be opportunities to further integrate services provided by the NHS and the Council to the benefit of the patient and user and to smooth the pathway of care across community and social care services.	There are costs for establishing a social enterprise and a very short timescale.
Greater independence of the organisational form promotes innovation and flexibility while allowing for the governance arrangement to retain strong involvement of the local statutory bodies and other key stakeholders especially staff, service users and GPs.	

Option 2: Integration within Bath & North East Somerset Council

Summary

This option aims to move the current community healthcare services into the local authority to have an integrated health and social care service within Bath & North East Somerset Council.

Under this model staff from health would transfer their employment through to the Council. Social Care staff would continue to be employed by the Council. There is an assumption that the health staff would transfer in accordance with the Transfer of Undertakings and Protection of Employment Regulations (or the appropriate legislation at the time any transfer took place). Any new staff would be employed by the Council.

Nationally, all Councils are being encouraged to consider their future role and it is becoming more likely that Councils will consolidate into predominately commissioning organisations. This option may not fit with this general strategic direction and it may result in further structural change within a short space of time.

It is also unclear as to whether the Council would be able to take all of the services currently provided by Community Health and Social Care under current legislation. Of particular relevance are services of a medical/intrusive nature. The excellent work being undertaken between the Community Hospitals and the Community Resource Centres to ensure the most effective and efficient use of the total bed base is beginning to demonstrate value added benefits to both health and social care and, most importantly to individuals. To separate these services at this time could seriously hinder the progress of this work and the real potential benefits this offers.

Given the current financial challenges facing all local authorities, the Council may not be able to take on the risk of providing health services as well as social care services at this time.

Integration with Bath & North East Somerset Council – Benefits and Risks	
Benefits	Risks
<p>The Council is an established organisation operating across the Bath & North East Somerset area.</p>	<p>The Council is looking to save money and may not wish to take on providing health services long term and bear the risk of commissioning decisions made in future by GPs. This may therefore provide only a temporary option & there may be further staff disruption associated with subsequent organisational moves. There will still be a need for the Council to maintain its viability and meet unexpected costs and any transitional costs associated with the transfer of services.</p>
<p>There is an assumption that staff working within Health and Social Care Services would transfer in accordance with the Transfer of Undertakings and Protection of Employment Regulations (or the appropriate legislation at the time any transfer took place).</p> <p>Current Council staff and new staff would be guaranteed access to the local authority pension scheme and terms of employment.</p>	<p>NHS staff may need to change the way they work to fit in with Council procedures.</p>
<p>There will be opportunities to further integrate services provided by the NHS and the Council to the benefit of the patient and user and to smooth the pathway of care across community and social care services.</p>	

Options 3 & 4: Integration within an NHS Trust

Summary

This option aims to move the current community health and adult social care services to another NHS Trust, such as the RUH or the Avon and Wiltshire Mental Health Partnership Trust. The NHS Trust would take responsibility for all the services currently provided.

Under this model staff from both health and social care would transfer their employment through to either organisation if the Council and PCT supported such a transfer.

There is an assumption that staff working within Health and Social Care Services would transfer in accordance with the Transfer of Undertakings and Protection of Employment Regulations (or the appropriate legislation at the time any transfer took place).

An NHS Foundation Trust is an independent Public Benefit Corporation. They remain part of the NHS but outside the control of the Department of Health. They are accountable to an independent regulator – Monitor – which oversees and monitors them and has powers to intervene. They are different from non Foundation Trusts in that:

- They are independent legal entities
- They have their own governance arrangements and local people can become members and governors of the trust
- They have a duty to consult and involve their Board of Governors in the strategic planning of the organisation
- They have financial freedoms and can borrow money
- They are free from central Government control and can set their own terms and conditions of service for staff

Neither the RUH nor AWP are Foundation Trusts at present. National Policy is that all NHS Trusts must become Foundation Trusts by 2013 and both organisations are pursuing this. Because of the changes associated with becoming a Foundation Trust and the considerable programme of change required for the health and social care community to live within its means, it is likely that the structures and systems within both organisations will change significantly. Current national policy and guidance indicates that the public sector landscape will shift significantly in the very near future.

The White Paper “Equity and Excellence : Liberating the NHS” states:

“We aim to create the largest social enterprise sector in the world by increasing the freedoms of foundations trusts and giving NHS staff the opportunity to have a greater say in the future of their organisations, including as employee-led social enterprises. All NHS trusts will become or be part of a foundation trust.”

Vertical Integration with NHS Trust – Benefits and Risks	
Benefits	Risks
Both the RUH and AWP are established organisations and operate across the Bath & North East Somerset area.	This will require approval from an independent regulator and members of the NHS trust board and Members of the Council may not wish to join up with other NHS organisations. There will still be a need for the Trust to maintain its viability and meet unexpected costs and any transitional costs associated with the transfer of services.
There is an assumption that staff working within Health and Social Care Services would transfer in accordance with the Transfer of Undertakings and Protection of Employment Regulations (or the appropriate legislation at the time any transfer took place). New staff will have NHS terms and conditions as well as an entitlement to join the NHS Pension Scheme.	Council staff may need to change the way they work to fit in with NHS procedures or with those negotiated locally by the Foundation Trusts.
There will be opportunities to combine services with those provided by the Trust and to smooth the pathway of care across community and acute services.	Combining with a larger organisation could dilute the focus on the key priorities identified by the Partnership including integrating community health services with social care. Community services and those with a longer term preventative focus may find it difficult to compete for resources and attention in a large acute focussed or specialist organisation.

Assessing the options

In considering these options a number of tests have been applied. Some of these have been nationally set and others have been developed locally. These tests include:

- **Strategic Fit** – how well the proposed form could deliver the key strategic objectives of the Partnership especially:
 - Continued and greater integration of services
 - Separation of provider and commissioner functions
 - Meeting the personalisation agenda
 - Delivering services closer to home and outside of Acute Hospitals
- **Focus on Quality and Access to Services** – the new organisation needs to have community health and social care service provision as a core focus and significant part of its service portfolio to ensure the appropriate focus and priority is given to its ongoing development and maintenance of standards.
- **Efficiency** – any new organisational form must be able to demonstrate added value to existing mechanisms delivery of services in relation to cost savings and value for money
- **Deliverability** – the proposed form must be deliverable within the timescales set by the Department of Health (or shortly thereafter) preferably without the need for an interim solution
- **Acceptability** – the new form must be acceptable to the Partnership as a whole, to staff, wider stakeholders and the public
- **Governance** – there is a need for robust governance arrangement to ensure patient and service user safety, effective performance and to significant public funds
- **Sustainability** – any new organisational form must be flexible enough to respond to the changing environment and be financially viable and sustainable over many years
- **Affordability Challenges** – this includes any prima facie initial financial challenges including the need for working capital, taxation (especially VAT), pensions and pay harmonisation. These will be explored further in the relative high level financial analysis to be reported to Council and the PCT Board.

In addition to the above, the changes need to be affordable and offer value for money in relation to the ongoing provision of health and social care services in Bath and North East Somerset.

Qualitative Assessment

Based on the above criteria and a relative weighting, the preferred rating of the options and scores is as follows:

Option	Overall Qualitative Scoring
Social Enterprise	320
Integration with Local Authority	310
Integration with NHS Trust - AWP	310
Integration with NHS Trust - RUH	290

The more detailed scores are attached as Annex 1.

Risk Assessment

An initial risk assessment was also carried out on the short listed options. This is shown in Annex 2. It shows that none of the options are without significant risk if the principle of integration is to be maintained.

Conclusion

It is recognised and supported by the Partnership that the separation of the provider and commissioning functions within the PCT and the Council will strengthen both functions enormously and therefore the direction of travel proposed is supported. The timescale set by the Department of Health is extremely challenging especially in relation to the wider engagement of key stakeholders.

None of the shortlisted options are risk free and the qualitative analysis shows that although the four options are not so far apart, the social enterprise model does have significant merit in terms of more of a strategic fit and focus on the services involved than the rest of the options, although there are significant affordability challenges that will need to be overcome.

A further relative high-level relative financial appraisal of the four shortlisted options will be undertaken and reported to the Council.

The social enterprise model is one that will be explored further and a detailed financial appraisal will be undertaken prior to any final decisions being taken. Priority will be given to pursuing a model that ensures the full inclusion and representation of the local authority and other key local strategic partners in the governing and governance arrangements, including the main statutory bodies and within the domain of the Local Strategic Partnership. The specific form will need further exploration and consideration.

Assessment of Options: Scoring (October 2010)

1 = Unlikely to meet criteria; 2 = Not clear whether it would meet criteria; 3 = Goes part way to meeting criteria; 4 = Significant potential to meet criteria

Option	Strategic Fit (20%)	Efficiency (10%)	Deliverability (10%)	Acceptability (10%)	Governance (10%)	Sustainability (10%)	Focus/Quality (15%)	Affordability Challenges (15%)	Total Score
Social Enterprise	4	4	3	3	3	2	4	2	
Weighted Score	80	40	30	30	30	20	60	30	320
Integration with local authority	3	3	3	3	4	3	3	3	
Weighted Score	60	30	30	30	40	30	45	45	310
Integration with NHS Trust (AWP)	3	3	4	3	4	2	3	3	
Weighted Score	60	30	40	30	40	20	45	45	310
Integration with NHS Trust (RUH)	2	3	4	3	4	2	3	3	
Weighted Score	40	30	40	30	40	20	45	45	290

Initial Risk Assessment of Options (October 2010)

	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
Risk Category	Risk	Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
Strategic Fit	Change in strategic priorities of partners requires termination of approach	Medium	High	The PCT's timeline may not be followed by Council leading to reduction in support for integration. SE may not be thought a viable final model for the PCT.	Medium	High	Council may not wish to follow PCT's timeline and have limited appetite to take on community health services, so integration with LA may not be thought a viable final solution.	Medium	High	NHS body may have limited appetite for LA work and therefore may not consider this a viable solution.
Strategic Fit	Breakdown in communication between partners	Low	High	Considered unlikely due to the nature of current relationship and consensus on strategic objectives. Although there is uncertainty on how extra pressure from NHS on timeline will impact upon relationship.	Low	High	Considered unlikely due to the nature of current relationship and agreement on strategic objectives. Although there is uncertainty on how extra pressure from NHS on timeline will impact upon relationship.	Low	High	Uncertainty regarding the willingness of the Trust to take on LA work and how this will effect relations between the partners.

Risk Category	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
		Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
Strategic Fit	Failure to move care into closer to home	Low	Medium	As the core focus for this model is the delivery of community health and social care this should not become an issue.	Low	Low	Considered unlikely as the model builds upon existing service belief in moving care into the community.	Low	Low	If AWP considered unlikely due to its services already being very community based. RUH has stronger acute focus and therefore more concern on a lack of focus on moving care closer to home.
Strategic Fit	Failure to secure greater integration of services	Low	High	Model would be a fully integrated approach	Medium	High	Model would be a fully integrated approach	Medium	High	Model could help integration between acute and community services but there is a concern that focus on integration between health and social care services would be diminished. Uncertainty regarding success of

Risk Category	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
	Risk	Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
										Section 75 to secure this.
Efficiency	Changes in model result in failure to secure value for money	Medium	Medium	SE model introduces high costs in the short term. Longer term benefits on integration will need to offset these costs. Benefits of model yet to be proven.	Medium	Medium	Pay, pension, benefits	Medium	Medium	Long term benefits on integration will need to be offset. This model does require use of Section 75
Efficiency	Lack of certainty about the potential costs of implementation	High	High	Current lack of certainty about VAT treatment and recoverability, pension costs, TUPE implications, and salary equalisation costs	Medium	High	Risk regarding pension costs and salary equalisation costs.	Low	Medium	Not as great a risk, due to the use of Section 75 for Council staff and with it being a NHS body.

Risk Category	Option Risk	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
		Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
Efficiency	Harmonisation of terms and conditions leading to greater costs	Medium	Medium	Uncertainty over cost of pay equalisation and over the terms and conditions that will be given to new staff (e.g. pensions).	Low	Low	Risk regarding the potential for salary equalisation costs to impact across the organisation.	Low	Low	As an NHS body, NHS staff will not have to lose terms and conditions. LA staff will be under Section 75 and any new staff will either be recruited through NHS or LA
Efficiency	Uncertainty regarding the effect of different taxation requirements on the models	Medium	Medium	SE required to pay VAT whereas NHS and LA do not. Risk of extra financial burden.	Low	Low	This model should not present any new taxation processes.	Low	Low	Integration with NHS Trust should not change taxation
Efficiency	Cost of implementing changes will be higher than allocated resources/budget	Low	High	Estimates of establishment costs are low and are expected to be manageable within current budget allocations.	Low	High	Estimates of establishment costs are low and expected to be manageable within current budget allocations.	Low	High	Estimates of establishment costs are low and expected to be manageable within current budget allocations.
Deliverability	Changes and delays to the NHS and LA approvals process	Medium	High	The PCT would be in breach of statutory requirements	Medium	High	The PCT would be in breach of statutory requirements	Medium	High	The PCT would be in breach of statutory requirements

Risk Category	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
	Risk	Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
	results in failure to deliver within DH timescales									
Deliverability	Issues that arise from the due diligence process are unable to be resolved within the DH timescales	Medium	High	The PCT would be in breach of statutory requirements	Medium	High	The PCT would be in breach of statutory requirements	Medium	High	The PCT would be in breach of statutory requirements
Deliverability	LA does not wish to comply with DH timescales	High	High	The Council may be unwilling to accept the timescale pressure from the NHS and withdraw their support leaving PCT in breach of statutory regulations and with the option to construct a SE for NHS staff only.	High	High	The Council may be unwilling to accept the pressure of delivery and withdraw their support leaving PCT in breach of statutory regulations.	Medium	High	As an NHS body, the trust may be unwilling to accept the extra pressure of the process and withdraw their support leaving PCT in breach. Or the LA may withdraw their support leaving the option to transfer NHS CHS only to Trust which would not be an integrated solution.

Risk Category	Option Risk	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
		Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
Acceptability	Lack of appetite for model amongst stakeholders or other partners	Low	High	Culturally and philosophically compatible with service provider values.	Medium	High	Council concerned about the potential ongoing risk of increasing the pension liability so may not be a viable option in their view. NHS staff may be concerned by loss of terms and conditions.	Medium	High	Uncertainty regarding the LA supporting Section 75 with NHS. The NHS Trust may be unwilling to take on what is viewed as LA work.
Governance	Failure to comply with regulatory requirements	Low	Medium	Appropriate contractual arrangements would be put in place to ensure this should not occur and appropriate sanction/approaches in place to manage such occurrences	Low	Medium	Appropriate contractual arrangements would be put in place to ensure this should not occur and appropriate sanction/approaches in place to manage such occurrences. Also aided by building upon structures already in existence.	Low	Medium	Appropriate contractual arrangements would be put in place to ensure this should not occur and appropriate sanction/approaches in place to manage such occurrences

Risk Category	Option Risk	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
		Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
Governance	Restrictions on the transferability of licences render model inoperable (e.g. NHS IT systems, change in control regulations etc.)	Medium	Medium	Uncertainty over the status of delivery model	Low	Medium	Only for NHS assets	Low	Low	Section 75 covers LA staff. There is a potential risk for NHS but reduced as NHS to NHS transfer.
Governance	Legal or statutory requirements restrict or prevent transfer of assets rendering model inoperable	Medium	Medium	Uncertainty over the status of delivery model	Low	Low	[Legal advice suggests no issues]	Low	Low	[Legal advice suggests no issues]
Governance	Failure to have clear lines of accountability	Medium	Medium	Suitable accountability structures should be in place to prevent this.	Low	Low	LA should already have clear lines of accountability to use as a framework.	Low	Low	Trust should already have clear lines of accountability to use as a framework.
Governance	Robust contract arrangements are not put in place	Low	Medium	Model could only operate effectively if such contracts are in place. Suitable governance and control	Low	Medium	Model could only operate effectively if such contracts are in place. Suitable governance and control	Low	Medium	Model could only operate effectively if such contracts are in place. Suitable governance and control

Risk Category	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
	Risk	Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
				approaches should be in place to secure this.			approaches should be set up to secure this.			approaches should be set up to secure this.
Sustainability	Failure to develop wider market opportunities									
Sustainability	Failure to respond effectively to future changes in policy or market	Low	Medium	SE model should be flexible and able to adapt to any changes effectively.	Medium	Medium	LA is a large, well-established organisation that may find it hard to swiftly adapt to a shifting environment.	Medium	Medium	NHS Trust is a large, well-established organisation that may find it hard to swiftly adapt to a shifting environment.
Sustainability	Failure to secure initial working capital funds	Medium	High	Need to access new money	Low	Low	Council resources to draw upon.	Low	Low	Trust resources to draw upon.
Sustainability	Loss of services to competitors	Low	Medium	Integration of services should generate sufficient scale to secure sustainability. The issue could be sustaining competitiveness in the longer term.	Low	Medium	Integration of services should generate sufficient scale to secure sustainability.	Low	Medium	Integration of services should generate sufficient scale to secure sustainability. Additionally the Trust can draw upon its acute vertical pathways as

Risk Category	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
		Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact	Comment
										well as horizontal ones.
Quality	Poor levels of staff retention and recruitment impact adversely on operation and provision of services	High	High	Current expectation that staff may feel insecure in relation to their employment and will leave or it will prove difficult to recruit new or replacement staff.	Low	High	Uncertainty on how willing NHS staff will be to transfer to LA when they will lose their current terms and conditions.	Low	High	Uncertainty regarding how Council staff will feel going to NHS organisation under Section 75.
Quality	Loss of focus during transition on delivery of service leading to a lack of continuity of care.	Medium	Medium	Risk that with the setting up of an entirely new organisation staff will lose focus on the delivery of the service.	Low	Low	Due to integration building on existing structure, there should be minimal detraction from delivery of services.	Low	Low	Due to integration with an existing NHS body there should be minimal detraction from delivery of services,

Risk Category	Option	Social Enterprise			"Arms-length" within Local Authority			Integration with NHS Body		
		Risk	Likelihood	Impact	Comment	Likelihood	Impact	Comment	Likelihood	Impact
Quality	Loss of focus on core activities	Low	Medium	Considered unlikely due to the nature of the model	Medium	Medium	Provider services may be a small part of wider Council and as concept of Core Council develops it's likely to consolidate into mainly commissioning organisation	Medium	Medium	B&NES would be a small component of a bigger geographical provider which may lead to a lack of local focus.

Relative Financial Appraisal – Summary PCT and Council Analysis.

	Averaged Annual Costs					
	PCT £'000	LA £'000	PCT £'000	LA £'000	PCT £'000	LA £'000
VAT	384	688	0	473	0	0
Operating Costs						
Pensions	-90	177	0	234	0	0
Corporate Governance	158	158	25	25	50	50
Estates	0	0	0	0	0	0
IT/License	0	0	0	0	125	125
Delegations	40	40	25	25	15	15
Working Capital Costs	5	5	0	0	0	0
Funding Opportunity Cost	8	8	8	8	0	0
Set Up Costs Funding	8	8	0	0	0	0
Sub Total Operating Costs	129	396	58	292	190	190
Total VAT and Operating Costs	513	1,084	58	765	190	190
One-Off Costs						
Set Up	500	500	300	300	175	175
Social Enterprise Grant	-115	-115	0	0	0	0
Existing Budget	-150	-150	-150	-150	-150	-150
	235	235	150	150	25	25

Proposed Legal Form of the New Organisation

Options for the Legal Form of a New Organisation

Introduction

There is no legal definition of a 'social enterprise' although in general terms it refers to an organisation undertaking activities related to the benefit of society and reinvesting the majority of its profits into the business. There are a number of legal forms that can be used as a social enterprise, with the key forms being:

- Community interest companies limited by shares.
- Community interest companies limited by guarantee
- Cooperative societies.
- Charitable companies limited by guarantee.
- Non-charitable companies limited by guarantee.

A summary of the key characteristics of each form is set out in the Annex.

In addition to a company limited by guarantee it is possible to establish a charity as a 'community benefit society' which is a form of industrial and provident society formed under the Industrial and Provident Society Acts. Charitable community benefit societies (subject to exceptions that would not apply) have to register with the Charity Commission and the Financial Services Authority (FSA).

In order to register as an industrial and provident society the community benefit society must establish why it is not registering as a company. A company is much more widely known and understood in the market compared to industrial and provident societies and is governed by a modern legislative framework.

For these reasons, and in light of an equivalent regulation and tax regime, a community benefit model is very unlikely to be suitable and is not considered further.

The legal framework for the various forms of social enterprise are quite different and it will be important that form follows function, that is, that the PCT and the Council are clear what the key driving factors are for the new organisation and then, based on that, considers what legal form would be most suitable.

Key Requirements of the Social Enterprise Vehicle

The key criteria that alternative social enterprise models have been assessed against:

- Financial – does the form offer any financial advantages that are compatible with the social enterprise's business plan and would facilitate a more viable and sustainable model
- Distribution of Surpluses – that the form promotes the use of any surpluses into the stability of the social enterprise or re-investment in services or community objectives
- Governance – does the form offer a governance framework that is flexible and will facilitate wide stakeholder influence and effective executive leadership?

- Flexibility – will the form allow the new organisation to be flexible in how it develops and responds to what will be a very changeable market place?
- Acceptability – will the form offer any material advantages or disadvantages in terms of acceptability to stakeholders, funders or commissioners?

In light of the objectives as set out above, it is proposed, in principle, that a number of the identified legal forms can, at this stage and in light of alternative options, be set aside as not being suitable for the new social enterprise. These are:

- Community Interest Company limited by shares
- Cooperative society
- Non-charitable company limited by guarantee

This leaves a CIC limited by guarantee and a charitable company limited by guarantee as the two key models that are being considered at this stage.

The analysis below picks out and summarises the key factors considered in assessing whether a particular form would or, as the case may be, would not be suitable. Further information about the characteristics of each form is set out in the Annex and the Background Paper.

Community Interest Company (CIC) Limited by Shares

A CIC limited by shares is not thought suitable, as there is no desire for the social enterprise to distribute profit. There are three issues considered in relation to this – equity investment, rewards to staff and acceptability.

There is the question of whether the social enterprise would realistically seek to raise capital through equity investment. The business plan will not be predicated on such investment and because of the dividend caps there are serious question marks over the extent to which it would be a viable option. It is likely investors would want corresponding influence in the company, which is not consistent with the governance objectives and wider stakeholder acceptability.

Equity investment is not the only way of obtaining capital finance and the social enterprise, if established without shares, would still be able to seek to obtain performance related loans (thereby potentially achieving a stream of funding equivalent in certain respects to equity). Performance related loans would need to be compatible with the asset lock (see Annex and Background Paper).

Establishing the social enterprise in a way that could distribute profit could also raise acceptability issues, both in terms of clearing the model with the Department of Health and the NHS Business Services Authority (who would provide the pensions Closed Direction) and also with stakeholders including potential funders, commissioners and the general public.

Whilst a CIC does not benefit from particular tax exemptions it is possible for a CIC limited by guarantee to qualify for discretionary business rates relief which a CIC limited by shares does not do as it is a profit distributing company.

A key potential reason for establishing as a CIC limited by shares would be in order to qualify as an 'employing authority' for NHS pensions purposes thereby entitling all staff to continue to be part of the NHS pension scheme. This would only be possible if the provider service currently runs PCT Medical Services

(PCTMS), which includes a patient list. The basis for this is that the NHS Pensions Regulations include within the definition of Employing Authorities Primary Medical Contracts (PMS) and Alternative Provider Medical Services (APMS) contractors. These are defined so that only organisations which hold a PMS or APMS contract, and who are able to hold those contracts, are eligible. We understand that the PCT does not hold such a contract and it is not intended that any potential social enterprise should hold such contracts. So in these circumstances this is not a factor for choosing a company limited by shares.

In light of the issues outlined above a CIC limited by guarantee would be the more preferable of the two options if a CIC were the preferred form of social enterprise.

Cooperative Society

5.1 Historically, the mutuality requirements associated with a cooperatives society has meant it has often not been considered as a social enterprise. However, the current Government's frequent reference to the model has led to it being considered more widely in the current phase of public sector reorganisation.

In an analogous way to a CIC limited by shares cooperative members are shareholders and contribute capital and have a limited right to dividend from the cooperative. Therefore, the issues considered in respect of the CIC limited by shares (see above) would also be relevant to a cooperative.

There may also be some acceptability issues related to a cooperative, as it is possible to take the view that it is not a form of social enterprise. This is on the basis that its objectives are not to pursue activities for the benefit of a community. Rather the very essence of a cooperative is that it operates for the benefit of its members (which in this case, if say members were staff, would indirectly result in activities providing wider community benefit).

A cooperative society would require a certain governance model of open membership and one-person one vote.

The PCT and the Council require the ability to have wider stakeholder involvement and more flexibility in how the governance arrangements are structured. For example, it may be agreed that the Council will have a certain percentage of the voting rights of the social enterprise. This would not be achievable with a cooperative because it would have to have open membership and every person would need one vote. As there is no intention to distribute profits and other models (for example a CIC or charity) would have much greater flexibility on governance structures without offering material disadvantages compared to a cooperative it is not thought that a cooperative would be a suitable choice for the social enterprise.

Company Limited By Guarantee

In legal terms a company limited by guarantee would be the most flexible model as there are no prohibitions on distributing profit, no requirements about community activities, no asset lock and flexibility in respect of the governance structure.

However, in order for this form to be used in a way that is acceptable to funders, commissioners and stakeholders it is highly likely that various restrictions on

these points would need to be incorporated into the company's articles of association.

This is likely to mean that in operational terms the company would be in a similar position to a CIC limited by guarantee.

However, third parties may remain sceptical as to why this form was chosen over, say, a CIC, and why the social enterprise did not wish to be subject to the statutory framework and regulation that accompanies the CIC form.

In this case such regulation and framework is not thought to be an issue and as a result there is not thought to be merit in pursuing an option that would cause doubt in third parties and staff as to the motives and appropriateness of the structure.

Community Interest Company (CIC) Limited By Guarantee

A CIC limited by guarantee would offer a known form of social enterprise with the assurances of an asset lock and community interest test (See Annex and Background Paper).

The community interest test is quite a broad test (activities that a reasonable person would consider are for the benefit of a community) and would allow the social enterprise greater flexibility in what activities it could undertake in the future compared to a charity. The objectives of the CIC would be stated in the articles but could be changed in the future with the consent of the CIC regulator.

As a company the CIC would require directors and members, but within this framework there is considerable flexibility about the governance arrangements. The directors of a CIC are not trustees and so can be remunerated for their role and therefore be executive posts.

Membership of the CIC could be flexible with either organisations or individuals appointed and with different classes of members having different voting rights (see below for further analysis of governance options).

A company limited by guarantee qualifies for discretionary business rates relief that, depending on the policy of the Council, could be a significant financial advantage. However, a CIC does not qualify for other tax exemptions in the same way that a charity does. This may or may not be a significant factor depending on the financial model of the social enterprise.

Charitable Company Limited By Guarantee

A charitable company limited by guarantee would be a significantly different form to the others considered above with the organisation subject to the requirements of charity law and regulation. Against these additional requirements would be the financial benefits of wide tax exemptions and the potential for wider future funding streams (for example donations, grants etc).

The new social enterprise would need to have exclusively charitable objectives and provide sufficient public benefit. In this case although there is an integrated service there are still two distinct elements – health and social care.

The advancement of health is a recognised charitable purpose and as the service would be open to the general public the public benefit test should be met.

The provision of social care would fall within the charitable purpose '*the relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage*' and again as a service free at point of use and provided to the general public would satisfy the public benefit criteria.

Whilst it would seem that there would not be an issue with the immediate functions of the social enterprise the need for services to be exclusively charitable may be restrictive in the future in terms of flexibility and development of services. Whilst the objectives of a charity can be changed, the consent of the Charity Commission would be required who would need a clear case as to why it was appropriate to change the objectives.

To a degree the issues with flexibility could be overcome through use of subsidiary trading companies (a model commonly used by charities). The model works by the charity establishing a wholly owned subsidiary share company which, as a normal company, is able to undertake any activity it chooses. The charity controls the company, which can be used to deliver services that would not qualify as charitable. The proceeds from such services are then donated to the charity via Gift Aid avoiding unnecessary Corporation Tax.

A potential issue with this model, however, is that the charity must deal with the subsidiary on arms length terms and when funding activities that it could not undertake should ensure that the activity delivers a profit (as this is the only reason that the trustees of a charity should choose to undertake activities outside of their charitable objectives). Therefore if there were activities that the social enterprise wanted to undertake, but couldn't because they were not within their charitable objectives, then a trading company would only be a viable option if the activities were going to generate profit.

A key implication of a charitable model is that the persons in control of the charity – in this case the company directors – would be trustees. As such, they would not (without the consent of the Charity Commission) be able to be remunerated for their role as trustee. This would mean that there would be a non-executive voluntary tier of governance at the top of the organisation with the executive leadership operating as the senior management (and employees) of the company. It is possible to see this as either a positive or restrictive factor.

The trustees, and the charity as a whole, would be subject to the regulation of the Charity Commission, which is significantly more proactive and extensive than the CIC Regulator. The corollary of this regulation is the tax regime afforded to charities. Charities benefit from wide tax exemptions including corporation tax and mandatory business rates relief. The extent to which this is important will depend on the business model for the social enterprise.

Summary of CIC or Charitable Company

The CIC limited by guarantee or the charitable company limited by guarantee have emerged as the two most suitable models for the social enterprise.

The CIC is a more flexible model and allows for executive directors to lead the company. It is also able to benefit from discretionary business rates relief although has no wider tax exemptions.

This can be compared with a charitable company which requires voluntary trustees to be in control and which is subject to the requirements and regulation

associated with charity law. A key factor for charitable companies is the potential financial incentives both in terms of tax exemptions and future funding streams. The extent to which this is key will depend on the financial model. The last factor unknown at this stage is whether key stakeholders have a strong preference for either form.

Governance Options – CIC

As set out in Annex the governance structure of a CIC is based on the need to have members and directors of the company. The following paragraphs reflect some of initial consideration of the governance issues. Further detailed thought will need to be given to this issue as the project moves forward to implementation.

The members contain overall control of the company through key rights such as the right to remove directors and change the articles of association. However, they are not responsible for the day-to-day operation of the company, which is undertaken by the directors.

If the social enterprise will want to include stakeholders within the governance arrangements, a CIC membership will be the suitable means of achieving this. Members can either be organisations or individuals and there can be different voting rights attached to different classes of membership.

In terms of involving stakeholders it is likely to be preferable to involve relevant stakeholder organisations as members rather than individuals. This will provide continuity and will allow the accountability and public involvement associated with the relevant stakeholder organisation to funnel into and inform the social enterprise. A potential issue with appointing individuals is that the individual would need to act and vote in his or her individual capacity. For example, if the Council appointed an individual to be a member that individual would when present be acting in his or her capacity and would not be officially there to represent the Council.

Conversely if the Council were a member it could decide as an organisation (whether through delegating the task to a particular member, officer or committee) how to vote and exercise its rights as a member and then send a representative (which could differ from time to time) to exercise the agreed vote. It would be possible for different members to be given different voting rights, which could be used to ensure there is proportionate and appropriate influence in the company.

Another key stakeholder that the social enterprise will want to engage is the staff. This could be done through a variety of arrangements including all staff being members or by elected staff representatives (based on appropriate distinguishable areas of the operation) being members. This latter option would allow all staff to feed into the governance arrangements without having a very large membership that may be less manageable and effective (which could be the case if all employees were members).

It will be important to assess the response of the potentially involved stakeholders to these options as well as the rules relating to Council involvement in separate companies (with the financial position of companies over whom the Council has 'significant' influence being included in the Council's accounts for prudential borrowing purposes).

In a CIC the directors will be able to be remunerated and will operate in the same way as a typical commercial company. As such, it is likely to be appropriate to have a combination of executive (“EDs”) and non-executive directors (“NEDs”) with best practice generally considered to be NEDs forming a majority. It will be important to have a manageable board with perhaps 9 as a suitable number. This would result in a four EDs and five NEDs. The four EDs could include the chief executive, finance director, operations director and a clinician representative. The agreed proportions and numbers would be included in the articles of association.

Governance Options – Charitable Company

As set out in the Annex the governance structure of a charitable company is again based on the need to have members and directors of the company. The following paragraphs reflect some of initial consideration of the governance issues. Further detailed thought will need to be given to this issue as the project moves forward to implementation.

The key difference with a charity compared to a CIC is that the directors of the charity will be trustees and so operate on a non-executive voluntary basis. This in many ways introduces another tier of governance as, in addition to the executive leadership (who would be the directors in a CIC), there is a need to have trustees.

Trustees could either be appointed by the membership or by outside bodies, for example the Council. This raises the question of whether the trustee level should be the tier for introducing stakeholder influence through the stakeholders having the right to nominate trustees. It is unlikely that it would be appropriate or workable for the trustees of the charity to be organisations as decision making could become very slow (which would be more of an issue at director level where more decisions and activity will be required compared to membership). Agreed stakeholders could therefore have the right to appoint directors.

In order to keep the governance arrangements manageable and avoid establishing an overly complex and conflicting structure it is unlikely to be suitable to have certain stakeholders appointing trustees from outside the company with separate stakeholders operating as members (and, amongst other things, having the right to remove directors). This would leave two broad options:

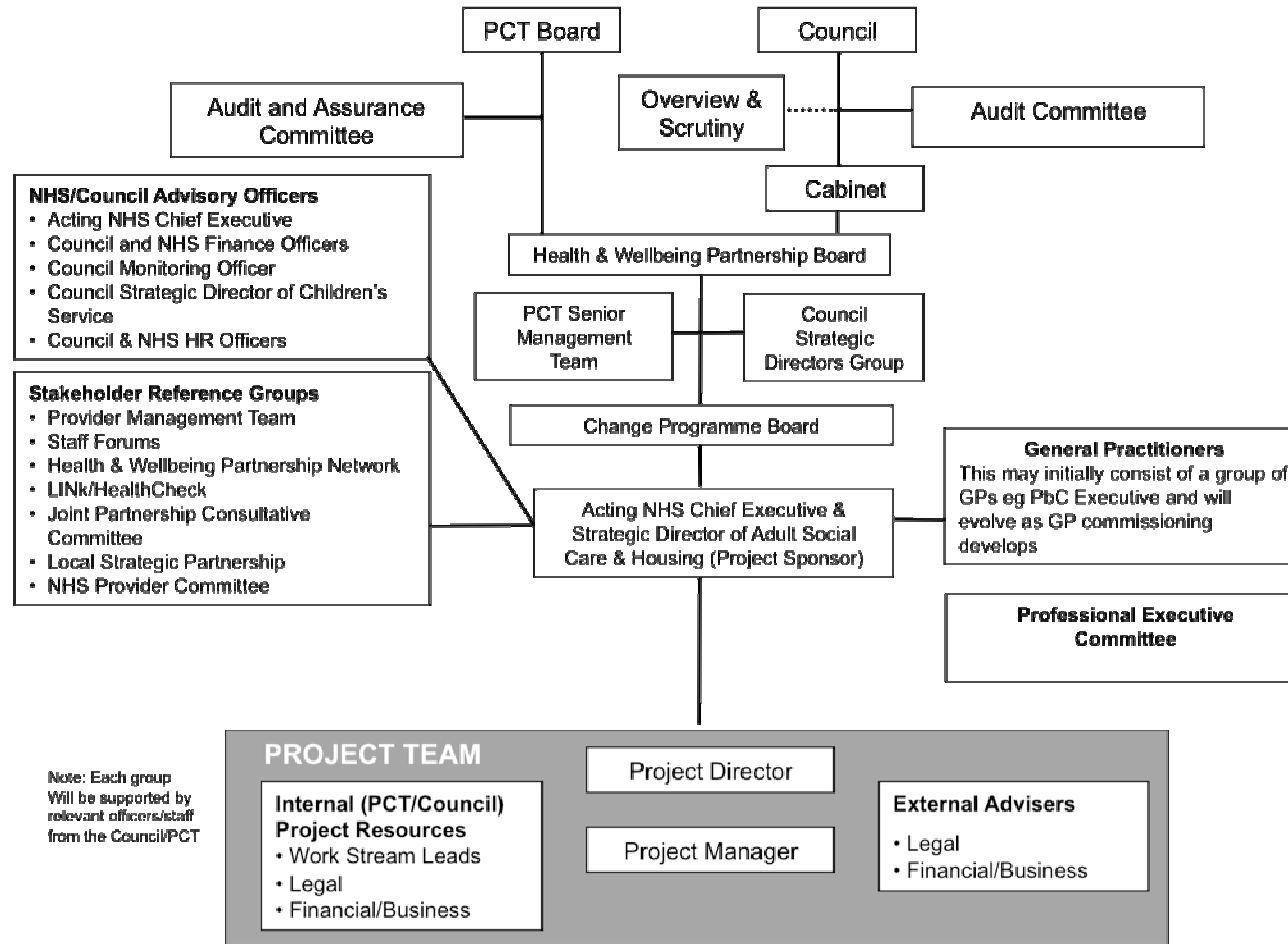
- Relevant stakeholders are not members but appoint the trustees who are also the members. This would result in one group of people being in control of the charity with those individuals appointed and removed by external stakeholders who themselves did not hold any position in the company.
- Relevant stakeholders could become members of the charity and have the right to appoint and remove trustees from this position.

It will be important to assess the response of the potentially involved stakeholders to these options as well as the rules relating to Council involvement in separate companies (with the financial position of companies over whom the Council has ‘significant’ influence being included in the Council’s accounts for prudential borrowing purposes).

Summary of New Organisational Options (See Background Paper for Details)

	Regulators	Governing Document	Governance Structure	Distribute Profit?	Grants	NNDR Relief	Tax Exemptions	Other Key Characteristics of Form
CIC Ltd by shares	Companies House including CIC Regulator	Memorandum & Articles	Directors & Shareholders	√ (Although note dividend cap)	Limited as a profit distributed organisation	x	None	Community interest test and asset lock (including dividend cap)
Cooperative Society	FSA	Rules	Members & Committee Members	√ (Although not primary aim)	Limited as profit making enterprise	x	None	One man one vote and open membership
Company Limited by Guarantee	Companies House	Memorandum & Articles	Directors & Members	x	Very limited	Up to 100% Discretionary	None	Very flexible form as no particular restrictions on activities / governance structure imposed by law
CIC Ltd by guarantee	Companies House including CIC Regulator	Memorandum & Articles	Directors & Members	x	More limited than charities but still significant	1Up to00% Discretionary	None	Community interest test and asset lock.
Charity Company Limited Guarantee	Companies House Charity Commission	Memorandum & Articles	Directors & Members Directors = Trustees	x	√	80% mandatory 20% discretionary	Corporation CGT SDLT Gift Aid IHT	Subject to charity law and regulation – activities must be exclusively charitable; trustees under duty to act independently in best interests of charity and trustees can't be paid.

Project Governance Structure



Extract from the draft Minutes of Healthier Communities and Older People Overview and Scrutiny Panel, 28th October 2010

It was **RESOLVED** that:

- 1) The Panel noted the national timescale to which the NHS is required to work and acknowledged the efforts on the part of the Partnership to work within this, but remained concerned that lack of time might hamper effective decision making;
- 2) The Panel considered the advantages and disadvantages of the range of options presented in the report and by the contributors at the meeting;
- 3) The Panel supported the following range of options for the current health and social care services to be assessed:
 - a. Standalone community provider services: Social Enterprise
 - b. Integration with local authority
 - c. Integration with an NHS Trust (Possible integration with the Royal United Hospital was discussed at some length)

Note: The Panel want to be clear that the support for those options was based only on evidence provided at the meeting including submissions from the NHS, Trade Unions, Bath and North East Somerset Local Involvement Network and members of the public. The Panel are aware that the final decision on preferred option/s would be made at the full Council meeting on 16th November and the PCT Board meeting on 18th November. For both meetings it is expected that the report would contain more information, including financial;

- 4) The Panel considered and noted the principles to be used in establishing the governance arrangements should a social enterprise be chosen as the way forward by the Council and the PCT. The Panel felt that the Council and Service Users should be represented in the membership and trustee arrangements of such organisation.
- 5) The Panel noted the project governance arrangements and next steps and welcomed its role in the implementation of any solution prior to the establishment of any new Partnership Board under the Coalition Government's proposals as contained in the recent NHS White Paper;
- 6) The Panel welcomed comprehensive report from Janet Rowse (Acting Chief Executive NHS BANES and Strategic Director for Adult Social Care and Housing); and
- 7) The Panel welcomed contributions from the Trade Unions, Bath and North East Somerset Local Involvement Network and members of the public.

Bath & North East Somerset Council		
MEETING:	COUNCIL	
MEETING DATE:	16 th November 2010	AGENDA ITEM NUMBER
TITLE:	Community Health and Social Care Services – Future Provision UPDATE OF INFORMATION	
WARD:	ALL	
THIS IS A PUBLIC REPORT		

1. EXECUTIVE SUMMARY

- 1.1 This report updates the main report on the Agenda for this meeting of the Council.
- 1.2 Since the publication of the report two textual corrections to the original report need to be made for clarity.
- 1.3 This update report also updates the financial information contained in the original report for updated assumptions in the development of the relative financial appraisal of the options and the initial integrated business plan.

2. THE ISSUE

- 2.1 These are as contained in the original report.

3. RECOMMENDATIONS

- 3.1 These are as contained in the original report.

4. CORPORATE PRIORITIES

- 4.1 These are as contained in the original report.

5. THE REPORT - UPDATE

Textual Corrections

- 5.1 Since the publication of the report two textual corrections to the original report need to be made for clarity. These are:

- Paragraph 1.10: To make the body of the report consistent with the recommendations to Council REPLACE the current Paragraph 1.10 with the following (the change is in italics):

“If the further work proposed shows the financial challenges can be addressed and that General Practitioner representatives and SHA support the proposal, the report proposes the Council delegate 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 and Housing, the Chair of the Healthier Communities and Older People Overview and Scrutiny Panel and relevant officers.*”

- Paragraph 5.1: The references to the Appendices are incorrect. Paragraph 5.1 should read as follows (the change being in italics and bold type):

“This report is divided into five sections supported by detailed Appendices:

- A chronology of events to date.
- The options appraisal, including a risk assessment (Appendix 3).
- The proposed legal form [of the new organisation] (Appendix **5**).
- An outline of the project arrangements, governance and budget (Appendix **6**).
- An outline of the next steps.
- To make the body of the report consistent with the recommendations to Council REPLACE the current Paragraph 1.10 with the following (the change is in italics):

Update of Financial Information

- 5.2 Since the publication of the report, the initial financial information has been updated further.
- 5.3 The financial table set out in paragraph 5.23 should now read as follows.

	Averaged Annual Costs		
	Social Enterprise £'000	NHS £'000	Council £'000
VAT	1,072	473	0
Operating Costs			
Pensions	87	234	0
Corporate Governance	315	50	100
IT/Licences	0	0	250
Corporation Tax	0	0	0
Delegations	80	50	30
Funding Opportunity Cost	16	16	0
Set Up Costs Funding	17	0	0
	<u>515</u>	<u>350</u>	<u>380</u>
Total VAT and Operating Costs	<u>1,587</u>	<u>823</u>	<u>380</u>
One-Off Costs			
Set Up	1,050	600	350
Social Enterprise Grant (none assumed)	0	0	0
Existing Budget	-300	-300	-300
	<u>750</u>	<u>300</u>	<u>50</u>

5.4 The changes which are both for the Social Enterprise option are:

- A minor change in operating costs of £10,000 per annum on average for working capital facilities, which is now reflected in the set up costs line for the period.
- Removal of an assumption of £230,000 of Social Enterprise Grant at this stage as an application has not been made and this item represents a risk.

5.5 The financial table set out in paragraph 5.39 has been updated and should now read as follows (changes from the original are shown in italics).

	2011-12 (full year) £'000	2012-13 £'000	2013-14 £'000	2014-15 £'000	2015-16 £'000
Savings required to meet PCT/Council financial plan Targets (common to all options)	3,056	3,011	1,318	924	876
Further savings/mitigations required for a potential social enterprise	889	830	(57)	(42)	(35)
Total	3,945	3,841	1,261	882	841

5.6 The changes are a result of updating the Council's and the PCT's saving target assumptions and illustrating the further savings related to the social enterprise over the first two years on the assumption that any potential social enterprise will be operation from 1 October 2011.

5.7 The table also reflects the impact of updating the assumptions in paragraph 5.40 to 5.42 of the original report. The relevant paragraphs have been reproduced in full below with changes shown in italics.

5.8 The key assumptions are as follows:

- A baseline contract for services provided by NHS B&NES and the Council. The contract will cover a 3-5-year period and should be co-terminus between the PCT and the Council. These contract periods exclude contract periods for support services, which will be dealt with differently.
- Baseline service contract revenues show a reduction on the current Partnerships revenues due to the exclusion of certain services. It has been assumed that the "Purchasing Budget" and "Client Income" will be retained by the Commissioners. The net impact of this is to reduce the revenues by circa £30 million per annum. The financial value of the Council and PCT services are based on the current levels after adjusting for inflation, savings targets from the NHS and performance incentives.
- The generation of surpluses, which if retained would amount to a cumulative reserve of approximately £2m before tax either to be retained for financial stability or a portion to be reinvested in services if this is appropriate.
- The PCT budget is uplifted by 2.5% inflation and 1.5% for quality and innovation payments under the NHS Commissioning for Quality and Innovation payment framework

(CQUIN) in 2011-12 to 2013-14 but also include saving requirements of 4% per annum for each of these years under the NHS Quality, Innovation, Productivity and Prevention (QIPP). The model assumes a net zero increase in PCT revenues in 2014-15 and FY 2015-16. This is made up of a 2% inflation increase and a 2% saving.

- The PCT CQUIN revenue is based in achieving quality targets. The LTFM assumes that the SE will achieve these targets and hence receive the monies due. To date the Partnership has met all CQUIN targets.
- It has been assumed that Council revenues will decrease in 2011-12 to 2013-14 in line with agreed savings Council targets of £1m million for 2011-12 and 2012-13 and £0.7 million in 2013-14. This does not include the stretch targets for savings within the Council. The LTFM assumes that there will be both an inflationary increase of 1% in the Council revenues in 2014-15 and 2015-16 and an annual efficiency savings requirement of £450k.
- The Council and PCT revenue assumptions are in line with discussions with Commissioners. Estimates have been made with respect to Commissioners savings requirements for 2014-15 and 2015-16.
- Third party income (mainly other PCTs) will remain static for the duration of the contract. Third party income comprises income from other PCTs, the majority of which is held under short-term arrangements i.e. less than 2 years. It has been assumed that the SE will be able to replace any lost contracts by winning new work.
- Pensions contributions for NHS staff remain at 14% subject to a Direction Order, Council staff employer contributions will increase by 2.5% as a result of admitted body status in relation to future actuarial risks. This also assumes there is no requirement for a bond. Finally the model assumes a reduced employer contribution of 10% to employees' pensions although this may also be incorporated with other flexible employee packages, which will be at the discretion of the social enterprise.
- Non-pay inflation is modelled at 1% per annum. It is recognised that certain costs e.g. heat, light and power are likely to increase at a higher rate. It has been assumed that savings in other areas can absorb these cost increases.
- Pay inflation will be zero in first three years of the business plan and 1% for the last two years of the business plan. This headline inflation figure covers both pay awards and incremental drift and is the same for both PCT and Council transferring staff. Employer's National Insurance contributions are increased to 13.8% from April 2011.

- 5.9 These variables are used in the LTFM to extrapolate income and expenditure through to 2015/16 and produce an Income & Expenditure (I&E) plan for each of the next five years.
- 5.10 The LTFM assumes a number of changes to costs and income. These business changes are contained within the LTFM, and the key assumptions which underpin each of the Business Change schemes are:
- Business Change 1 (Revenues) – As noted previously, a number of functions currently undertaken by the Partnership will not transfer to the SE. These include the Purchasing Budget and Client Income. The net impact of these is to reduce revenues and costs by circa £30 million.
 - Business Change 2 (New Social Enterprise Structure) – The SE is a different form to the current Partnership and this gives rise to a number of cost differentials. These include different management and Board structures, increased audit and professional fees and increased insurance costs etc. The annual impact of this is circa £0.4 million. It is difficult to assess the costs including, if any, of the governance costs of a transfer to the NHS so this is currently not included in the relative financial appraisal.
 - Business Change 3 (VAT) - Both the Council and NHS enjoy special rules with respect to VAT recovery. For VAT purposes the SE is considered a commercial entity and therefore will not qualify for these special reliefs. As a result it will be able to recover less VAT on purchased services than the current Partnership model. The annual impact of this is circa £1 million.
 - Business Change 4 (Pensions) - The LTFM assumes that legacy Council and PCT staff will be able to retain membership of their respective pension schemes; the NHS through the SE being granted “Direction Status” and the Council by having “Associated Status”. However the consequence of this is that new staff will not be eligible to join either of the legacy schemes. It has been assumed that the SE will establish a new defined contribution scheme for new staff. The LTFM assumes that employer contribution to the new scheme will be lower than the current Council and PCT employer contributions. However, it should be noted that if recruitment proves difficult, the SE may need to put in place a pension scheme that is equivalent to the NHS/Council Pension scheme. The LTFM does not include provision for such a cost. The LTFM assumes that the contributions payable to the Council scheme will increase. The net impact of the Pension Scheme changes is to increase annual costs in 2011-12 by £0.2 million reducing to a saving of £0.05 million by 2015-16. *The model also assumes*

the Council will take responsibility for the historic deficit on its scheme and that no bond is required.

- *Business Change 5 (SE Savings) – Business changes 2 to 4 and 8 will result in increased costs to the SE. The LTFM assumes that the SE will be able to deliver additional cost savings over and above those already identified by PCT and Council Commissioners (see below) to offset these cost increase and deliver a small surplus to the SE. To date the SE has not identified how it will deliver these savings or the balance of the Commissioner savings requirements and these are the subject of the next stage of the business planning.*
- *Business Change 6 (QIPP Workforce) – There is a requirement for the PCT Provider Services to achieve a 40% reduction in management costs. This amounts to savings of £363k in 2011-12 and a further saving of £153k in 2012-13. The LTFM assumes the 2011-12 savings will be achieved by the Partnership prior to the transfer to the SE in October 2011. The SE will need to deliver the 2012-13 target. There is no redundancy provision in the LTFM associated with this.*
- *Business Change 7 (CRES/PCT Savings) – The current Partnership is committed to deliver CRES savings of £0.9 million per annum in 2011-12 to 2013-14. The LTFM assumes that the Partnership is able to identify the 2011-12 prior to the transition to the SE. The SE will need to deliver the 2012-13 and 2013-14 savings of £0.9 million in each year.*
- *Business Change 8 (Council Savings) - The current Partnership is committed to deliver Council savings of £1.1 million in 2011-12, £0.8 million in 2012-13, £0.3 million in 2013-14 and £0.45 million per annum in the last two years of the Plan. The LTFM assumes that the Partnership is able to identify the savings to deliver the 2011-12 target prior to transfer. The LTFM does not take account of the Council's stretch savings target. If these were included it would increase the levels of savings required by circa £1 million in 2011-12 and 2012-13.*
- *Business Change 9 (PCT Revenues) The PCT SLA income line includes the receipt of 1.5% CQUIN revenues. CQUIN revenues are payable on meeting pre-agreed quality. To date the Partnership has met these targets and the LTFM assumes that the SE will continue to meet these targets and hence continue to receive the CQUIN monies.*
- *Business Change 10 (Transition Costs) – This business change reflects the increased costs in 2010/11 and 2011/12 of going through transition. A total cost of £1.05 million has been identified. The LTFM model assumes that £0.3 million of this will be met from existing Council and PCT budget allocations for 2010/11 The LTFM assumes that the balance will be funded*

via a Commercial Loan of £0.75 million repayable over 5 years. Given that the SE will be a new entity with no assets or track record, it is likely that this loan will require a guarantee from the Council/PCT. The SE has not applied for this loan and its receipt cannot be guaranteed. If the SE is unsuccessful in its loan application, the SE will not be able to meet its initial expenditure without another source of income/funding facility being available. The SE has the potential to apply for a Social Enterprise Investment Fund (SEIF) Grant. The SE is yet to apply for this loan and there is some doubt over its potential receipt. As such it has been excluded from the LTFM.

- *Business Change 11 (Redundancy) – The savings requirements of the LTFM will result in a reduction in headcount. The LTFM does not contain any provision for redundancy costs. The LTDM assumes that all the redundancies required to deliver the 2011-12 savings will be implemented prior to the transfer to the SE and any share of redundancy costs required to be met by the current joint provider will be met through savings agreed by the current commissioners and the current provider, including any changes in service provision. It has been further assumed that redundancy costs relating to headcount reductions to deliver the 2012-13 savings will be covered by the PCT Commissioners. The LTFM assumes that any subsequent redundancy costs associated with Commissioner agreed changes in the service delivery model will also be covered by Commissioners. The LTFM makes no assumptions of potential redundancy costs that the SE is required to make to deliver its own aspirations which would not be met by Commissioners. Based on a 20% reduction in headcount and assuming that 50% could be delivered via the natural attrition, based in recent Council experience, the total redundancy cost could exceed £4.5 million.*
- *Business Change 12 (Property) The LTFM model assumes that all the property used in the delivery of the services will be retained by the Commissioners. The LTFM assumes that arrangements will be put in place to enable the SE to use the properties to deliver the services. The LTFM also assumes that these arrangements will be cost neutral to the SE. The LTFM also assumes that Commissioners will retain responsibility for repairs and maintenance of the properties. Properties are subject to a detailed workstream with further analysis required.*
- *Business Change 13 (IM&T) The LTFM assumes that arrangements will be put in place to enable the SE to use the required IM&T equipment to deliver the services. It should be noted that all Council IM&T equipment is held under an outsourcing agreement. The LTFM assumes that the SE will be able to utilise this service and the LTFM includes recharges*

from the Council to cover the cost. This recharge does give rise to an additional vat liability (included in the Vat provision). IM&T is subject to a detailed workstream with further analysis required.

- *Business Change 14 (Other Equipment) The LTFM assumes that the SE will be granted use of all misc equipment required for the delivery of the service. This is subject to further analysis.*
- *Business Change 15 (Cost Pressures) The underlying assumption in the LTFM is that the SE will manage its cost pressures (with the exception of redundancy) and not seek additional funding from Commissioners.*
- *Business Change 16 (Corporation Tax) Depending on the final form of the SE, the entity may become liable to Corporation Tax. Currently, the LTFM does not make any provision for any potential Corporation Tax liability. Given the low level of reserves being generated, this is not considered a material risk at this stage.*

6. RISK MANAGEMENT

6.1 This section remains unchanged.

7. FINANCIAL IMPLICATIONS

7.1 This section remains unchanged apart from the in paragraph 7.4 bullet point one the baseline savings identified by the Council and PCT Commissioners are £3 million (not £2.9M) for 2011/2012 rising to over £9M by 2015/2016.

8. LEGAL IMPLICATIONS

8.1 This section remains unchanged.

9. EMPLOYEE IMPLICATIONS

9.1 This section remains unchanged.

10. EQUALITIES

10.1 This section remains unchanged.

11. CONSULTATION AND ENGAGEMENT

11.1 This section remains unchanged.

12. ISSUES TO CONSIDER IN REACHING THE DECISION

12.1 This section remains unchanged.

13. ADVICE SOUGHT

13.1 This section remains unchanged.

Contact person

<i>Janet Rowse, Acting NHS B&NES Chief Executive and B&NES Council Strategic Director Adult Social Care and Housing – Tel: 01225 831827 email: janet.rowse@banes-pct.nhs.uk</i>

<i>Richard Szadziewski, Project Director, Tel: 07811 462 559</i>
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Background papers

There are no further background papers.

Please contact the report author if you need to access this report in an alternative format
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The City of Bath World Heritage Site Management Plan

2010–2016

DRAFT

Post Consultation Draft 3 November 2010

This document has no formal Council approval.

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Foreword

[Text to be added to final document]

Preface

[Text to be added to final document]

Long Term Vision

Bath will maintain and enhance the Outstanding Universal Value of the City of Bath World Heritage Site.

It will practise and promote sustainable management, understanding the World Heritage Site's unique qualities and its world-wide significance.

It will be a centre of excellence for urban heritage management and conservation, founded on partnerships of local, national and international communities and organisations.

Bath will conserve and safeguard the cultural assets of the World Heritage Site for this and future generations.

Bath will be accessible and enjoyable to all; a site that understands and celebrates its Outstanding Universal Values and atmosphere.

Bath will continue to be a thriving living city which uses its status as a World Heritage Site to support and further the vitality of the local community.

Executive Summary

The City of Bath World Heritage Site was inscribed in 1987. The reasons for inscription, or attributes of Outstanding Universal Value, can be defined as:

1. Roman Archaeology
2. The hot springs
3. Georgian town planning
4. Georgian architecture
5. The green setting of the City in a hollow in the hills
6. Georgian architecture reflecting 18th century social ambitions

Bath is a complex site, encompassing an entire living city where modern life co-exists alongside historic cultural and natural assets of global significance. Achieving balance between conservation and community needs is the constant challenge which this plan addresses.

This plan replaces the first site plan of 2003. It follows that document in explaining site significance, management, pressures and challenges facing the site, and how to address these. There are important changes in this plan, notably a new draft statement of Outstanding Universal Value defining site significance in World Heritage terms, which underpins all World Heritage management decisions.

There have also been significant events since the production of the previous plan. Thermae Bath Spa has opened, re-establishing the connection between the Hot Springs and health and well being on which so much of Bath's history is founded, and the new Southgate Shopping area has remodelled a significant area of the City centre. New national guidance has come forward, including Planning Policy Statement 5, and new agendas have come to the fore, especially the increasing need to address climate change.

A buoyant economy during the previous plan period lead to development pressures not seen in the city for a generation. Debate regarding new developments was intense, and a UNESCO Mission visited the site in 2008 to study proposals and share advice. The UNESCO Mission documents are included in this plan, as are actions to address the points raised.

The UNESCO Mission concluded that both the overall state of conservation and management of the site were good. However, despite this welcome commendation there are always challenges to be faced.

The World Heritage Site Steering Group, who are responsible for production of this plan, have considered the many comments made during consultation on this document and produced the following six key priorities:

- **Funding and management of World Heritage.** Placing consideration of Outstanding Universal Value at the heart of key decision making.
- **Transport.** Developing a comprehensive response the City's traffic pressures.
- **Buffer Zone and Setting.** Continue to explore ways to preserve the setting of the Site.
- **Planning policy.** Providing a robust and comprehensive planning policy to ensure new development does not harm the values for which the site was inscribed.
- **Public Realm.** Addressing the need to improve the public realm through existing and new measures.

- **Interpretation.** Ensuring the reasons for inscription and the story of the site are more effectively told.

Despite the new plan emerging at a time when the finances are under pressure and many aspects affecting the site such as regional planning are dynamic, all partners involved in managing Bath World Heritage Site remain committed to ensure that the City of Bath, as a masterpiece of human creative genius, continues to be conserved for the benefit of this and future generations.

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1 INTRODUCTION

1.1 The City of Bath World Heritage Site

1.1.1 World Heritage Sites are recognised by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) through the 1972 World Heritage Convention, which was ratified by the UK Government in 1984. The World Heritage system is managed by the UNESCO World Heritage Committee which consists of 21 representatives from the 186¹ State Parties to have ratified the Convention.

1.1.2 The City of Bath has been a World Heritage Site since 1987, recognised as a place of Outstanding Universal Value for its Roman remains, 18th century architecture, 18th century town-planning, its role as a setting for social history and inspired by its hot springs and natural landscape setting. The story of the city settlement extends over six millennia, from its earliest days when the hot springs were a place of worship for the Britons, to the contemporary city, which is an international icon of heritage and a thriving community.

1.1.3 Spread across the Site are extensive remains from all eras of the city's development:

- archaeological evidence of pre-Roman use of the hot springs;
- archaeological remains of the Roman thermal and religious spa and settlement;
- Saxon and medieval remains, including parts of the central city street layout, parts of the city wall, the East Gate and the Abbey Church, as well as extensive archaeological deposits;
- the 18th century 'Georgian' city and associated villages with their dwellings, social and civic buildings, parks and gardens, streets and public open spaces;
- the stone mines and associated works, transport systems and communities; the natural landscape setting;
- the hot springs, associated buildings and systems, and their continued use for health and leisure;
- Brunel's Great Western Railway Paddington to Bristol line with associated buildings and structures;
- 19th, 20th and 21st century developments, including presentation and interpretation of the historic environment through museums and other services; and
- extensive collections of artefacts and archives. The collections at the Roman Baths, Fashion Museum and Bath Record Office are all 'Designated' by Government as being of national / international importance.

A Living City

1.1.4 Bath is home to a living community. It is also an international tourist destination attracting over four million visitors each year. The city is regional centre for commerce and recreation, and lies on strategic road and rail transport routes. It is the largest urban settlement, and the commercial, cultural and recreational heart, of Bath and North East Somerset (B&NES). It has two universities, and is a major centre of sporting excellence with a highly successful rugby team. The City of Bath is a blend of history and contemporary life that is continually changing, growing and adapting.

¹ As at 2010. See www.whc.unesco.org/en/list

1.1.5 The Sustainable Community Strategy (2009–2026)² covering Bath outlines drivers for change, which are relevant to this plan and a useful insight into the living City. Climate change is one such driver, which has increased in prominence since the previous plan was compiled and poses significant challenges. Bath has a high number of historic buildings which may not be adequately adapted for changing energy needs, and the site sits on the River Avon which poses a flood risk.

1.1.6 Bath's population of approximately 89,000 has grown slowly from 80,000 in the 1950s, and this increase is predicted to continue with the population of the wider district increasing by 18% by 2026. Bath has a high proportion of retired people, and the very elderly population (over 80's) is forecast to increase by 16% by 2026.

1.1.7 Changes in lifestyle leading to greater single occupancy of houses will also lead to a need for growth in housing and employment. Accommodating this need will impact upon the World Heritage Site and require careful management. The continuing growth of the working age population also contributes to commuting, and counteracts efforts to reduce carbon emissions. Provision must be made for 17,000 new jobs in the Bath 'travel to work' area, which has implications for planning, commuting and public transport. Bath's desirability, high quality of life and high housing costs (in the 5% least affordable housing areas in the country) have created serious shortages of affordable housing. Combined with the area's low wage economy, this contributes to commuting to work from outside the area.

1.1.8 Despite the relative wealth of the city and low unemployment compared to the national average, there are some pockets of high deprivation. The Twerton/Whiteway area of Bath falls within the top 20% of the most deprived wards in the country³.

1.1.9 The economy of the city is an important consideration, as this provides the wealth to ensure the continued protection of the cultural assets. Bath has a wide range of businesses and industries. The service sector, which includes tourism, retailing and leisure, supports 79% of local jobs. Other significant employers are: public administration and health; two universities, banking, finance and insurance; distribution, hotels and restaurants. Manufacturing accounts for less than 8% of jobs in the city. Most businesses are small, with less than 1% employing more than 200 people – lower than average for the South West Region⁴.

1.1.10 The whole of the city is a World Heritage Site, and this brings both opportunities and challenges. The city's unique and much-celebrated heritage generates the economic and cultural vibrancy that is essential for its long-term protection. But whilst heritage is one of Bath's key strengths in attracting clients and employees, this may also inhibit investment in contemporary buildings and the growth of businesses and employment.

² <http://www.bathnes.gov.uk/NR/rdonlyres/298A0E08-C47C-4C00-839C-8D0CA1762052/0/SustainableCommunityStrategy.pdf>

³ The State of Bath & North East Somerset (Local Futures Group) - Ward Data Annex (2007)

⁴ South West Observatory <http://www.swo.org.uk/>

1.2 The Management Plan

1.2.1 The Management Plan describes the Site and sets out its special significance. It identifies management issues and objectives for addressing them, and sets out an Action Plan.

1.2.2 The Plan sets out a framework to conserve the Site's cultural heritage assets. This wide remit includes: protecting and enhancing the archaeology, architecture and planning and their urban and landscape settings; improving understanding of the Site, its interpretation and use as a resource for learning; supporting the cultural and economic vitality of the local community.

Status

1.2.3 The Plan is a partnership document. It provides guidance for organisations and individuals operating within the Site. It meets government requirements for World Heritage Site Management Plans as set out in Planning Policy Statement 5 (PPS 5) and Circular 07/2009, and advice contained in the UNESCO Operational Guidelines⁵.

1.2.4 The Plan represents the consensual view of the members of the World Heritage Site Steering Group (see Appendix 6), and has been developed in consultation with the local community and relevant organisations and agencies. The successful implementation of the Plan, and the achievement of its aims, will depend to a large extent upon participation and partnership. The Plan will be adopted by Bath and North East Somerset Council.

1.2.5 The issues and objectives within the Plan are expected to retain their relevance for at least five to ten years, some for much longer. However, to ensure continued relevance, a formal review of issues and objectives is desirable at least every six years.

1.2.6 The World Heritage Convention has been ratified by the UK Government, although the designation is not yet recognised in UK law beyond being included as a "Heritage Asset" in PPS 5. The Site is primarily protected by UK planning laws and specific planning guidance. PPS 5 (2010) lays down the principles for protection, and Circular 07/2009 clarifies that World Heritage Site status is a 'key material consideration' in planning terms. The Plan has not previously been adopted as a Supplementary Planning Document, but the Action Plan contains an aspiration to achieve this by adopting a summary version. Locally, protection is currently (2010) via the B&NES Local Plan, adopted in October 2007. Designations including listed buildings and conservation areas, and scheduled monuments also offer statutory protection. Section 3.4 gives more detail on the planning and policy framework, and Appendix 5 contains the relevant Local Plan policy. Non-statutory designations also exist, such as the English Heritage Register of Historic Parks & Gardens.

1.2.7 In terms of status, the plan sits within a framework of strategies at local level. Chief amongst these is the Sustainable Community Strategy (2009-2026). Required by law⁶

⁵ Operational Guidelines for the implementation of the World Heritage Convention. UNESCO. January 2008

⁶ Under Section 4 of the Local Government Act 2000 as amended by section 7 of the Sustainable Communities Act 2007

and produced by the Local Strategic Partnership, this sets out an over-arching 15 year vision for the district and City. This Management Plan helps to deliver the vision, ensuring a distinctive place that maintains and enhances its outstanding built and natural environment, which has a dynamic low carbon economy, achieves connectivity and has world class arts and culture. The Plan supports, and is supported by, a large number of other strategies and programmes which cover areas including traffic, transport, housing, public realm, commercial property, heritage, conservation, archaeology, tourism, education, access and planning policy. Documents relating to these are listed in Sections 3.4.17 and Appendix 11, although this list is not comprehensive.

Geographical Scope

1.2.8 The boundary of the Site follows the former municipal boundary of Bath City as it was in 1987 (see 2.2 and Appendix 1). The Plan recognises that factors beyond the boundary of the Site will influence it. Consequently, the area covered by the Plan is the City of Bath and the landscape setting which has a visual and contextual link to it. The City Of Bath World Heritage Site Setting Study (2009) (see Appendix 10) helps to explain the extent of the landscape setting and the geographical scope of the Plan.

Need for the Plan

1.2.9 UNESCO expects all Sites to have a Management Plan. This is also UK government policy, and all 28 UK sites (2009) have Plans. In Bath, the management and ownership responsibilities lie with many thousands of individuals, groups and organisations, and so this Plan is a necessary and valuable tool for strategic coordination.

Preparation

1.2.10 Bath and North East Somerset Council ('the Council'), as predominant steward of the Site, has taken a leading role in preparing the Plan through its World Heritage Manager. This work was overseen by the World Heritage Site Steering Group (see Appendix 6), with detailed contributions from a sub-committee.

Revision of the 2003 Plan

1.2.11 This World Heritage Site Management Plan 2010-2016 is the first revision of the original 2003 Management Plan. The drafting of the 2003 Plan was a two-year process involving wide consultation with local residents and local and national interest groups covering business, transport, environmental conservation, regeneration, heritage, tourism and education. The revision of the 2003 Plan required a less extensive approach. A stakeholder workshop in December 2009 reviewed themes, issues and actions, and this was followed by full public consultation of the draft document in Summer 2010.

1.2.12 The approach to the revision of the 2003 Plan has been to: review its performance; remove completed actions and carry forward relevant actions; review issues that have emerged since 2003; incorporate and respond to the recommendations of the 2008 UNESCO Mission (see Section 1.3 and Appendix 7).

1.2.13 The Long Term Vision and the management framework of the 2003 Plan remain largely unchanged. The 2010 Plan builds on aspects of the previous system which

worked well, and addresses those that could be improved. It identifies issues and opportunities that have arisen since the Site's designation in 1987 or that have not previously been addressed. It seeks to simplify the management structure, and update the policy context and Action Plan.

1.2.14 The size and complexity of the Site made the production of the 2003 Plan a significant achievement in itself. It has been referred to as a model for the development of other World Heritage Site Management Plans around the world. Whilst it was a successful first attempt at providing a management structure, it has provided a number of generic lessons for improvement.

1.2.15 The 129 actions would have benefited from a more clearly identified means of delivery. Also, care needs to be taken not to include in the Plan any aspects of the city's management which are not directly related to its World Heritage status. Such difficulties have been identified in the management of other Sites (see also the Jurassic Coast World Heritage Site Management Plan⁷). Delivery of plan actions has not so far been underpinned by a specific budget and currently relies on co-ordinating and influencing other agendas. Active management and clearly defined actions and objectives are therefore essential.

Progress against the Aims of the 2003 Plan

1.2.16 This section reviews progress against each of the aims of the 2003 Plan. A detailed review of all 129 actions has been carried out, and is available on the Council's website.⁸ The review shows that 36% of the 129 actions have been achieved, 38% partially completed, and 26% not completed. It is acknowledged that many of the actions listed were carried out within the lifetime of the plan, but not as a direct result of it. But with any co-ordinating and influencing document, such as this, it is impossible to identify specifically those actions which would have happened anyway without it. Assessment of Actions in the 2003 Plan had few associated monitoring indicators, which made assessment difficult. This new Plan addresses this issue.

Aim 1: Promote sustainable management of the Site

1.2.17 The UNESCO / ICOMOS Mission Report (June 2009, based on November 2008 visit - see Section 1.3 and Appendix 7) assessed the management of the Site as being good. Since 2003 the Site's management has undergone change and improvement. In 2002 a full-time World Heritage Co-ordinator post was established by the Council, with funding assistance on a decreasing scale from English Heritage. This post was established within the Council's Planning Service and depended upon engagement with, and influence on, relevant decision making at a higher level. The post holder left in December 2007 and whilst the post was vacant no Steering Group meetings occurred throughout 2008. The opportunity was taken to create a new full-time World Heritage Manager post in August 2008, funded solely by the Council, at a more appropriate level of seniority, and requiring higher levels of qualification and experience. Changes were also made to the Steering Group which was previously chaired by English Heritage from 2001 to 2008. An independent Chair was appointed in 2009 - a highly experienced and

⁷ Jurassic Coast WHS: The first Five Years – available on www.jurassiccoast.com

⁸ www.bathnes.gov.uk 'W' for World Heritage

influential local candidate with in-depth knowledge of the Site. Although a stipend is attached to the position, the current Chairman donates this to the World Heritage Site Enhancement Fund. The Steering Group was reformed in 2009 with a smaller membership and more specific terms of reference.

Aim 2: Ensure that the unique qualities and outstanding universal values of the Site are understood and are sustained in the future

1.2.18 Understanding of the Site has increased since 2003, but needs further work. Research continues, but requires co-ordination. A Research Group was established in 2010 as a sub-group of the Steering Group. Education in schools has been addressed, but has focused on one-off initiatives rather than on the kind of sustained programme needed to reach successive years of students. The employment of a full time Education and Audience Development Officer by the Bath Preservation Trust has been a great step forward, although funding for this post is dependent upon external sources.

1.2.19 In relation to the aim of sustaining the Site's Outstanding Universal Values (OUVs), the UNESCO Mission report concluded that there was '*good overall state of conservation ... of the property*'. However, inappropriate development remains a significant risk to the OUVs and has recently become an issue in the Site's landscape setting. Risk to the setting was also noted in the UNESCO Mission Report, and so this Plan includes the words '*and its setting*' to strengthen aim 2. This Plan is also supported by the recent Setting Study (see Appendix 10).

Aim 3: Sustain the outstanding universal values of the Site whilst maintaining and promoting Bath as a living and working city which benefits from the status of World Heritage Site

1.2.20 The physical elements contributing to the Site's OUVs remain in good condition, sustained by the buoyant economy during the period of the 2003 Plan. No listed buildings were demolished in the period 2003-2009 and the number of listed buildings at risk remains low. Some significant improvements to the physical fabric have been made, most notably the £154.6m stabilisation programme at the Combe Down Stone Mines.

1.2.21 Balancing conservation against growth has been a significant challenge. Large scale developments of contemporary architecture have come forward, and provided important lessons on how to handle such applications. New developments such as Thermae Bath Spa (opened 2006) have proven that high quality, contemporary architecture can be entirely compatible with Bath's status. If potential investors in the city are not to be deterred, decision makers within the development process need to appreciate, understand and properly interpret Bath's status. This requires continuous support and regular reinforcement.

1.2.22 The recent (opened 2009) £200m regeneration of Southgate Shopping Centre has replaced the unsightly old complex providing an economic boost and aesthetic improvement, as has the £15.8m Milsom Place complex which integrates many listed properties.

Aim 4: Improve physical access and interpretation, encouraging all people to enjoy and understand the Site

1.2.23 Notable improvements in physical access have occurred. The new Bus Station, next to the railway station, was opened in 2009. There have also been improvements to high priority bus routes, and there are plans for increased capacity at 'Park and Ride' sites. Bus passengers increased by 8% from 2001/02 to 2005, and from 2000 to 2005 the number of week-day cycle trips across the district rose by 31%.⁹

1.2.24 Positive steps towards a dramatic improvement of the public realm have been made with the Council's endorsement of the Public Realm and Movement Programme (PRMP). There are still many measures to complete, and this Plan supports the implementation of measures outlined in the PRMP.

1.2.25 Physical access for those with restricted mobility has been improved. An excellent example is at the Roman Baths, where improvements include installation of two new lifts and a ramp which provide access to around 60% of the below ground level site and the whole of the ground floor, plus new handrails, powered doors, better lighting a British Sign Language tour by personal mobile device and wheel chair friendly circulation space. The new shopping complexes described in 1.2.22 have also addressed difficult issues of level changes to provide significant improvements in easy accessibility and plans for providing disabled access to 1 Royal Crescent are in the early stages but should be brought to completion within the lifetime of this Plan.

Aim 5: Improve public awareness of, and interest and involvement in, the heritage of Bath, achieving a common local, national and international ownership of World Heritage Site management

1.2.26 Various 'interest and involvement' initiatives took place during the life of the 2003 Plan, and elements of community involvement have strengthened with the formation of initiatives such as the 'Better Bath Forum'. Interpretation of the Site remains a challenge, as highlighted by the UNESCO Mission Report. It is proposed to strengthen this aim by developing an Interpretation Strategy. Work on this is underway, together with practical initiatives such as an annual World Heritage Day, working parties of volunteers and briefing of 'tourist ambassadors' to give visitors consistent messages about the Site.

1.3 UNESCO / ICOMOS Mission, November 2008

1.3.1 In the lifetime of the 2003 Plan, the buoyant UK economy created a climate for the highest levels of potential development in Bath for decades, causing concern amongst some commentators that the character and appearance of the Site was threatened. Proposed developments included the Bath Western Riverside scheme (housing etc), the Dyson Academy (specialist secondary school), the Holburne Museum of Art extension and the new Southgate Shopping Centre. At its World Heritage Committee 32nd Session in Quebec, in July 2008, UNESCO responded to concerns with a request that '*the State Party invite a joint World Heritage Centre / ICOMOS¹⁰ reactive monitoring mission to the*

⁹ Figures from B&NES 'Celebrating Achievements 2005' pamphlet.

¹⁰ ICOMOS: International Council on Monuments and Sites, an advisory body to UNESCO.

*property to consider its overall state of conservation and particularly the possible impact of the Bath Western Riverside development and the Dyson Academy on the Outstanding Universal Value and integrity of the property*¹¹.

1.3.2 The Mission visited Bath from the 5-7th November 2008, and reported back to the World Heritage Committee's 33rd session in Seville in June 2009. The Terms of Reference of the Mission are shown together with the Mission Report in Appendix 7. In summary, the Committee's decision was to:

- I. Note the Mission Report of the good overall state of conservation and management of the property;
- II. Express satisfaction that the Dyson Academy Project has officially been withdrawn;
- III. Strongly recommend the submission of a revised plan showing that all necessary social facilities are included in the first Phase of the Bath Western Riverside project;
- IV. Urge the State Party to submit a time-bound revised plan for the second and third phases of the Bath Western Riverside project, including revised density and volume, so as not to impact on the Outstanding Universal Value of the property, its integrity and on important views;
- V. Recommend enhancement of the protection of surrounding landscape to prevent any future developments which could have adverse and cumulative impact on the Outstanding Universal Value of the property;
- VI. Invite the State Party to embark on a reinforced, integrated and homogenous interpretation of the property;
- VII. Request submission of the draft revised management plan, including the Tourism Management Plan, the Public Realm and Movement Programme, and Traffic Control Plan, by 1 February 2011.

1.3.3 The responses to these recommendations can be read in full at Appendix 7.

2 DESCRIPTION AND SIGNIFICANCE OF THE SITE

2.1 Location

2.1.1 The City Of Bath is situated in Bath and North East Somerset, within the South West Region of England. A map and location details are in Appendix 1.

¹¹ Decision ref: 08/32 Com/7B.116

2.2 Boundary

2.2.1 The boundary of the site is the former municipal city boundary. This covers the entire city - an area of approximately 29 square km (see Appendix 1 for boundary of the Site and of the Conservation Area). The 1987 nomination papers did not specify a boundary, but the issue was resolved, and the boundary confirmed, by a letter (dated 17 October 2005) from the UNESCO World Heritage Centre, thus fulfilling Action 31 of the 2003 Plan.

2.2.2 The wider landscape setting lies beyond the Site boundary. There is no formal buffer zone. However, the setting is identified through the Setting Study (see Appendix 10), and protected through planning policy (see Section 3.4).

2.3 Description of the Site

2.3.1 In order to protect the Site, it is essential to understand what it is that warrants protection. This section summarises the Site, its history and cultural and natural assets. Bath's history is well documented, and a selected bibliography is at Appendix 11. A fuller description of the Site's history is at Appendix 2. An inventory of selected key elements is at Appendix 4.

2.3.2 Bath sits in a landscape created by the River Avon cutting through the limestone plateau of the southern Cotswold Hills. Narrow, flat land in a curve of the valley provides a settlement site above the flood plain, near to the hot springs and a river crossing point. The hills have limited the city's physical expansion and created a dramatic backdrop, contributing to the feeling of a compact settlement. The countryside stretches into the city in several places, and there are views of the surrounding hills from the city centre.

2.3.3 The stone of the surrounding hills has been mined and quarried, in many places in open-cast pits. Bath Oolite limestone is an excellent building material - a 'free-stone' which can be cut into blocks or used in rough rubble form. It is durable and easily carved. It has been mined since Roman times and continually used as the Site's principal building material, and this has given the city its unusually strong visual homogeneity.

2.3.4 Bath's hot springs are the only ones in Britain. A quarter of a million gallons of water every day are forced up through rock strata along the Pennyquick Fault. There are three main springs - the King's Spring (46°C), the Hetling Spring (48°C) and the Cross Bath Spring (41°C).

2.3.5 The hot springs have played a central role in every stage of the city's development, creating a unique social history and continuing culture. The city has regularly used the springs as a regeneration tool, rebuilding the structures and culture of bathing and drinking the waters for health and recreation. This culture continues to the present day with the opening of the new Thermae Bath Spa in 2006.

2.3.6 The Romans built a bathing complex and temple dedicated to Sulis Minerva in 65-75 AD. These were developed over the next 300 years and became an international destination for pilgrims. Some of the remains of this complex are presented and interpreted at the Roman Baths, and the technology they installed to control the water is still in use.

2.3.7 A Roman settlement named Aquae Sulis grew around the temple and bathing complex. Archaeology continually adds to our understanding of the extent and composition of the settlement and its population, how it interacted with the temple / bath complex, and the presence of the Roman army.

2.3.8 After the battle of Dyrham in 577 AD, the Saxons took the city. The Roman complex fell into disuse and became buried, but Bath continued to be an important religious centre. A Saxon monastery was built on the site of the current Abbey Church. Here King Edgar was crowned first king of all England in AD973. In the 11th century the Saxon church was replaced by a great Norman cathedral, which in turn was succeeded by the present Abbey Church in 16th century. Today, neither the formal cathedral nor the monastic quarter is visible, except in street patterns around Abbey Green. The extensive monastic history of Bath is symbolised by the Abbey Church (1499-1611), an iconic and important piece of architecture in its own right. The Abbey Church and the Roman Baths complex are the strongest reminders of pre-Georgian Bath.

2.3.9 Medieval Bath was an important regional trading centre based on the wool and cloth trades, and during that time the Roman complex remained undiscovered and the hot springs ran to the river unused. At the end of the 17th century Bath was a small city within defensive walls. The hot springs remained important, attracting the sick and convalescing due to beliefs in their healing properties.

2.3.10. In the 18th century the city was re-invented as a fashionable health resort. It expanded dramatically beyond its walls, largely through speculative development, and very few early buildings and urban arrangements remained unaltered. Cramped, jumbled medieval streets were transformed into a spacious and beautiful classical city, where architecture and natural landscape complemented each other. The Georgian city, renowned for its architecture and curing waters, became patronised by the highest society, including royalty from across Europe.

2.3.11 Three men led this re-invention: the architect John Wood the Elder; the patron and entrepreneur Ralph Allen who quarried the Bath stone; and the social animateur Richard 'Beau' Nash. Their vision, ambition and innovation created a unique atmosphere and the conditions for some of the most inspirational and influential Palladian architecture and town planning in Britain.

2.3.12 Grand public buildings, such as the Assembly Rooms (John Wood the Younger, 1769-1771) and the Pump Room (John Palmer, 1790-1795), were meeting places for the transient upper classes who flocked to the city. These buildings were complemented by outdoor entertainment in pleasure gardens, such as Sydney Gardens, or by 'parading' on broad streets laid out for the purpose. Housing was designed in monumental ensembles, such as Queen Square (1728- 1736), the King's Circus (1754) and the Royal Crescent (1767- 1775). Many buildings were extremely innovative in their design and construction, making Bath one of the most architecturally exciting cities in 18th century Britain. For more details of these, and other, buildings and gardens see Appendix 4.

2.3.13 Use of the hot springs continued in Georgian Bath. The Hot Bath and Cross Bath provided facilities for bathers from all classes of society who came for treatment. St John's Hospital, a medieval foundation (see Appendix 4) which had been using the hot

water to treat the sick since the 12th century, had its city centre complex partially remodelled by John Wood the Elder in 1726-8. The medieval King's Bath attached to the Pump Room was also remodelled in a classical style. Bath increasingly became a social setting where high society came for entertainment, particularly gambling. The Mineral Water Hospital, the first hospital in the country to offer treatment to patients from outside the local area, attracted scientists and doctors of renown because of the opportunities the hospital offered for research.

2.3.14 The Site includes far more than a collection of outstanding 18th century monumental architecture and town planning. There is also an extensive stock of smaller housing and other developments, such as Pulteney Bridge (Robert Adam, 1764-1774), and a range of later villas extending well beyond the city centre.

2.3.15 Many of the streets, walkways and open spaces date from the 18th century in fabric and plan form, as well as historical association, and are integral to a comprehensive understanding of the city's social history. Bridges, alleyways, parks, gardens, cemeteries and stone mines all combine to reveal the numerous interdependencies of city life and reflect the values, beliefs and ambitions of Georgian society. The vast majority of these cultural assets remain in active use, many fulfilling original functions.

2.3.16 The homogeneity of Bath's architecture, in terms of age, style and materials, belies the way in which it developed. Much of 18th century Bath evolved through speculative development of individual buildings, streets or squares. There was no city wide plan, and the new city grew incrementally upon its success in attracting wealthy visitors. Developments started from the city, breaking out of the medieval walls and stretching uphill to Lansdown. In time, the buildings within the old city were largely replaced or remodelled in the Palladian style, with timber framed buildings being almost entirely lost. The City Corporation facilitated the expansion of the city by providing wider streets and open spaces.

2.3.17 Ralph Allen's extensive mines to the south of the city, including those at Odd Down and Combe Down, provided building stone. His activities as entrepreneur and patron fuelled much of the rebuilding, particularly through his association with the Architect John Wood the Elder. Allen's town-house in Lilliput Alley is notable, and Prior Park is outstanding, built specifically to showcase the quality of Bath Oolite.

2.3.18 The stone mines, accompanied by workers' settlements and the remains of industrial processes cover an extensive area in and around the Site. Allen devised many innovative, influential industrial processes for working and transporting stone, and these were closely connected to national transport improvements. The use of local stone in the city contributes to an intimate link between its townscape and landscape. The visual homogeneity provided by building materials is increased by the dominance of the neo-classical architectural style.

2.3.19 Unlike Georgian interventions, Victorian developments generally extended the city without rebuilding it. The 19th and 20th century suburbs largely filled in the landscape between the city and its satellite villages, but stayed within the river valley. Many surrounding villages were closely associated with the city and their 18th century buildings reflect the activity in Bath at that time, forming an important element of the Site. The use

of Palladian style continued after 1825, but new Victorian styles increasingly influenced the city's architecture.

2.3.20 Archaeological evidence of Roman Bath had been found in 1727, 1755 and 1790, but major excavations in the late 19th century led to the discovery of much more remains of the thermal spa complex. The Victorians presented these for the first time since the complex fell into disuse in the Saxon period. The Baths became famous once more as a social centre, a bathing facility and a tourist attraction.

2.3.21 Despite being a major structural change, the introduction of the Kennet and Avon Canal (John Rennie) and the Great Western Railway (Isambard Kingdom Brunel see 2.3.28) in the 19th century was undertaken in a largely sympathetic manner, contributing some new, high quality architecture.

2.3.22 World War II bombing raids (April 1942) caused extensive destruction, with around 19,000 buildings sustaining some degree of bomb damage. The 1942 City Engineer's records identify 115 Georgian buildings destroyed. Post war, during the 1950s and 60s the City Council demolished historic buildings for housing improvements. The successful conservation movement formed to resist the so-called 'Sack of Bath' also helped to influence national attitudes to the conservation of historic buildings.

2.3.23 Bath's suburbs continued to expand in the 20th century and the decline of manufacturing industry in the late 20th century also changed the city's landscape and economy. However, the city's extensive remains form a unique and outstanding ensemble that continues to support a thriving 21st century community.

Cultural Assets

2.3.24 World Heritage Sites are designated as either 'cultural' or 'natural' Sites. Whilst The City of Bath is a cultural Site, its cultural assets are inspired by, and entwined with, its natural assets of hot springs and landscape setting. The cultural assets of the Site also include some which are not of Outstanding Universal Value, but are part of the rich tapestry of 2000 years of change and development. A summary description of these assets follows.

2.3.25 The built heritage of Bath is extensive and spread across the Site. The city centre is largely Georgian in character, though some buildings were refaced and contain earlier fabric. A few notable buildings from the 16th and 17th centuries remain. In addition to the structural fabric of buildings, many historic interiors survive from different periods. Surviving Georgian elements comprise not only buildings, but also infrastructure elements such as parks and gardens, streets and footways, bridges, subsurface vaults, and cemeteries.

2.3.26 Some Georgian developments around the city, such as Bathwick, Larkhall, Weston and Widcombe, were originally separate villages. These have an unexpectedly rural feel to them, and still retain much of their original village character. In addition to this, frequent countryside views from urban areas emphasise the compact country town atmosphere of the city. Surrounding countryside, particularly on historic approach roads, contains many Georgian buildings that were related to the city.

2.3.27 There are extensive 19th and 20th century suburbs which were developed between the 18th century city and its surrounding villages. Amongst later Georgian and Victorian architecture are many structures of national importance, not least those associated with the canal and the railway.

2.3.28 Brunel's Great Western Railway (London, Paddington to Bristol) dates from the 1830s and is regarded as the world's most complete early railway. Many of its associated structures survive largely intact. The inclusion of the railway on the UK's 1999 Tentative List for World Heritage Sites signifies its potential significance. The main structures along the line as it passes through the city are Bath Spa Station, the bridges over the River Avon, the tunnels and viaduct at Twerton, and the cutting and bridges in Sydney Gardens. The Kennet & Avon Canal opened in 1810, completing a through route from London to Bristol. Its elegant structures, including bridges and neo-classical aqueducts, are considered to be exceptionally fine examples of canal architecture.

2.3.29 Some historic architecture contains post 1942 interventions, necessitated by reconstruction following the World War II bombing raids.

2.3.30 Bath's numerous parks, gardens and cemeteries are key features of its character, contributing to a rural feel in the most unexpected places. Many principal parks and cemeteries have strong historical links, such as Prior Park Landscape Gardens (1733 - 1750), Sydney Gardens (1795), Royal Victoria Park (1829), Abbey Cemetery (1843 - 1844) and Lansdown Cemetery (see Appendix 4). Gardens and green open spaces are also integral to some architectural ensembles, such as the Royal Crescent and Lansdown Crescent, where the open land in front of the buildings was a key component of the picturesque design concept. These open spaces are both evidence of the historical development of the Site and a valuable modern amenity. For more details on gardens and buildings see Appendix 4.

2.3.31 The City's archaeology is diverse and reflects its long history and the unique presence of hot springs. Remains from the Roman period are particularly important as they represent the first (known) major development of the springs. There are remains from most other periods of the city's development, although some are better represented than others. There is still significant potential for finding further archaeological remains, particularly of the Roman, medieval and industrial periods. Discoveries since the inscription of the Site have already led to major changes in the understanding of Bath, and highlight the potential for further finds. Archaeological excavations carried as part of the Southgate redevelopment have revealed evidence of Mesolithic (Middle Stone Age) and Iron Age occupation immediately to the south of the historic city on the River Avon flood plane.

2.3.32 Archaeology can also contribute to a greater understanding of 18th and 19th century life. The study of buried deposits, demolished artisans' housing, gardens and ancillary structures, provides a useful context for assessing documents and maps from Bath's more recent past. The Combe Down stone mines stabilisation work was accompanied by a programme of detailed archaeological recording, which revealed significant new information about the way in which Bath Stone was quarried in the 18th century. During the Southgate excavations an insight has been gained into the city's industrial past from the medieval period to the 19th century, including a fulling mill, possible tannery and clay tobacco pipe manufactory.

2.3.33 While Bath's physical remains are outstanding and form a unique ensemble, there are also intangible associations and traditions which contribute to Bath's significance. The culture of worship, bathing and healing associated with the hot springs is several thousand years old and continues today. This culture has inspired the development of the outstanding physical elements of the Site. Bath also has rich associations with prominent people from all periods, particularly the 18th and 19th centuries: royalty, politicians, aristocracy, artists, writers, and musicians. It has played a long-term role as a national and international place for large-scale social interaction. In the 18th century Bath was central to the development of society, particularly the upper classes.

Natural Assets

2.3.34 As previously described, the natural environment is very important to the status of the Site. Geology gives Bath its hot springs and limestone. The surrounding landscape has influenced and inspired the architecture and growth of the city, and was deliberately used as a setting for some buildings. The countryside extends right into the city in places such as Widcombe and Primrose Hill, and the close proximity of green hillsides contributes strongly to the character of the city, giving it a country town feel which is as highly valued now as it was in the 18th and 19th centuries.

2.3.35 The natural crossing points of the River Avon in Bath were used by the Romans, and as ferries were replaced by bridges have continually influenced the city's development. The river, together with associated water meadows and gravel terraces, is an important landscape element and wildlife corridor cutting through the heart of the city.

2.3.36 The predominant natural habitat in the Site is broadleaved woodland and unimproved calcareous grassland. The grasslands hold particular significance. They are fairly common locally, but less so nationwide. Parks, gardens and cemeteries also provide important habitats. Trees and woodlands, some ancient, provide a significant contribution to the landscape character and the local distinctiveness of the city and skyline. In some areas, such as at the centre of the Circus, trees have grown up since the 18th century and caused significant alterations to the views and character of the earlier city. Tree management is therefore related to the OUVs and included as an issue in this Plan.

2.3.37 In terms of biodiversity, notable protected species include the Horseshoe Bat, found in the disused stone mines of Combe Down, and Bath Asparagus, or Spiked Star of Bethlehem (*Ornithogalum Pyrenacium*), a nationally scarce plant found in its greatest numbers around the Bath area. One theory is that it was a Roman food crop. Another rare species is the Peregrine Falcon, recently found nesting in St John's Church Tower.

2.4 Significance of the Site

Outstanding Universal Value

2.4.1 As a signatory to the World Heritage Convention, the UK Government is committed to the protection, conservation, presentation and transmission to future generations of Sites in order to sustain their Outstanding Universal Value (OUV). This is defined in the UNESCO Operational guidelines as being '*cultural and / or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations of all humanity*'.

2.4.2 Today, statements of OUV are adopted by UNESCO when a site is inscribed. These statements should contain:

- a) Brief synthesis
 - i. Summary of factual information
 - ii. Summary of qualities (values, attributes)
- b) Criteria (values and attributes which manifest them)
- c) Integrity (all sites)
- d) Authenticity (criteria i-vi)
- e) Protection and management and protection requirements
 - i. Overall framework
 - ii. Specific long-term expectations

2.4.3 The Statement of OUV is the basis for the future protection and management of the Site. Also, the WH Committee and its Advisory Bodies are increasingly seeking identification of the attributes which carry the Outstanding Universal Value of the property. These are tangible or intangible characteristics of the property on which the impact of proposals for change can be measured. It is the ensemble of attributes as a whole which convey Outstanding Universal Value.

2.4.4 Early World Heritage Sites, including Bath, did not have formal statements of OUV when inscribed. The Committee's judgement of what constituted the OUV of a particular property has, therefore, to be inferred from their decision at the time of inscription and documentation considered by them, normally the opinion of the Advisory Body contained in its evaluation of the nomination. Since Outstanding Universal Value is the basis for the management of any World Heritage property, this position is unsatisfactory.

2.4.5 The Committee has therefore asked that retrospective Statements of Outstanding Universal Value be submitted for all properties on the World Heritage List. These statements should cover all the items set out in 2.4.2 above, based as far as possible on the original documentation considered by the Committee. It is recognised that the description of management and protection should be based on the current position, and that the assessment of authenticity and integrity may also have to be based on the present day if they were not assessed at the time of inscription.

2.4.6 The summary of the Committee's determination of Outstanding Universal Value must be based on their decision at the time, since any change to it would require a re-nomination of the property. An intermediate position in the development of this policy was to ask for the submission of Statements of Significance covering only the first items – ie items a) and b) above in para 2.4.2. Such a Statement was agreed for Bath in 2008.

Statement of Significance

2.4.7 The World Heritage Committee agreed the City of Bath Statement of Significance at its meeting in July 2008¹². This statement sets out why the Site was put on the World Heritage list and will guide the management of the Site for the foreseeable future.

2.4.8 The Statement of Significance is derived from the ICOMOS evaluation of the nomination considered by the World Heritage Committee when Bath was originally inscribed on the World Heritage List. The longer description which formed part of the original site nomination dossier is still however important reference for Site management and is included in Appendix 3. The agreed Statement of Significance says:

The Roman remains, especially the Temple of Sulis Minerva and the baths complex (based around the hot springs at the heart of the Roman city of Aquae Sulis, which have remained at the heart of the City's development ever since) are amongst the most famous and important Roman remains north of the Alps, and marked the beginning of Bath's history as a spa town;

The Georgian city reflects the ambitions of John Wood Senior, Ralph Allen and Richard "Beau" Nash to make Bath into one of the most beautiful cities in Europe, with architecture and landscape combined harmoniously for the enjoyment of the spa town's cure takers;

The Neo-classical style of the public buildings (such as the Assembly Rooms and the Pump Room) harmonises with the grandiose proportions of the monumental ensembles (such as Queen Square, Circus and Royal Crescent) and collectively reflects the ambitions, particularly social, of the spa city in the 18th century;

The individual Georgian buildings reflect the profound influence of Palladio, and their collective scale, style and the organisation of the spaces between buildings epitomise the success of architects such as the John Woods, Robert Adam, Thomas Baldwin and John Palmer in transposing Palladio's ideas to the scale of a complete city, situated in a hollow in the hills and built to a Picturesque landscape aestheticism creating a strong garden city feel, more akin to the 19th century garden cities than the 17th century Renaissance cities.

Criterion (i): *Bath's grandiose neo-classical Palladian crescents, terraces and squares spread out over the surrounding hills and set in its green valley, are a demonstration par excellence of the integration of architecture, urban design and landscape setting, and the deliberate creation of a beautiful city. Not only are individual buildings such as*

¹² Decision 32 COM 8B.97

the Assembly Rooms and Pump Room of great distinction, they are part of the larger overall city landscape that evolved over a century in a harmonious and logical way, drawing together public and private buildings and spaces in a way that reflects the precepts of Palladio tempered with picturesque aestheticism.

Bath's quality of architecture and urban design, its visual homogeneity and its beauty is largely testament to the skill and creativity of the architects and visionaries of the 18th and 19th centuries who applied and developed Palladianism in response to the specific opportunities offered by the spa town and its physical environment and natural resources (in particular the hot springs and the local Bath Oolitic limestone). Three men – architect John Wood Senior, entrepreneur and quarry owner Ralph Allen and celebrated social shaper and Master of Ceremonies Richard “Beau” Nash – together provided the impetus to start this social, economic and physical rebirth, resulting in a city that played host to the social, political and cultural leaders of the day. That the architects who followed were working over the course of a century, with no master plan or single patron, did not prevent them from contriving to relate each individual development to those around it and to the wider landscape, creating a city that is harmonious and logical, in concord with its natural environment and extremely beautiful.

Criterion (ii): *Bath exemplifies the 18th century move away from the inward-looking uniform street layouts of Renaissance cities that dominated through the 15th-17th centuries, towards the idea of planting buildings and cities in the landscape to achieve picturesque views and forms, which could be seen echoed around Europe particularly in the 19th century. This unifying of nature and city, seen throughout Bath, is perhaps best demonstrated in the Royal Crescent (John Wood Younger) and Lansdown Crescent (John Palmer). Bath's urban and landscape spaces are created by the buildings that enclose them, providing a series of interlinked spaces that flow organically, and that visually (and at times physically) draw in the green surrounding countryside to create a distinctive garden city feel, looking forward to the principles of garden cities developed by the 19th century town planners.*

Criterion (iv): *Bath reflects two great eras in human history: Roman and Georgian. The Roman Baths and temple complex, together with the remains of the city of Aquae Sulis that grew up around them, make a significant contribution to the understanding and appreciation of Roman social and religious society. The 18th century re-development is a unique combination of outstanding urban architecture, spatial arrangement and social history. Bath exemplifies the main themes of the 18th century neoclassical city; the monumentalisation of ordinary houses, the integration of landscape and town, and the creation and interlinking of urban spaces, designed and developed as a response to the growing popularity of Bath as a society and spa destination and to provide an appropriate picturesque setting and facilities for the cure takers and social visitors. Although Bath gained greatest importance in Roman and Georgian times, the city nevertheless reflects continuous development over two millennia with the spectacular mediaeval Abbey Church placed beside the Roman temple and baths, in the heart of the 18th century and modern city.*

2.4.9 As noted above, the World Heritage Committee is now seeking identification of attributes of Outstanding Universal Value. For the City of Bath, these can be defined as:

7. Roman Archaeology
8. The hot springs
9. Georgian town planning
10. Georgian architecture
11. The green setting of the City in a hollow in the hills
12. Georgian architecture reflecting 18th century social ambitions

Wider significance

2.4.10 In addition to the OUV outlined above, which gives the site international significance, there are other national and local values which have to be taken into account in management decisions, although the primary objective of the Management Plan must remain the protection of the Outstanding Universal Value.

2.4.11 As well as being of historic importance, Bath is a beautiful, atmospheric city. Whilst the architecture, history and landscape are highly valued attributes in their own right, their harmonious combination gives Bath a unique and renowned atmosphere and beauty, attracting both residents and visitors alike. Those locating to the city for business, residential or tourist purposes continually state that the beauty and history were key attracting factors.

2.4.12 Bath is a living city as well as being a globally renowned heritage centre. The welfare of those living in the site and the conservation of the fabric of the city are dependent upon a healthy local economy. The city's economy is relatively strong, with low levels of unemployment and high educational achievement when compared nationally. Limited manufacturing industry remains and there is a reliance on the public sector and tourism. The city is a popular and successful regional shopping destination. Many businesses operate from protected historic buildings. One of the central management challenges of the site is to guide the regeneration requirements essential to maintaining the economy without compromising the OUV of the site.

2.4.13 Bath's popularity, particularly (but not exclusively) in the 18th century, attracted some of the most influential members of society including artists, writers, actors, scientists, and Royal families from across Europe. Bath has been immortalised in the literature of Jane Austen (1775-1817) who lived in the city between 1801 and 1806, and it has been painted by some of the world's finest artists, such as JMW Turner (1775-1851). Bath's residents and visitors were largely recorded by Thomas Gainsborough (1727-88) who lived in the city between 1759 and 1774. Such associations for a small provincial city are significant and enrich the history of Bath.

2.4.14 Bath has been a centre of pilgrimage throughout the City's known history. The Roman settlement of Aquae Sulis, centred on the hot springs, included a temple complex and attracted worshippers from across the empire. Archaeological research has shown one Roman burial to include Middle Eastern remains. Throughout the Mediaeval period the Abbey Church was of regional significance, being the administrative centre for a wide

area. The hot springs have continued to be a focus of worship and pilgrimage, and the steaming baths are still an extraordinary and moving sight.

2.4.15 Bath is one of the UK's top destinations for both domestic and overseas visitors, and the importance of tourism needs to be taken into account in managing the site. The city receives approximately 846,000 staying visitors each year, and approximately three and a half million day visitors. Visitors identify the heritage, museums, shopping and the special atmosphere of the city as key to their enjoyment of it. The tourism industry is worth over £349m each year and supports many thousands of jobs both directly and indirectly. This wealth is essential to the conservation of the Site, and helps to support the whole district of B&NES.

2.4.16 Bath is an internationally significant resource for world heritage education and research. This is due to the nature and extent of the Site (the whole city boundary), its diverse elements, social history, quantity and quality of historical sources, archaeological remains, historic landscapes, built heritage physical remains and museums, and the complexity of its management issues.

2.4.17 The Roman Baths constitute one of the most popular destinations outside London for educational visits, and the city attracts many foreign students to its two universities and to private English language schools.

2.4.18 Bath's close proximity to other World Heritage Sites - Stonehenge and Avebury, the Jurassic Coast of Dorset and East Devon, Ironbridge Gorge and Blaenavon Industrial Landscape - makes it an important centre for studying world heritage themes and issues. With excellent transport links to London, Bath has potential to be a significant venue for international events in the field of world heritage.

2.4.19 Although much of the historic environment is recognised as internationally significant in the OUV of the Site, Bath contains far more features of local and national significance. The set piece architecture provides iconic structures which define the city's image and cultural identity. Architecture and engineering from periods not recognised in the OUV are important, especially Victorian contributions including the railway and canal. The high number of protected buildings demonstrates the extent of significance, and the historic environment extends to many elements of infrastructure beyond the buildings themselves and protected by area designations such as conservation areas. The richness and diversity of the historic environment is highly valued by citizens and a key element in the civic pride of the city.

2.4.20 The landscape surrounding the city provides the setting to the Site and as such is highly significant. The city sits in the hollow of the river valley and surrounding hills offer views across the site. Skylines, vistas and panoramas are therefore significant elements, as are approach routes waterways, trees and woodlands. The stone from which the City is built was mined from the surrounding hills, creating an important physical relationship between the geology and the appearance of the City. The surrounding countryside is important and attractive in its own right, much of it being designated as the Cotswolds Area of Outstanding Natural Beauty. The setting is described and defined in the emerging Setting Study (Appendix 10). Biodiversity within the site is also an important management consideration, with elements such as the River Avon providing important habitat in the heart of the city.

Preparation of a Statement of Outstanding Universal Value

2.4.21 As discussed in 2.4.6, the Bath Statement of Outstanding Universal value is only partially complete. The World Heritage Committee has asked that a draft full Statement of Outstanding Universal Value should be submitted to UNESCO by 1 February 2011 for consideration at its meeting in July 2012. This needs to cover all the items set out in 2.4.2 above. Text for parts a) and b) of this Statement is already agreed and should not require revision. To this needs to be added brief assessments of authenticity and integrity, and of the current arrangements for protection and any management and protection requirements. These aspects are discussed next, and a full draft Statement of Outstanding Universal Value is proposed at the end of this section.

Authenticity and Integrity

2.4.22 As discussed in 2.4.5, authenticity and integrity were not considered by the World Heritage Committee when Bath was inscribed. These concepts are however important in the management of the site. Authenticity is defined in UNESCO Operating Guidelines as concerning the truthfulness and credibility of the evidence for the site's OUV, while integrity concerns the wholeness of the WHS. The statements below build on those in the 2003 Plan.

Authenticity

2.4.23 The Operational Guidelines suggest that authenticity should be assessed through use of general attributes such as 'form and design' or 'materials and substance'. Due to the size and complexity of the site these are useful reference points, but can only be applied at a general level. It will also be helpful to use the specific attributes for the City of Bath identified above. The extent, significance and state of preservation of the Sites buried Roman archaeology and visible remains has been examined as part of the forthcoming Bath Archaeological Assessment (see 5.3.16), and will inform future archaeological management strategies for the Site.

2.4.24 The development of the Georgian City is comparatively recent in terms of historical sites, and an extensive body of literature survives showing the original layout, form and construction of the many thousands of buildings which form a key part of the OUV. Contemporary accounts are supplemented by good records of subsequent change, partly instigated by the early introduction of building codes and regulations in the UK. The truthfulness and credibility of the site in this respect are therefore high and the evolution of the City of Bath is exceptionally clear. Management measures in place through the planning system are intended to ensure that changes are faithful to original designs and are recorded.

2.4.25 Together with the body of historic records, the level of surviving original structures is high and in a good state of preservation (see UNESCO Mission Report, Appendix 7). The authenticity is therefore evident both through fabric and supporting records. Later changes, such as shrapnel marks in stonework following World War II bombing raids, are often evident and visible in the building fabric, and are both recorded and protected as part of the city's evolving history. Due to the high number of historic buildings, changes can also be seen by comparing original buildings with those with later alterations. Window glazing patterns provide a good example.

2.4.26 Infrastructure surrounding the Site and developed as part of the city's construction can also be seen. Combe Down Stone Mines, to the immediate south of the city, were developed to provide building stone from Roman times onward, and the recent stabilisation programme has included historic research and interpretation. Other infrastructure such as roads and canals also survives and is visible and recorded. The whole story of the city is therefore largely evident and visible, adding to authenticity.

2.4.27 The landscape surrounding the Site remains generally undeveloped, despite development pressure and retains its historical visual links with the architecture. The interpretation of the city is still possible by visiting (horse or carriage) rides, walks and vistas which were enjoyed in the eighteenth century, thus adding to the authenticity of the Site. The parks and gardens of the site also make an important contribution to the OUV.

2.4.28 There is still much to be discovered about the Roman settlement. Continuing research adds to the knowledge base and recent discoveries regarding outlying buildings away from the centre has led to interpretation material being re-drawn in order to portray an accurate and authentic picture.

2.4.29 Some buildings of pseudo-historical design have been added, most notably in the Southgate Shopping Centre (opened November 2009). These later examples did not, however, involve the loss of historic fabric. It is important to note that the use of the local stone in contemporary design contributes to the harmonious aspect of the ensemble of Bath's buildings.

Integrity

2.4.30 Assessments of integrity are asked to examine the extent to which the Site:

- I. Includes all elements necessary to express its OUV;
- II. Is of adequate size to ensure the complete representation of the features and processes which convey the property's significance;
- III. Suffers from adverse effects of development and/or neglect.

2.4.31 There are undoubtedly some elements connected with the OUV which lie beyond the site boundary and, conversely, some elements within the site, which are not of great significance. However, the boundary is both generous in size and has been the subject of recent confirmation (see 2.2). It is considered, therefore, that the site boundary is adequate and protection of elements beyond the boundary can be addressed by the emerging setting work, associated planning policy and consideration of a buffer zone.

2.4.32 With regards to development and/or neglect, this matter was fully considered by the 2008 joint UNESCO / ICOMOS Mission which found the site to have a '*good overall state of conservation*' (see 1.3). Management measures are outlined in this plan to ensure that remains the case, and the integrity of the site remains intact.

Protection

2.4.33 The UK national planning system provides the main means of protection for most of the individual elements of World Heritage Sites through statutory designations such as

conservation areas, listed buildings and scheduled monuments. The protection for World Heritage Sites as a whole is achieved through local development plans as advised in PPS 5, which states that World Heritage Site status should be a key material consideration in the consideration of planning applications. Section 3.4 contains more detail on the planning and policy framework.

2.4.34 The full draft statement of Outstanding Universal Value, to be submitted for approval to the UNESCO World Heritage Committee July 2012, is shown below.

City of Bath World Heritage Property Statement of Outstanding Universal Value

Date inscription: 1987

Criteria: i, ii, iv

Date of SOUV: 2010

The City of Bath is of outstanding universal value for the following cultural attributes:

- The Roman remains, especially the Temple of Sulis Minerva and the baths complex (based around the hot springs at the heart of the Roman city of Aquae Sulis, which have remained at the heart of the City's development ever since) are amongst the most famous and important Roman remains north of the Alps, and marked the beginning of Bath's history as a spa town.
- The Georgian city reflects the ambitions of John Wood Senior, Ralph Allen and Richard "Beau" Nash to make Bath into one of the most beautiful cities in Europe, with architecture and landscape combined harmoniously for the enjoyment of the spa town's cure takers.
- The Neo-classical style of the public buildings (such as the Assembly Rooms and the Pump Room) harmonises with the grandiose proportions of the monumental ensembles (such as Queen Square, Circus and Royal Crescent) and collectively reflects the ambitions, particularly social, of the spa city in the 18th century.
- The individual Georgian buildings reflect the profound influence of Palladio, and their collective scale, style and the organisation of the spaces between buildings epitomises the success of architects such as the John Woods, Robert Adam, Thomas Baldwin and John Palmer in transposing Palladio's ideas to the scale of a complete city, situated in a hollow in the hills and built to a Picturesque landscape aestheticism creating a strong garden city feel, more akin to the 19th century garden cities than the 17th century Renaissance cities.

Criteria

Criterion (i): *Represents a masterpiece of human creative genius*

Bath's grandiose neo-classical Palladian crescents, terraces and squares spread out over the surrounding hills and set in its green valley, are a demonstration par excellence of the integration of architecture, urban design and landscape setting, and the deliberate

creation of a beautiful city. Not only are individual buildings such as the Assembly Rooms and Pump Room of great distinction, they are part of the larger overall city landscape that evolved over a century in a harmonious and logical way, drawing together public and private buildings and spaces in a way that reflects the precepts of Palladio tempered with picturesque aestheticism.

Bath's quality of architecture and urban design, its visual homogeneity and its beauty are largely testament to the skill and creativity of the architects and visionaries of the 18th and 19th centuries who applied and developed Palladianism in response to the specific opportunities offered by the spa town and its physical environment and natural resources (in particular the hot springs and the local Bath Oolitic limestone). Three men – architect John Wood Senior, entrepreneur and quarry owner Ralph Allen and celebrated social shaper and Master of Ceremonies Richard “Beau” Nash – together provided the impetus to start this social, economic and physical rebirth, resulting in a city that played host to the social, political and cultural leaders of the day. That the architects who followed were working over the course of a century, with no master plan or single patron, did not prevent them from contriving to relate each individual development to those around it and to the wider landscape, creating a city that is harmonious and logical, in concord with its natural environment and extremely beautiful.

Criterion (ii): *Exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design.*

Bath exemplifies the 18th century move away from the inward-looking uniform street layouts of Renaissance cities that dominated through the 15th-17th centuries, towards the idea of planting buildings and cities in the landscape to achieve picturesque views and forms, which could be seen echoed around Europe particularly in the 19th century. This unifying of nature and city, seen throughout Bath, is perhaps best demonstrated in the Royal Crescent (John Wood Younger) and Lansdown Crescent (John Palmer). Bath's urban and landscape spaces are created by the buildings that enclose them, providing a series of interlinked spaces that flow organically, and that visually (and at times physically) draw in the green surrounding countryside to create a distinctive garden city feel, looking forward to the principles of garden cities developed by the 19th century town planners.

Criterion (iv): *Be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history.*

Bath reflects two great eras in human history: Roman and Georgian. The Roman Baths and temple complex, together with the remains of the city of Aquae Sulis that grew up around them, make a significant contribution to the understanding and appreciation of Roman social and religious society. The 18th century re-development is a unique combination of outstanding urban architecture, spatial arrangement and social history. Bath exemplifies the main themes of the 18th century neoclassical city; the monumentalisation of ordinary houses, the integration of landscape and town, and the creation and interlinking of urban spaces, designed and developed as a response to the growing popularity of Bath as a society and spa destination and to provide an appropriate picturesque setting and facilities for the cure takers and social visitors. Although Bath

gained greatest importance in Roman and Georgian times, the city nevertheless reflects continuous development over two millennia with the spectacular mediaeval Abbey Church sat beside the Roman temple and baths, in the heart of the 18th century and modern day city.

Integrity (2010)

Remains of the known Roman baths, the Temple of Sulis Minerva and the below grounds Roman remains are well preserved and within the property boundary as are the areas of Georgian town planning and architecture, and large elements of the landscape within which the city is set. Despite some loss of Georgian buildings prior to inscription, the Georgian City remains largely intact both in terms of buildings and plan form. An extensive range of interlinked spaces formed by crescents, terraces and squares set in a harmonious relationship with the surrounding green landscape survive. The relationship of the Georgian city to its setting of the surrounding hills remains clearly visible. As a modern city, Bath remains vulnerable to large scale development and to transport pressures, both within the site and in its setting that could impact adversely on its garden city feel, and on views across the property and to its green setting.

Authenticity (2010)

The hot springs, which are the reason for the City's original development, are of undoubted authenticity. The key Roman remains are preserved, protected and displayed within a museum environment, and the Roman Baths can still be appreciated for their original use. The majority of the large stock of Georgian buildings have been continuously inhabited since their construction, and retain a high degree of original fabric. Repairs have largely been sympathetic, informed by an extensive body of documentation, and aided by a programme of restoration in the late twentieth century. More vulnerable is the overall interaction between groups of buildings in terraces, crescents and squares and views to the surrounding landscape that contributed to the city's visual harmony. There is a need for new developments to respect the planning of the Georgian terraces, to respect the scale and rhythm of its structures, and to contribute to picturesque views.

Management and Protection (2010)

The UK Government protects World Heritage Sites in England in two ways. Firstly individual buildings, monuments, gardens and landscapes are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the 1979 Ancient Monuments and Archaeological Areas Act and secondly through the UK Spatial Planning system under the provisions of the Town and Country Planning Act 1990.

National guidance on protecting the Historic Environment (Planning Policy Statement 5) and World Heritage (Circular 07/09) and accompanying explanatory guidance has been recently published by Government. Policies to protect, promote, conserve and enhance World Heritage Sites, their settings and buffer zones can be found in regional plans and in local authority plans and frameworks.

The Bath and North East Somerset Local Plan contains a core policy which states that development which would harm the qualities which justified the inscription of the World Heritage Site, or its setting, will not be permitted.

All UK World Heritage Sites are required to have Management Plans which set out the OUV and the measures in place to ensure it is conserved, protected, promoted and enhanced. Relevant policies carry weight in the planning system. World Heritage Sites should have Steering Groups which are made up of key local stakeholders who oversee monitoring, implementation and review of the Management Plans.

The World Heritage Site Management Plan aims to address the key tensions between development and conservation of the city wide site. The plan proposes supplementary planning documents of the Summary Management Plan and of the Setting Study.

The main pressures currently facing the site are large scale development and the need for improved transport. New development will continue to be assessed against the policy framework listed above. Transport improvements are based principally around a bus based network and pedestrianisation, outlined in the Management Plan. There is a need for development to be based on a greater articulation and understanding of the distinctiveness of the Georgian city, in order that new developments may reinforce the attributes that convey outstanding universal value.

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3 MANAGEMENT OF THE SITE

3.1 Management and Ownership

3.1.1 Management and ownership of the site are interdependent. This is due to the size and complexity of the Site, and because most historic property is in private, individual ownership. Effective management of the Site relies upon the actions of many thousands of individual owners. This is reflected in the 'Issues' identified in this Plan.

3.2 Governance

3.2.1 The City of Bath World Heritage Site Steering Group provides advisory direction for managing and overseeing the Site and the production of this Plan. It meets approximately 3 times per year. Details of the Group's membership can be found in Appendix 6. It is important to note that the Group contains representatives from both Central Government and local organisations. The Department for Culture, Media and Sport (DCMS) has lead responsibility for all UK World Heritage Sites, and sets national policy. Their statutory advisors on the historic environment, English Heritage, give guidance, and the International Council on Monuments and Sites (ICOMOS UK) is a Non Government Organisation deriving its standing from the fact that it is the national committee of ICOMOS international which is a statutory advisory body to the UNESCO World Heritage Committee. All of these bodies are represented on the Steering Group, which therefore sets both strategic priorities and local actions.

3.2.2 The Steering Group has an independent Chairman. The current Chairman has established an Enhancement Fund and a Volunteer Group to support small scale enhancement projects in the Site.

3.2.3 The predominant steward of the site and the body responsible for delivery and funding of most actions of this Plan is Bath and North East Somerset Council. This is a unitary authority responsible for all aspects of local government. It is the local planning authority, responsible for receiving and determining planning applications. It is also responsible for local highway provision and maintenance, and for primary and secondary education. The administrative area of Bath and North East Somerset Council is larger than the site, and there is no tier of local government solely responsible for Bath alone. Daily management of the Site is provided by the World Heritage Manager, a full time employee of the Council, who co-ordinates actions across the range of council services, including the Culture, Leisure and Tourism Directorate, Planning Services, Heritage Services, Property Services (see 3.3.2), Transportation, Parks and Open Spaces, Archives and Libraries, and Education. The Mayor's Office and Council jointly partake in World Heritage events on behalf of the city, especially civic events such as visits or information exchanges with other Sites world-wide. It should be noted that the Mayor's role is largely ceremonial, rather than the executive role played by the directly elected Mayor of London and his counterparts in Europe.

3.2.4 The Council also provides local political direction, operating a cabinet system of governance, with the Cabinet member for Development and Major Projects having responsibility for World Heritage matters. The Council also has a Heritage Champion member who, as the title suggests, champions this work across the range of Council services.

3.2.5 Tourism management is the responsibility of Bath Tourism Plus, a public/private sector partnership organisation which runs the Tourist Information Centre, organises promotional events, runs marketing for the city and manages the official tourism internet site www.visitbath.co.uk. Founded in 2003, it is a not for profit private company funded partly by the Council (approximately 30%) and by commercial activities (70%).

3.2.6 The Urban Regeneration Panel was established in 2004, and is made up of six highly respected national and international experts drawn from the fields of heritage, urbanism, architecture, development, sustainability, transportation and housing. It was established by the Council to guide, review and challenge new development proposals for the city.

3.3 Ownership

3.3.1 A small number of organisations hold large amounts of property, notably the Local Authority, Housing Associations, National Trust, Universities and St John's Hospital charity.

3.3.2 Bath & North East Somerset Council owns around 60% of city centre property, much of which is historic. However, many properties are leased out and the level of direct Council control varies greatly. In a few cases, such as the Roman Baths, Pump Room complex and the Guildhall, the Council owns, occupies and manages (through its Heritage Services) the property, and therefore has complete control over it. The Council owns and has responsibility for the hot springs. In most cases, however, the Council has only minimal management responsibilities.

3.3.3 Council owned properties are managed by Property and Legal Services as commercial ventures. The Council currently holds leases for some buildings, such as the Assembly Rooms which are owned by the National Trust. In this case, the Council has full responsibility for the management and conservation of the property, which houses the Fashion Museum. The Council also has a role in maintaining and improving the public realm.

3.3.4 Somer Housing Community Trust was created in 1999 to take over the Council's role as social housing provider. It owns and manages around 700 properties, including 46 grade 1 listed buildings which contain 129 separate dwellings. The Trust undertook a full stock condition survey on all its historic buildings in 2009 and has an active asset management strategy which takes account of the particular requirements of these properties.

3.3.5 The National Trust has owned the Assembly Rooms since 1931 but they are currently leased to the Council which is responsible for the management and conservation of the property.

3.3.6 In 1993 the Prior Park Landscape Gardens were given to the National Trust by the Christian Brothers and Prior Park College. The mansion is still in the ownership of Prior Park College and the National Trust is fully responsible for the restoration and management of the gardens.

3.3.7 The National Trust owns and manages over 500 acres of land to the east of the city, between the A36 Warminster Road and Claverton Down Road, on which it has created the Bath Skyline, a country walk with views of the city. The land is protected as part of the setting of the city and includes Bathwick Wood, Smallcombe Wood, Rainbow Wood Farm and Fields and Prior Park Landscape Gardens.

3.3.8 The Bath Preservation Trust was formed in 1934 to protect the architectural heritage of the city. The Trust has been active in saving many historic buildings from demolition and has also fought against schemes that have threatened the wider character of the city. The Trust owns and manages a number of important historic, listed buildings, including No1 Royal Crescent, operated as a museum and headquarters of the Trust, and the Countess of Huntingdon's Chapel, housing the Building of Bath Collection. The Trust is sole trustee of Beckford's Tower, and is a trustee of the Herschel Museum of Astronomy. The Trust provides small grants for the repair and conservation of historic buildings in Bath, and administers the World Heritage Enhancement Fund.

3.3.9 The University of Bath is sited at Claverton Down, on a large site at the edge of the Green Belt. The complex is very self-contained with accommodation, shops and entertainment in addition to the educational facilities and the National Institute of Sport. The University has started a limited expansion into the city centre, for small accommodation sites such as at Pulteney Street, Bathwick Hill and a new site at Carpenter House, Southgate Street. The University has approximately 13,950 students (2009).

3.3.10 St John's Hospital, founded in 1174, and the Trustees of the Bath Municipal Charities own and manage a number of historic properties in and around the city, including the St John's Hospital complex and Abbey Church House between Westgate Buildings and Bath Street, St Catherine's and Bellot's hospital on Beau Street and the historic Beauford Square. In 2004 the Trust constructed a new almshouse at Combe Park, Weston.

3.3.11 Bath Spa University has two campuses, one situated around Sion Hill, on the northern slopes of the city, and the other at Newton Park, just to the west of the city. Several of the buildings occupied by the University are listed and Newton Park is on English Heritage's Register of Historic Parks and Gardens. The University has approximately 5,500 students (2009).

3.3.12 Network Rail owns and operates Britain's railway infrastructure, including the rail network that passes through the Site. This line, was included on the UK government's 1999 tentative list for World Heritage Sites and is therefore of potential international significance.

3.3.13 British Waterways owns and manages the Kennet & Avon Canal, which enters on the eastern side and joins with the River Avon in the centre of the Site. The Environment Agency is responsible for the river and its floodplains. Above Pulteney Weir, the Avon is subject to the ownership of the Riparian Owners whose properties border the river.

3.3.14 Gardens and green open spaces are integral to some of the architectural ensembles, such as the Royal Crescent and Lansdown Crescent where land at the front is

covenanted against development. Responsibility for many of these spaces lies with the residents.

3.3.15 The Cotswolds Area of Outstanding Natural Beauty (AONB) is managed by The Cotswolds Conservation Board. This comprises local, regional and national organisations representing farmers, landowners, communities, the tourism sector, government agencies, local authorities and wildlife trusts. Its remit includes managing landscape and local heritage features, implementing recreation and sustainable transport projects and raising awareness and support. Bath sits at the southern tip of the Cotswolds AONB, which surrounds the city on its north, south and east sides. The Cotswold Way long distance footpath and national trail starts / ends at the great west doors of Bath Abbey.

3.4 Planning, Policy and Legislative Framework

3.4.1 The spatial planning system is the primary method of protection of World Heritage Sites in the UK, and has changed considerably since the 2003 plan was compiled. This section gives an outline of the planning and policy framework relevant to the Site, and is supplemented with further details in Appendix 5.

The County of Avon Act

3.4.2 The County of Avon Act (1982) is an Act of Parliament giving Bath and North East Somerset Council powers to take reasonable measures to protect the water supply of the hot springs. Under the provisions of this Act, there are three concentric zones within the city where excavation deeper than 5m requires the prior consent of the Council. Beyond these central areas the critical depth extends to 15m, with an extension beyond the city to Batheaston at 50m. The Council employs a trained officer to deal with these matters, and retains a consultant geologist to assess prior consent applications. Applications are also submitted to a hydro-geologist at the Environment Agency.

3.4.3 The hot spring water is continually monitored at source for flow and content by the Council, on a fifteen minute basis. As a precautionary measure, deep quarrying in the surrounding region is monitored, with Whatley Quarry, some 15 miles south of Bath, entering into legal agreements through the planning process to monitor potential impacts. Through the Act, major developments in Bath such as the underground car park of the Southgate development are also closely monitored.

National Planning Policy

3.4.4 Although the WH Convention¹³ has been ratified by the UK Government, the designation is not yet recognised in primary legislation. However, policy guidance increasingly recognises the significance of WHS status.

3.4.5 Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development (2003) is the corner stone of Government Planning Policy. It gives a commitment that those areas with national and international designations should receive the highest levels of protection.

¹³ <http://whc.unesco.org/en/convention>

3.4.6 Planning Policy Statement 5: Planning for the Historic Environment (PPS5) was published in March 2010 and replaced Planning Policy Guidance Notes 15 (Planning and the Historic Environment, 1994) and 16 (Archaeology and Planning 1990). PPS5 sets out national planning policy on the historic environment, including World Heritage Sites, and is consistent with the UK Government's obligations under the 1972 World Heritage Convention. PPS policies are material considerations which must be taken into account in local development management decisions.

3.4.7 PPS5 clarifies that World Heritage Sites are designated Heritage Assets. Paragraph HE 9.1 states that:

'There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be'.

And that:

'Substantial harm to or loss of designated heritage assets of the highest significance, including...World Heritage Sites, should be wholly exceptional'.

3.4.8 Policies within PPS5 are supplemented by the Planning for the Historic Environment Practice Guide, produced by English Heritage (March 2010).

3.4.9 Further Government policies on housing (PPS3, 2006), sustainable growth (PPS4, 2009), biodiversity and geological conservation (PPS 9, 2005), transport (PPG 13, 1995), tourism (PPG 21, 1992), renewable energy (PPS 22, 2004) and flood risk (PPS, 25) are particularly relevant to this Site.

3.4.10 More detailed policy guidance on World Heritage is provided by Circular 07/2009: Circular on the Protection of World Heritage Sites (July 2009). This Circular explains the national context and Government objectives for the protection of sites, the principles underpinning those objectives and the actions necessary to achieve them. Again there is accompanying English Heritage Guidance (July 2009) supplementing and supporting the Circular.

3.4.11 There are a number of other references to World Heritage Sites in national planning guidance. These include a requirement in some circumstances for an Environmental Impact Assessment to accompany proposals. Also, all Sites in England are now included in Article 1(5) of the General Permitted Development Order which limits the range of permitted development within them.

Local Planning Policy

3.4.12 Local and regional planning policy for Bath is made up of a number of documents collectively known as the Development Plan. The local element of the Development Plan currently consists of the Bath and North East Somerset Local Plan, adopted October 2007. The Local Plan is also saved under transitional arrangements, and is due to be replaced by the Core Strategy at the end of 2011. The Local Plan contains policies on a wide range of topics affecting the Site including economy, tourism, recreation, shopping, health and safety, housing, waste, transport, built and historic environment and natural

environment. There is a single World Heritage policy (BH.1), and all applications for development should be made in accordance with this. In transferring this policy to the Core Strategy, the opportunity will be taken to replace the words 'qualities' with 'Outstanding Universal Values'. Policy BH1 reads:

Development which would harm the qualities which justified the inscription of Bath as a World Heritage Site or which would harm the setting of the World Heritage Site will not be permitted.

3.4.13 There is a perceived need for Supplementary Planning Documents (SPD) to supplement this policy in the Local Plan and the forthcoming Core Strategy. There is also a need to clarify the qualities justifying the inscription of the Site, and the Action Plan proposes this is achieved by adopting a summary of the Management Plan as SPD. This is especially important given the emerging draft Statement of OUV outlined in 2.4.21. There is also a need to define the setting and what might harm it, and the action for this is adoption of the Bath WHS Setting Study (Oct 2009) as an SPD. Further SPDs, such as a building heights strategy, will also follow.

3.4.14 The UK's cultural and natural heritage is protected by a number of statutory designations. With the Local Plan, these form the principal statutory protection tools for the Site.

3.4.15 The designations (statutory and non statutory) for the built environment, such as listed buildings and scheduled monuments, are designed to protect the nationally important historic and archaeological fabric of buildings and structures, and – in the case of listed building and conservation area designations – their immediate context and setting. Bath's designations cover a large proportion of the city's urban fabric, reflecting the scale and importance of the historic environment in the city. For the wider landscape there are a number of designations, including those mainly designed for development control, such as Green Belt, and specific designations for landscape and nature conservation. Further details of these designations can be found in Appendix 1 but the main ones are shown below:

- I. One Conservation Area covering two thirds of the city
- II. 4980 Listed Buildings (635 Grade I and 55 Grade II*)
- III. Five Scheduled Monuments covering 1.4 hectares (approx. 13% of central area)
- IV. One Area of Recognised Archaeological Potential covering most of the city centre protected in 1997 Local Plan
- V. The Bath & Bristol Green Belt, surrounding the city on all sides
- VI. The Cotswolds Area of Outstanding Natural Beauty (AONB), surrounding the city on its north, east and south sides
- VII. Ancient woodland sites within the city with others on or close to the boundary
- VIII. 9 entries in English Heritage's Register of Historic Parks and Gardens
- IX. 23 Local Parks and Gardens of Historic Interest, protected in 2002 Draft Local Plan
- X. 1 entry in English Heritage's Register of Historic Battlefields
- XI. 7 Important Hill-sides, within the urban area, protected in the Local Plan
- XII. 2 Sites of Special Scientific Interest (SSSIs)
- XIII. Approximately 100 wildlife areas protected in the Local Plan
- XIV. 16 geological sites protected in the Local Plan

3.4.16 In addition to the designations and the Local Plan, there are a large number of documents and strategies that are relevant to the management of the Site. This plan takes account of these documents, and works in accordance with them. The following list gives a few examples, and more can be found in Appendix 11:

- I. Bath and North East Somerset Local Strategic Partnership Sustainable Community Strategy 2009 - 2026
- II. Bath and North East Somerset Tourism Strategy September 2001
- III. Bath and North East Somerset Ten Year Economic Development Plan (Draft Economic Strategy) 2003-2013
- IV. Bath and North East Somerset Community Safety Plan 2009 – 2012
- V. Bath and North East Somerset Cultural Strategy (adoption due November 2010)
- VI. Bath and North East Somerset Roman Baths and Pump Room Conservation Statement 2000
- VII. Bath and North East Somerset Landscape Character Assessment 2003
- VIII. Bath and North East Somerset Western Riverside Supplementary Planning Guidance 2008
- IX. Bath and North East Somerset Local Transport Plan (statutory) Twenty Year Vision for the Principal Transportation Networks 2002
- X. Bath Urban Archaeological Strategy
- XI. Archaeology in the City of Bath Supplementary Planning Guidance 2004
- XII. Cotswold AONB Management Plan 2008-2013
- XIII. National Trust Prior Park Landscape Gardens Conservation Plan
- XIV. National Trust Bath Skyline Conservation Plan (emerging)
- XV. University of Bath Master Plan 2009-2020

4 VISION AND AIMS

4.1 Long Term Vision

Bath will maintain and enhance the Outstanding Universal Value of the City of Bath World Heritage Site.

It will practise and promote sustainable management, understanding the World Heritage Site's unique qualities and its world-wide significance.

It will be a centre of excellence for urban heritage management and conservation, founded on partnerships of local, national and international communities and organisations.

Bath will conserve and safeguard the cultural assets of the World Heritage Site for this and future generations.

Bath will be accessible and enjoyable to all; a site that understands and celebrates its Outstanding Universal Values and atmosphere.

Bath will continue to be a thriving living city which uses its status as a World Heritage Site to support and further the vitality of the local community.

4.2 Aims of the Management Plan

4.2.1 The aims of the Plan are to:

- I. promote sustainable management of the Site;
- II. ensure that the Outstanding Universal Values of the Site and its setting are understood, protected and sustained
- III. maintain and promote Bath as a living and working city which benefits from World Heritage Site status;
- IV. improve physical access and interpretation, encouraging all people to enjoy and understand the Site;
- V. improve public awareness of, and interest and involvement in, Bath's heritage, achieving a common local, national and international ownership of the Site's management.

5 PRESSURES, ISSUES AND OBJECTIVES

5.1 Introduction

5.1.1 This section sets out the pressures, and issues facing the City of Bath World Heritage Site, followed by the objectives identified to address them. The objectives address the Site's management in accordance with Article 4 of the UNESCO 1972 World Heritage Convention concerning the Protection of the World Cultural and Natural Heritage: protection, conservation, presentation and transmission to future generations.

5.1.2 To achieve comprehensive management, it is essential to have a thorough understanding of the Site, its vulnerabilities and threats, and the opportunities arising from its status. This will enable the city to manage change whilst ensuring that the significance of the Site survives.

5.1.3 Change and growth are inevitable, and can be both desirable and a threat. Uncontrolled or inappropriate change can be a threat to Bath's values and authenticity, but appropriate change is needed to improve the condition and presentation of the Site and to maintain a healthy economy.

5.1.4 The Site's status offers many opportunities, including: improving the management and condition of the Site; improving its accessibility and use; contributing to the cultural and economic vibrancy of local and visiting communities.

Identifying the Issues

5.1.5 The issues have been identified from a review of the 2003 - 2009 Plan, and other documents, and through consultations with local and national interested parties. Details of these consultations and documents can be found in Appendix 9 and Appendix 11.

Grouping the Issues

5.1.6 The issues have been grouped under the following headings:

- Managing Change
- Conservation
- Interpretation, Education and Research
- Physical Access
- Visitor Management

5.1.7 These groups relate to ideas rather than particular areas of the Site. This is due to the size, complexity and diversity of the Site, and the need to avoid biased or misleading impressions of its character and requirements.

5.1.8 Similarly, inclusion of an issue in the Plan is not to suggest that no work is being carried out to address it, rather it is to acknowledge that there is more work to do. The numbering of the issues does not indicate prioritisation.

5.1.9 Issues relating to each heading are listed at the start of the appropriate section, followed by discussion on these issues and objectives to address them.

5.2 Managing Change Issues and Objectives

Managing Change Issues

Issue 1: The Plan's aims, objectives and desired outcomes need to be achieved effectively, and benefits of WH status optimised

Issue 2: There is a need to establish clearer and more consistent leadership for the Site, political and otherwise

Issue 3: There is a need to secure the long-term provision of appropriately qualified staff to manage the Site through the planning system

Issue 4: There is a need to develop opportunities to transfer learning between WH Sites

Issue 5: There is a need to access alternative funding sources, and re-invest funds generated from heritage into management and conservation, so that responsibility for funding for the Site does not fall disproportionately upon the Local Authority

Issue 6: There is a need to clarify the relationship between cultural heritage and the economy, and better to measure, understand and appreciate financial and other benefits

Issue 7: There is a risk that all relevant policies, strategies and other plans, both at a national and at local level, may not take account of the values of the Site and are not applied effectively

Issue 8: There is a need to undertake periodic risk identification, assessment and monitoring, and ensure mechanisms for prevention and/or mitigation for all risks are in place

Issue 9: There is a need to ensure that the known risks of flooding and fire have prevention mechanisms in place

Issue 10: There is a need to manage the complexity of the Site, and co-ordinate significant amounts of information held by various different organisations

Issue 11: There is a need to monitor the Site's general condition regularly, and assess the implementation of the Management Plan

Issue 12: There is a need to raise the local community's awareness of the value and relevance of the Site, particularly beyond the historic core, and to promote the opportunities and responsibilities the Site brings, and to enable property owners to make informed decisions

Issue 13: There is an opportunity to realise the potential benefits of greater community involvement, and the opportunities that the Site's status brings for regeneration, education, culture, and civic pride

Issue 14: There is an opportunity for greater engagement of the local business community in the management of the Site

Issue 15: There is a need to manage any tensions between conservation and development

Issue 16: There is a need to minimise the threat of inappropriate development, and to ensure that decisions fully consider the impacts of development proposals, and are based on a thorough understanding of the Site's Outstanding Universal Values

Issue 17: There is a need to minimise the potential damage caused to the fabric, authenticity and character of the Site by incremental change

Issue 18: There is a need to address the challenges of integrating contemporary design within the Site, and to encourage high quality development schemes

Issue 19: There is a need to address sustainability issues, including climate change, and to manage the permanent, inherent tensions between the needs for adaptation and conservation

Issue 20: There is a need for further research into the relationships between sustainability and conservation, and to disseminate learning through education, training and public information

5.2.1 This section is concerned with ensuring that mechanisms are in place for dealing with managing change issues within the Site. The main themes in the managing change category are:

- Administration
- Funding
- Central / local government
- Risk Management
- Tall Buildings
- Flooding
- Information Management
- Monitoring
- Local Community
- Development Management
- Contemporary Development
- Sustainability
- Climate Change

5.2.2 Managing change is one of the most significant pressures on the site. Bath is a large and complex modern city, involving many thousands of people in its ownership and management, and its cultural assets are integral to the life of the modern city. The integration of the built heritage with the landscape makes the cultural assets vulnerable to large scale development, within both the site and the setting. Over four million visitors each year bring their own management challenges and opportunities.

5.2.3 While it is necessary to ensure that adequate protection and management mechanisms are in place to avoid change that would be detrimental to the Site, change also brings potential opportunities. Appropriate and high quality development can improve the Site's condition, presentation and accessibility for residents and visitors. Use of the planning development management system and tools, such as development briefs, design briefs, supplementary planning guidance, Article 4 directions and sound urban design principles, is central to the management of the Site.

Administration

5.2.4 The role of the City of Bath World Heritage Site Steering Group is essential in ensuring delivery of actions, as experience has shown that without close monitoring of delivery actions slip and achievement rates can fall. This monitoring takes place through the Steering Group, and it is essential that it remains effective and meets regularly. It also needs to be recognised as an influential body. At present its profile is not as high as it should be.

5.2.5 Delivery of actions should be structured, and an annual work programme set. Whilst this was included in the 2003 Plan, it requires improvement.

5.2.6 One method of supporting the annual programme of work, as well as raising the profile of the Steering Group and improving interpretation of the Site, is to produce regular newsletters.

Funding

5.2.7 It is neither possible nor appropriate for the local authority to be the sole funder. Additional funding partners are required continually to deliver actions across the full range of activities, from small scale funding for Enhancement Fund projects, to multi-million pound European funding for transport improvements.

5.2.8 There are possible opportunities to re-invest money generated through heritage attractions, especially those core to the OUVs, into heritage protection and enhancement, and to generate funds through a local precept in the manner of rural parishes. Such mechanisms require further exploration.

Local Planning Policy and Practice

5.2.9 As identified in 3.4.1, the primary method of physical protection for the Site is achieved through the UK planning system. The planning system alone, however, cannot provide all the protection that the Site requires, and should be used in tandem with measures such as risk assessment and mitigation, and awareness raising amongst those who are involved in, or impact upon the condition of, the Site.

5.2.10 The emerging Council Local Development Framework (LDF) will provide an opportunity to revisit, revise and enhance the effectiveness of local planning policy relating to the site. High level policy within the Core Strategy will be supplemented by more detailed advice. This Management Plan, the setting study etc may adopted by the local authority as supplementary planning documents (a component of the LDF). As a consequence there will be an expectation that the LDF and this management Plan inform the variety of other types of plans, strategies and actions prepared by the Council and others which may have an impact on the OUVs of the site.

5.2.11 Individual planning applications will be determined in accordance with the LDF and national planning policy. To ensure the effective application of these policy expectations ongoing training to support local authority development management officers and councillors will be required.

Risk Management

5.2.12 Risk assessment is a key mechanism for ensuring that the aim of protecting the Site is achieved. At present, risks to the World Heritage Site are generally handled by individual organisations and risk planning relates to individual parts or topics, such as the Bath & North East Somerset Council's City Centre Evacuation Plan and the Avon Fire and Rescue Service's Integrated Risk Management Plan. In a city site, this is the most pragmatic way forward as it would not be possible to formulate one plan that accounted for all the possible risks to the Site. However, it is important to ensure that the individual plans relate to one another where appropriate, and that they consider the whole Site, its needs and associated risks. A formal, city-wide risk assessment is therefore not proposed, but a list of current provisions will assist in identifying any gaps.

Flooding

5.2.13 Flooding from the River Avon has been an issue in Bath since Roman times. The form of the Roman and later medieval settlement clearly follows the contour of the flood plain, and there is archaeological evidence in the Roman Baths of attempts to combat the issue. The street levels of Georgian developments near the river, such as North and South Parade and Great Pulteney Street, were deliberately raised up above the level of likely flooding.

5.2.14 It may have been flooding that was responsible for the collapse in 1800 of one of the piers supporting Pulteney Bridge. However, those major historic buildings at risk appear to be particularly resilient given the frequency of flooding throughout Bath's history. Photographic evidence of serious flooding exists for 1894, 1907, 1910, 1920, 1932, 1947, 1960, 1964 and 1968 (see Bath in Time website: <http://www.bathintime.co.uk/>). The last three episodes led to the installation of a new weir and sluice gate system in 1972, since when the river has remained contained in its banks even at times of flood, except where it spills on to designated flood plain such as the Bath Recreation Ground. The design of the new weir also enhanced the river and views of Pulteney Bridge.

5.2.15 Following extraordinary weather events in 2007, which lead to some major floods in the UK, Bath & North East Somerset Council's Emergency Management Unit arranged Flood Awareness Days on 4 March 2008 and 29 June 2010 in Bath. Level 1 and Level 2 Strategic Flood Risk Assessments (2008) showed that a number of potential regeneration and development areas are at risk of flooding today, or are likely to become at risk in the future if climate change increases the severity and frequency of storms and causes a rise in sea levels. Bath is at risk of flooding from rivers, the impact of the River Avon water table, sewers, surface water, artificial sources and, to a lesser degree, from groundwater (springs).

5.2.16 Consultants were commissioned in spring 2009 to prepare a Flood Risk Management Strategy for Bath and North East Somerset Council. This is expected to be adopted later in 2010, and will support the emerging Core Strategy, which also identifies flooding as a key issue.

5.2.17 Many options have been considered, including upstream and downstream water storage, raised defences, cumulative storage in development areas, sluice adjustments, bypass tunnel and pumping station, channel widening and deepening. The only technically feasible, comprehensive, strategic solution is the raising of defences along the river channel throughout the city of Bath, with compensatory storage downstream. However, this would cost more than 3 times the economic value of the damages avoided, making it unviable by industry guidelines. The favoured option is the installation of flood defence measures at individual development sites, with compensatory storage area/s upstream of Bath.

5.2.18 An interdisciplinary research project, led by the University of Bath, will monitor and predict the impact of floods and driving rain on historic buildings. The 2007 flooding in the South West and the 2009 flood in Cumbria have shown that substantial structural damage can be caused by such events to heritage buildings and infrastructure.

5.2.19 The PARNASSUS project brings together engineers and conservationists from the University of Bath, archaeologists from the University of Southampton, and geographers and material engineers from the University of Bristol. Researchers will survey the effects of past floods and use flood and climate change modelling tools to assess the risks of future flooding for heritage sites selected by the National Trust, Historic Scotland and English Heritage.

Climate change

5.2.20 Issues relating to climate change and biodiversity are interdependent, and are considered to be the most serious, long-term global issues which will impact upon the Site. Clearly, they have implications across all the themes in this Management Plan – for example:

Managing Change: the increasing need to manage uncertainty, complexity and risk; growing tensions between short-term and long-term investment. The large number of historic dwelling houses in the site will need to be adapted for future needs, and permitted development rights now allow many changes to (non-listed) historic structures without the need for planning permission. Guidance is required (see action 9a) to direct home owners toward measures which will not compromise the integrity of the site. The introduction of renewable energy generation may also affect aspects of the WHS and the setting. Wind turbines are being considered, and pose both an opportunity for clean energy and a threat to visual appearance.

Conservation: shifting conservation priorities from local to global; increasing pressures on local archaeology, architecture, planning and landscape.

Interpretation, education, research: increased need for research into sustainability and historic buildings/environment; growing need for national/international learning partnerships; need for improved education and public understanding locally.

Physical Access: increased pressure on the Site from infrastructure requirements of more sustainable form of transport.

Visitor Management: need for more sustainable tourism; pressures on tourism revenues (and, hence, on conservation spending).

5.2.21 In the short to medium term, our aims, objectives and actions in relation to climate change and bio-diversity are to adapt without compromising the Outstanding Universal Values of the Site. However, it may be that in the long-term, and particularly in relation to living cities such as Bath, increasing pressures may lead to changing value systems, difficult choices and unforeseeable compromises. Such times are beyond the horizon of this six-year Management Plan.

Tall buildings

5.2.22 Information sharing with other Sites has highlighted risks, including what UNESCO describes as 'aggressive development'. Identification of this risk has led to the instigation of a Tall Buildings Study in Bath, due to be completed in late 2010. The proposed action is to complete this work and take it forward as a Supplementary Planning Document to ensure that it becomes a practical planning tool (see action 6f).

Information Management

5.2.23 Networking with other Sites should be maintained in order to share best practice and realise opportunities. Bath is currently a member of the Local Authority World Heritage Forum and the Organisation of World Heritage Cities, although any expense incurred here must continue to be closely justified against benefit gained. Because Bath is a city wide site with an established management system, it attracts visitors from other sites seeking to learn from our experience. In the past two years, Bath has worked with international visitors from sites in Morocco, Uzbekistan, Oman, China, Norway, Germany and Uruguay amongst others.

5.2.24 Due to several factors, including the size and complexity of the site and the fact that it has attracted famous and literary figures, there is a wide range of written historical records. However, these records are held by a number of bodies and there is no central index. This makes new research inefficient, does not highlight gaps in knowledge, and may lead to possible duplication. A research group is the proposed means of addressing this.

5.2.25 The 'listing' of buildings and their associated protection is a key mechanism for protecting the Site. The list itself is, therefore, an essential working tool in Site management. A review of the Bath list has been underway for many years, and the existence of a draft, new list alongside the statutory existing list is problematic in day to day working. The new list needs to be completed.

5.2.26 The development of the Sites and Monuments Record into the Historic Environment Record (HER) will produce a more comprehensive database which will be a vital tool in the management of the Site. However, the amount and complexity of the data makes the development and maintenance of HER a difficult task, and this needs support.

Monitoring

5.2.27 Monitoring is an increasingly important tool for protection and management. UNESCO has implemented 6-yearly Periodic Reporting to assess the condition of all Sites and arrangements for their management at national and local level. However, monitoring at the local level is also required on an annual basis, both to prevent deterioration in the condition of the Site and to ensure the successful implementation of the Plan. Monitoring

also increases the knowledge base and enables a better understanding of the Site and its requirements.

5.2.28 Review of the 2003 plan was hampered by the lack of monitoring information available alongside the actions, and made it therefore difficult to assess levels of achievement. It is an essential element of any management plan to be able to monitor progress, and indicators have therefore been built into the Action Plan and will be used for annual assessment.

Local Community

5.2.29 The importance of the local community in enabling the protection and management of the Site cannot be overestimated. The vast majority of Bath's cultural assets are in private individual ownership, and each individual property has an impact on the condition and presentation of the Site. Community engagement in the Site's management, as well as in optimising the benefits of its status, is important to the success of the Plan. It is also vital that Bath remains an attractive place to live for private individual owners and their families, taking into account all aspects of everyday city life. Too much pressure on those in the city centre could result in houses reverting to multiple occupation, with consequential effects on the quality and amount of money invested in their conservation. Residents' Associations should be encouraged, as a source of strength, advice and civic pride.

Development Management

5.2.30 Individual developments, of whatever scale, can have a significant impact upon the Site. It is therefore necessary to ensure that World Heritage is properly considered in deliberation of all relevant applications. The methods proposed for achieving this are for guidance to be produced for planning officers, training for elected council members (especially when new committees are formed) and the inclusion of appropriate policy provision in the Core Strategy.

5.2.31 There are several notable new developments which are coming forward at the time of writing. A new park and ride site at Batheaston, immediately outside the boundary of the site to the east, has gained Planning permission and is awaiting government decisions on funding as part of the Bath Package (see 5.5.8). Bath Western Riverside also has permission but is yet to be implemented. The change in UK Government and abandonment of the Regional Spatial Strategy has removed the immediate prospect of large scale housing developments on the edge of the Site, but it will increase the pressure to make best use of the housing land within the city. Recreational land is also facing pressure. Bath Rugby club play at the Recreation ground in the heart of the city and their presence provides civic pride and identity, plus a boost to the economy (especially in winter months when tourist numbers are low). The rugby club are looking to increase their capacity to accommodate spectators, and provide a new stadium either on their current site or elsewhere within the city.

Contemporary Development

5.2.32 The inclusion of contemporary architecture in the Site is challenging, due to the strong uniformity of the city created by widespread use of local stone and the sheer quantity of historic building stock. Since the production of the 2003 Plan there are now some notable examples of contemporary architecture within the site, including the Thermae Bath Spa, the Bus Station, Milsom Place and the Holburne Museum. Previous

references in this Plan and the UNESCO Mission report have indicated that high quality contemporary architecture is a desirable method of design for new buildings.

Sustainability

5.2.33 The Local Government Act 2000 places a duty on local authorities to prepare community strategies to promote economic, social and environmental well-being, and to promote sustainable development. The Bath and Northeast Somerset Sustainable Community Strategy (SCS), 2009-2026, links specifically to the WHS Management Plan. It sets out what type of place B&NES should become, and contains actions in relation to Economic Development & Enterprise, Environmental Sustainability & Climate Change, Children & Young People, Health & Wellbeing, Stronger and Safer Communities.

5.2.34 Sustainable development is central to this Plan's long term vision and aims, which in turn lend support to the English Heritage Sustainable Development Strategy (2006) and the Government's wider sustainable development objectives.

5.2.35 The preservation of historic buildings and environments contributes inherently to sustainable development, in that it maximises the use of existing materials and infrastructure, retains considerable embedded energy and reduces waste. It also maintains historic character which, in turn, provides social and economic benefits. To this extent, cities such as Bath should be seen as a sustainability benefit rather than a heritage burden.

5.2.36 By pursuing the process of sustainable development in this context the plan aims to prevent the erosion of Bath's historic environmental capital and to increase its stock through new discoveries and conservation. Crucially, this means continually seeking new ways to do this which reduce the impacts on other capitals, in particular natural capital.

5.2.37 Sustainability can only be a human capacity to continue indefinitely (it cannot be an ideal end-state – there are no end states) which includes our capacity indefinitely to conserve natural and cultural heritage. Building and maintaining this capacity requires continuous social learning about how to deal with important issues (such as climate change) as they emerge, and as the future unfolds.

5.2.38 Bath & North East Somerset Council supports such learning through, for example, its support for education for sustainable development in schools. This is through Resource Futures, which manages projects such as Climate Change Connection, Grow it Global and Eco-schools.

5.2.39 In 2009, the University of Bath's Accommodation and Hospitality Services won a national award for its outstanding environmental initiatives. It was the first university department in the country to gain a gold standard from the Green Tourism Business Scheme (GTBS) and the first business in Bath to obtain the gold standard rating.

Managing Change Objectives

5.2.40 Managing Change issues are addressed primarily through objectives 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Objective 1: Ensure that management and administrative arrangements are appropriate for the effective implementation of the Plan, encourage community involvement, enable partnership working and secure the required funding

Objective 2: Ensure that risk management plans for the protection of the Site, including the fabric and relevant archives, are undertaken and periodically updated, and resulting actions identified and undertaken

Objective 3: Ensure that information about the Site is produced, collected, stored and analysed, and made available to partners in ways that assist implementation of the Plan

Objective 4: Ensure periodic monitoring of the condition of the site

Objective 5: Ensure that the potential cultural and economic benefits of Bath's WHS status are optimised

Objective 6: Ensure that the Site and its setting are taken into account by all relevant planning, regulatory and policy documents (statutory and non-statutory) and by any future changes to the planning system

Objective 7: Ensure that the Site and its setting are taken into account in all relevant decisions taken by the Local Authority and other management partners

Objective 8: Ensure that contemporary architecture, which enhances the values of the site, is encouraged

Objective 9: Ensure that adaptation to address climate change is made and promoted where it does not compromise the values of the Site

5.3 Conservation Issues and Objectives

Conservation Issues

Issue 21: There is a need to promote co-ordination and responsibility across complex ownership patterns

Issue 22: There is a need for effective management of all elements of the Site's historic environment, to protect the authenticity and integrity, based on a thorough understanding of the Outstanding Universal Values

Issue 23: There is a need to manage disused or damaged buildings, structures and sites, which deteriorate faster than those in use, and quickly bring them back into productive, economic use

Issue 24: There is a need to address the long-term availability of materials and skilled craftsmen to maintain the fabric of the Site

Issue 25: There is a need to safeguard the Site's historic buildings and archaeological structures, ensure they remain in general good condition, and protect them from inappropriate and/or inadequate maintenance

Issue 26: There is a need to ensure that the Site's extensive and vulnerable landscape setting is recognised, interpreted, protected and managed to prevent incremental damage

Issue 27: There is a need to ensure that Bath's parks and open spaces are seen to be integral to the Site's landscape setting and managed appropriately

Issue 28: There is a need to promote understanding that the River Avon and Kennet and Avon Canal are integral to the Site's landscape setting and a need to ensure they are managed appropriately

Issue 29: There is a need to identify and safeguard important views, both within and beyond the Site and manage them appropriately

Issue 30: There is a need to base tree and woodland management of the Site upon an understanding of the Outstanding Universal Values

Issue 31: There is a need for continued research into the archaeology of the Site, so that it is better understood and is effectively used in the maintenance and management of the Site

Issue 32: There is a need to secure the necessary capital investment to realise opportunities to improve the quality and maintenance of the Site's public realm

5.3.1 This section is concerned with ensuring that mechanisms for conservation, care and maintenance of the Site are in place. The main themes within conservation are:

- Ownership
- Historic Environment
- Buildings
- Landscape
- Archaeology
- Public Realm

5.3.2 It is essential that the Site survives in the best condition possible and that the reasons for its inscription are maintained. Bath is generally in good condition, and benefited greatly from a forty-year historic building repair grants programme, funded jointly by central and local government, which ended in 1995/6. This work needs to continue indefinitely.

5.3.3 Other elements, however, have received less attention and are undervalued. This particularly applies to industrial elements, waterways, parks and gardens and the public realm. There is a need to improve their condition and presentation, and to ensure that they are fully incorporated into the values and management of the Site.

Ownership

5.3.4 Responsibility for maintaining and conserving much of the Site now rests primarily with individual property owners, and is dependent on their enthusiasm and understanding, and the support and resources available to them. Long-term conservation also requires continuing education and awareness about materials, techniques and quality.

Historic Environment

5.3.5 There is a need to maintain protection for the hot springs through the planning system, by inclusion in the emerging Core Strategy and through the County Of Avon Act (see 3.4.2).

5.3.6 The Conservation Area (CA) for Bath is a key method of protection for the Site. The amalgamation of the CA into one large area has meant that amendment of the boundary or production of CA assessments has become a large administrative undertaking requiring significant resource. There are areas beyond the current Bath CA boundary, most notably by the riverside and at Oldfield Park, which may warrant inclusion.

5.3.7 The level of guidance produced for those living or operating within the Site is low. Guidance has previously been offered on issues such as windows, stone, shop-fronts, shop-front security, living in a CA and owning a listed building. Availability of this guidance has decreased, and a list of new guidance is required, including topics such as stone cleaning, energy conservation and ironwork. This needs to be built into the annual Action Plan.

5.3.8 Official guidance is supplemented by public lectures and other learning opportunities offered by organisations such as the Bath Preservation Trust, the University of Bath and the Bath Royal Literary and Scientific Institution. These are important contributions to public understanding, and to be encouraged. They also need to be monitored and recorded so that gaps and overlaps in provision can be identified.

5.3.9 The availability of craft skills and materials to maintain the Site continue to be issues carried forward from the 2003 Plan. Actions to address them are particularly difficult, but need to be developed.

Buildings

5.3.10 Buildings at risk represent the possible loss of historic fabric from the Site, which is contrary to the aims of the Plan. The Council has powers to address such structures, and this Plan supports any action required to protect such buildings. Monitoring needs to include buildings that are important both locally and nationally. The support of the wider Steering Group, especially through bodies such as the Bath Preservation Trust and English Heritage, is important.

5.3.11 The recording of buildings at risk does not currently extend to non-listed structures, and it is common for street furniture not to be included. Railings, lamp standards, walls, kerb details etc, remain as part of the historic fabric and are often directly associated with the Outstanding Universal Value, and these need to be protected and recorded.

Landscape

5.3.12 The Setting Study (see Appendix 10) should be brought forward as Supplementary Planning Guidance in order to make it a useful Site management tool. Because the study

deals predominantly with issues beyond the Site boundary, important views need to be identified and given planning protection.

5.3.13 Trees and woodlands have a direct influence on the Outstanding Universal Value of the Site in a variety of ways. There are a number of key cultural assets, such as the Circus and Queen Square, where trees have been introduced at a later date and do not allow the spaces to be read in the way that was originally intended. Also, views from other key assets such as Royal Crescent have been partially obscured by trees, as have numerous Georgian vantage points which were integral to the function of the Site as a resort.

5.3.14 The skyline, which contributes to the character of the City, is dependent upon tree cover and this requires managed replacement. Beechen Cliff is one of the key elements in the landscape setting of the Site. Immediately south of the city centre, it provides the backdrop to the urban centre and affords views back across it. The wooded hill-side is currently in the ownership of the Council, but may be more effectively managed by the National Trust which owns adjoining land. Discussions and feasibility studies are under way to progress the idea of transferring ownership.

5.3.15 As trees age, decisions have to be taken as to whether it is appropriate to replace them or not. It is considered better to address this issue through a strategy to pre-empt and guide events, rather than to react to them.

Archaeology

5.3.16 Modern archaeological techniques provide aids to assist in the understanding of the Site's authenticity and integrity, and thereby assist development of appropriate conservation strategies for the Site as a whole, its different elements and below ground archaeology. The Bath Urban Archaeological Assessment has consolidated our current knowledge about the extent, significance and state of preservation of the Site's Roman archaeology and visible remains, as well as looking at other periods. This was a joint English Heritage and BANES project, which is due to be published in 2011 and will inform the future archaeological management strategies such as a revised Supplementary Planning Document.

Public Realm

5.3.17 The public realm is the streets and spaces between the buildings. Bath's public realm has direct relevance to Outstanding Universal Value of the Site due to the fact that many features such as broad pavements and public squares were designed for promenading through the Georgian City, and are an integral part of the Georgian City retaining much authentic fabric.

5.3.18 Bath's public realm has declined gradually over decades, with resources aimed predominantly at buildings rather than spaces, and traffic pressures causing damage. However, the Project Realm and Movement Programme (PRMP) project initiated by B&NES Council aims to address this. The PRMP aims to make Bath the UK's most walkable city, and sets out a long term (10-20 year) framework for the creation of a network of pedestrian friendly streets. The four key components of the PRMP are addressing the transport network to ensure cyclists, pedestrians and public transport have priority over the car, refashioning identified streets and riverside spaces in consistent high

quality materials, installing a new wayfinding and information system and facilitating a range of outdoor cultural and community events.

5.3.19 Street lighting within the Site has proved contentious during the 2003 plan period. Whilst elements of this are detached from protection of the Outstanding Universal Value, the issue is however linked to comprehensive management of the Site. The lack of an adopted strategy means that there is no agreed path forward and resources to address this are not in place. It may be that this is addressed in the PRMP but this needs to be clarified.

Conservation Objectives

5.3.20 Conservation issues are addressed primarily through objectives 9, 10, 11, 12, 13, 14 and 15.

Objective 9: Ensure that owners and users of historic properties/sites within, or impacting upon, the Site and its setting, are aware of the requirements for care and maintenance, and have access to appropriate guidance and advice

Objective 10: Ensure that conservation work is of the highest standard, and its design, materials and workmanship are appropriate to its immediate location, the Site and its setting

Objective 11: Encourage the use of, and where appropriate prepare, programmes for planned maintenance, management and/or conservation

Objective 12: Ensure that damaged and disused structures within the Site are monitored, repaired, maintained and, where appropriate, re-used

Objective 13: Ensure that landscape and natural elements of the Site and its setting, including heritage sites and their associated remains, are acknowledged, understood and managed as integral parts of the Site

Objective 14: Ensure that awareness and understanding of the archaeological remains are increased, and improve the range and accessibility of the associated artefacts and information

Objective 15: Ensure that the public realm is seen as, and understood to be, a significant, historic and cultural element of the Site, and that alterations are of a high standard to take this into account

5.4 Interpretation, Education and Research Issues and Objectives

Interpretation, Education and Research Issues

Issue 34: WH status needs to be seen as being a positive factor, which is conducive to change and economic growth

Issue 35: There is a need to make the message and branding of the Site consistent

Issue 36: There is a need to enrich the 'story' of the Site in its interpretation, improve communications, in particular web presence, and to increase public awareness of Bath's WH status

Issue 37: There is a need to explore the need for and feasibility of an interpretation centre or City Museum that tells a comprehensive story of the Site

Issue 38: There is a need to enhance use of the Site as a learning resource, and to extend this to other sectors of education and training, and to sustain such initiatives

Issue 39: There is a need for research that extends and improves understanding of the Site, and supports its successful management

Issue 40: There is a need to ensure that historic buildings are understood in the context of their surroundings and the values of the Site, and remain a valuable resource for enjoyment and learning

5.4.1 This section is concerned with making the Site as comprehensible as possible to all, optimising its potential for learning, and broadening and deepening the knowledge base. The main themes are:

- Interpretation
- Education
- Research
- Buildings

5.4.2 Enhancing understanding for all - residents, workers, visitors, distance learners etc - is complementary to the work of protecting and conserving the Site, and is intimately connected to managing physical access and the appearance of the public realm. The Site has enormous potential as resource for learning in all sectors of education and training, locally, nationally and internationally. Much of this potential has still to be realised.

5.4.3 Libraries, local study centres, universities, archives, special interest groups, statutory record keepers and museums all have a valuable role to play in the management of the Site by protecting and conserving artefacts and archives, making such resources available for research, or by carrying out research themselves.

5.4.4 The Council archives are a key component in the storage and provision of records relating to the Site. The current accommodation for the archives in the Guildhall basement does not suit the expanding collection, and better provision is desirable. This is an action carried forward from the 2003 plan, and resolution is likely to rest with wider development opportunities which may arise. Whilst currently unfunded, this action remains valid.

5.4.5 The current web site for the Site is provided by the Council. It is located within the standard corporate web site provision alongside the wide range of other services provided by that body. An independent web site would be beneficial, and would help address many other actions in this Plan including raising the profile of the Steering Group, improving interpretation and providing guidance.

Interpretation

5.4.6 The interpretation of Bath benefits from its topography. The surrounding hills have provided important viewpoints for cartographers and admirers throughout history. Jane Austen describes a lecture on the picturesque from the top of Beechen Cliff in *Northanger Abbey* (1798-9). Such views and viewpoints are less recognised and appreciated than they should be.

5.4.7 As noted above in the UNESCO Mission Report findings (1.3.2), interpretation of the Site has not been strong enough and it remains possible for visitors to stay in the city without realising it has World Heritage Status. Actions to address this, including the training of 'visitor ambassadors', increased signage, consistent use of a new publication style and the celebration of UNESCO World Heritage Day are already in place. However, an Interpretation Strategy to co-ordinate these and future actions is required.

5.4.8 The Corps of Mayor's Honorary Guides was established in 1934 and provide free walking tours of the historic city every day, morning and afternoon. There are more than fifty active Guides who entertain over 30,000 visitors each year. The cost to the city in 2009-10 was £21,000. Bath is one of the few places in the world to provide such a cost-effective service free of charge to the user.

5.4.9 The training of visitor ambassadors in World Heritage matters has included Tourist Information staff, Roman Baths staff, The Mayor's Honorary Guides, Bath Abbey Guides and several other groups. Training of Council street cleaning staff in general visitor assistance has also happened separately. These processes should be rolled out to other groups and refreshed periodically.

5.4.10 Bath stages a number of major, annual festivals, including the Bath International Music Festival, Bath Literature Festival, Bath Festival of Children's literature and the Jane Austen Festival. It is well known as being a leading centre of heritage, and the opportunity exists for this to be developed into a Heritage Festival.

5.4.11 Heritage Open Days (September), Heritage Open Week (October) and World Heritage Day (April) activities also contribute to interpretation and education in their broadest sense. These events are supported by B&NES Heritage Services and Planning Services, Bath Preservation Trust, the Mayor's Honorary Guides and many private property owners.

5.4.12 A number of Bath's key heritage attractions including the Roman Baths, No 1 Royal Crescent, the Assembly Rooms and Prior Park Landscape Garden, explore issues cited in the OUVs while not necessarily explaining them or connecting them with the WHS.

5.4.13 UNESCO World Heritage Day was celebrated in April 2009 and 2010 and proved very popular. It provides an opportunity for education, interpretation and for celebration amongst local people, who may not always be the focus of World Heritage actions.

Education

5.4.14 Bath Preservation Trust Learning provides public lectures and events across its four museums, an education programme for schools, and online learning resources. The

quality of its learning provision at the Building of Bath Collection has recently been recognised by a Learning Outside the Classroom Quality Badge.

5.4.15 A World Heritage education pack has been provided to all schools within the Site. The aim is to promote and support learning about World Heritage within the curriculum. The materials will need to be promoted periodically to encourage continued use. A poster - an A-Z of World Heritage – was also distributed in Spring 2010 with the aim of raising awareness.

5.4.16 In recent years, the education service at the Roman Baths has enhanced its support for local and visiting educational institutions, including schools, colleges and universities, and produced new materials to support teaching and learning.

5.4.17 Existing materials supporting the study of Roman history in schools (Key Stages 1-4) have been supplemented by new cross-curricular activities linked to Science, developed in 2008. New materials to support GCSE History have also been developed and piloted in partnership with Oldfield School, Bath. These will be launched and distributed to teachers and advisers in B&NES and Wiltshire in autumn 2010. The education service is also developing its support for courses in heritage, history, archaeology and anthropology at local universities and colleges.

5.4.18 The Mayor of Bath's Honorary Guides also provide free walking tours to local and visiting groups of pupils and students.

5.4.19 However, such initiatives would benefit from more strategic approaches to heritage education involving wider partnerships within the city.

Research

5.4.20 The success or failure of Site management depends on the extent to which the Site is understood and appreciated. Improving understanding and appreciation is underpinned by focused research and dissemination. There is a need to encourage research generally, and to establish focused research agendas and priorities.

5.4.21 There are good links between the Higher Education sector and those involved in Site management. The Department of Architecture and Civil Engineering at the University of Bath has courses on the history of architecture and an MSc on the Conservation of Historic Gardens and Cultural Landscapes. Bath Spa University has courses in heritage and tourism management, and is developing research initiatives in Bath's heritage and the historic environment.

Buildings

5.4.22 The UNESCO Mission Report also refers to an interpretation centre. The Site has a number of museums dedicated to different phases of history, but no City Museum or World Heritage Site interpretation centre. No immediate solution can be offered at time of writing by this Plan. The only museum explicitly considering the OUVs is the Building of Bath Collection, but this is located away from the main visitor route. The issue however remains current, and therefore the action to explore feasibility is included in order to keep this on the agenda and realise opportunities which may occur.

5.4.23 Interpretation, education and research are supported in many ways, particularly through the work of the Roman Baths, Bath Preservation Trust, No.1 Royal Crescent, Building of Bath Collection, Museum of Bath at Work, Jane Austen Centre, Herschel Museum of Astronomy, Abbey Vaults Museum and Bath Postal Museum. This work is also supported by programmes at the Bath Royal Literary and Scientific Institution, which has its roots in the 18th century.

5.4.24 Interpretation and presentation of Bath's archaeological remains began in the 19th century. The Roman Baths now receive approximately 880,000 visitors per year, and is one of the most popular destinations outside London for educational visits.

Interpretation, Education and Research Objectives

5.4.25 Interpretation, Education and Research Objectives are addressed primarily through objectives 16, 17 and 18.

Objective 16: Ensure that the current provision of interpretation is established, and provide high quality, accessible facilities and materials that present a comprehensive view of the Site's values and management issues

Objective 17: Ensure that the Site is used widely and effectively as a resource for learning in all sectors and phases of education and training

Objective 18: Ensure that awareness, understanding and management of all aspects of the Site is continuously improved through enhanced archive and research facilities, co-ordinated research and widespread dissemination

5.5 Physical Access Issues and Objectives

Physical Access Issues

Issue 41: There is a need to manage the volume of traffic passing through and around the city, the negative impacts this has on the Site, and the extent to which this impedes the management of other issues

Issue 42: There is a need to encourage greater use of public transport, improve the service, and allow for more effective management of other forms of transport

Issue 43: There is a need to establish mechanisms and processes by which integrated transport systems for the Site can be explored and developed

Issue 44: There is a need to encourage walking and cycling in order to control and reduce car journeys

Issue 45: There is a need for pedestrians to be able to navigate the site easily, safely and enjoyably

Issue 46: There is a need to address tensions between conservation and the desirability of providing physical access to the Site to as many people as possible

Issue 47: There is a need to provide clear and efficient transport alternatives, and encourage their use, in order to reduce traffic congestion in and around the Site

5.5.1 This section is concerned with the physical accessibility of the Site to residents, workers and visitors, and the need to ensure that access arrangements take into account the sensitivity and vulnerability of the Site's cultural assets. The main themes within physical access are:

- Traffic
- Public Transport
- Pedestrians and Cycling
- Access for All
- Travel Planning and Awareness

5.5.2 Managing access is fundamental to site management. Access issues impact particularly on the Site's condition and conservation, on people's ability to navigate, understand and enjoy it, and on its viability as a living city. Bath needs to be accessible to a variety of transport modes. It must provide appropriate facilities - car parks, coach parks, delivery access, signs - all of which must be integrated into the Site without detracting from its values. This is one of the most challenging areas in the Plan. Bath's physical access issues are complex and long-term.

Traffic

5.5.3 There are physical limits to the city's ability to accommodate growing traffic requirements without detriment to the historic environment. The landscape and countryside surrounding the city is of outstanding natural beauty and integral to the values of the Site, and the hot waters below the site are vulnerable to major excavations. Because of these factors there is no easily achievable underground or above ground road by-pass to the city

5.5.4 Traffic can intrude on the enjoyment of Site, damage the built fabric, inhibit free movement of pedestrians and create pollution. Air pollution and the weight and vibration of the vehicles are threats to those who live in Bath and visit it, and to the historic buildings, townscape and landscape. Over 20,000 work journeys by car are made into the City every day causing pollution and congestion which is estimated to cost in the order of £50m a year¹⁴. Solutions will involve an area much wider than the Site itself, and require comprehensive actions which may take many years to implement.

5.5.5 The City has no direct link to the motorway network, with the M4 route to London and Cardiff being 10 miles to the north. The closest airport is Bristol, 20 miles to the west. Bath is served by a main line railway station (Bath Spa), plus a secondary stop at Oldfield Park. Journey times to Bristol are 12 minutes and London 90 minutes, with frequent services on week days. Bath is also linked by rail to the South Coast ports of Weymouth Portsmouth and Southampton, the last two via the historic city of Salisbury.

¹⁴ Figures taken from Bath Transport Package summary document

5.5.6 In 2007 the Council worked with four other historic European cities to submit a bid to the European Commission's CIVITAS Plus programme. The successful bid secured €3.975m to implement new transport options in Bath. With the Council's own contribution and partner funding, the programme will invest £5.15m into the city. The four year programme began in September 2008, and includes several projects. A freight trans-shipment depot will be set up on the edge of Bath to consolidate the shipment of retail goods and reduce heavy goods vehicles entering the city. Hybrid vehicles will be introduced in the City Car Club as well as cycle hire initiatives such as park and cycle involving conventional and powered bikes. A trial for 'green' fuel hybrid buses will be introduced, as will demand management of goods and other vehicles entering the city centre. An area of the central shopping street will be improved as a demonstration project, and a study into a personal rapid transit system for the centre will be undertaken. Finally, satellite bus-tracking technology designed to provide real-time information using EC Galileo technology will be introduced.

Public Transport

5.5.7 Improved public and integrated transport can help alleviate traffic congestion in Bath. Public Transport planning for Bath is covered by the Joint Local Transport Plan (JLTP)¹⁵, produced by the local authorities of B&NES, Bristol City, North Somerset and South Gloucestershire Councils. The current JLTP was produced in March 2006 and extends until 2011. The five aims of the JLTP are to tackle congestion, improve road safety for all users, improve air quality, improve accessibility and improve the quality of life. There are a number of initiatives developed from the JLTP which address public transport provision within the site.

5.5.8 Bus travel is the logical choice for public transport provision in Bath. One major initiative coming out of the JLTP is the Greater Bristol Bus Network (GBBN)¹⁶. B&NES Council, together with JLTP partners have worked with bus operator First Group to develop this major bus improvement scheme. Funding of £69.8 million has been secured, made up of £42.3m from the Department for Transport, £20m from First Group, £1.8m from local authority contributions and £5.7m from developer contributions. 10 bus route corridors are to be improved, including two (the A4 Bath – Bristol and the A367 Bath – Radstock) serving Bath. Improvements recently completed include the widening of the A367 Wellsway in Bath, and work to improve bus stops with raised kerbs and new shelters is on-going. The on-going actions of the GBBN address action 24 of the Action Plan.

5.5.9 A second initiative under the umbrella of the JLTP is the £54m Bath Package scheme. The package includes expanding the City's three existing Park & Rides and creating a new Park & Ride to the east of the City, thereby increasing Park & Ride capacity from 1,990 to 4,510 spaces. It will create a Bus Rapid Transit (BRT) route, including a 1.4km section of "off-street" dedicated bus route which will remove Park & Ride buses from congestion for a significant amount of their journey. In the city centre, a more pedestrian and cyclist-friendly environment will be created through the introduction of access changes on a number of streets and the expansion and enhancement of pedestrian areas. Nine bus routes will be upgraded to Showcase standard, including raised kerbs for better access, off-bus ticketing to speed up boarding and real-time electronic information for passengers. Finally, an active traffic management with real-

¹⁵ <http://www.travelplus.org.uk/our-vision/joint-local-transport-plan-2>

¹⁶ <http://www.travelplus.org.uk/>

time information to direct drivers to locations where parking spaces are available will be introduced.

5.5.10 The Bath Transportation Package will deliver major benefits. The reduction of cars entering the city is estimated at 1.5 million a year, with a reduction of 5 million kilometres in car travel undertaken within the city each year. Public transport journeys will increase by 2.2 million per annum, with an annual emission savings of 1,500 tonnes of CO². Park and Ride parking spaces will increase by 125%, and 321 accidents are predicted to be avoided over the next 60 years, including 3 fatalities and 35 serious casualties.

5.5.11 The programme for implementation of the Bath Transportation Package requires Department for Transport funding, and is currently on hold pending the Government's spending review. The Government will aim to provide a firm indication on the way forward later in 2010 once the spending review is complete, and Bath and North East Somerset Council remains committed to the proposal.

5.5.12 There are proposals for electrification of the main Bristol – London rail line passing through Bath, which are likely to be progressed during the life of this plan. This would bring benefits of decreased journey times and a cleaner energy source, but it may bring pressures on the appearance of some of the architecturally important infrastructure and will require careful management possibly including a live rail solution rather than overhead wires through the World Heritage Site.

Pedestrians and Cycling

5.5.13 The best way to explore and appreciate the Site, and the many details which make it so special, is on foot. Walking should be a safe and enjoyable experience, but the intrusion of traffic often spoils this.

5.5.14 Cycling in Bath, despite the steep hills, is a viable transport alternative. National Cycle Route 4 passes through the city, and makes use of the river corridor, along with the Bristol and Bath Railway Path and Kennet and Avon Canal Route. These east-west routes are to be supplemented by a southern route using disused railway tunnels. The 'Two Tunnels' project is part of a national initiative by the charity Sustrans, supported by B&NES Council. The new walking and cycling route will use the Combe Down tunnel, the longest unventilated tunnel in the UK at 1 mile, 69 yards long, and the 447 yards long Devonshire Tunnel. This flat route will open up a recreational and commuter route between Bath and settlements to the south.

Access for All

5.5.15 Bath is not an ideal city for those with differing mobility requirements. Steep hills, sensitive historic buildings and street environments, busy through-routes and traffic throughout the city can impede the ability of people to explore widely.

5.5.16 The provision of adequate facilities can conflict with the need to protect the appearance of historic buildings and sensitive streetscapes. A balance must be achieved between meeting the needs for physical access and protecting the values of the Site.

5.5.17 This has been successfully achieved at the Roman Baths where improvements to physical access in recent years include the installation of two new lifts and a ramp providing access to roughly 60% of the site below ground level, including the Great Bath.

The ground floor is now fully accessible. New hand rails have been installed throughout large parts of the site. These have been designed for use by people with reduced mobility, as well as children. A power operated door has been installed for better wheelchair access with improved lighting wheelchair friendly circulation. A British Sign Language tour of the Roman Baths, for use on personal mobile devices, has also been introduced, and a loop system for the hard of hearing was installed when the main shop was refurbished.

5.5.18 One of the aims of this plan is to 'improve physical access and interpretation, encouraging all people to enjoy and understand the Site' (see 1.2.3). The historic environment is often constructed of steps, uneven surfaces and muted colours. Enabling access for less mobile people in such an environment can often be challenging.

Travel Planning and Awareness

5.5.19 Bath has worked with the three other World Heritage Sites in the region - Cornwall and West Devon Mining Landscape, the Jurassic Coast, Stonehenge and Avebury - and with South West Tourism to promote more sustainable transport. The partnership has created a website (www.worldheritagesouthwest.org.uk) to help residents and tourists to visit all Sites using more sustainable transport. The website features an interactive Google map showing train, bus and cycle routes, itineraries, walks, information about 'green' accommodation and nearby attractions, and there is potential to expand upon this work.

Physical Access Objectives

5.5.20 Physical Access issues are addressed primarily through objectives 19, 20, 21, 22, 23, 24, 25 and 26.

Objective 19: Ensure that all traffic, transport and pedestrian management schemes enhance the values of the Site

Objective 20: Work to reduce volumes of vehicular traffic and associated pollution through and around the Site, and develop alternative schemes in consultation with all stakeholders (local, regional and visiting)

Objective 21: Work with coach and tour bus operators to reduce negative impacts on the Site, surroundings and local community, and to enhance the experience for users

Objective 22: Work with public transport providers to improve services, both within and around the Site, and to increase the use of public transport

Objective 23: Ensure that new developments minimise the impacts of additional traffic and transport requirements, and provide appropriate services and measures to protect and enhance the Site's values and accessibility

Objective 24: Work to develop a more integrated, sustainable transport network in and around the Site, and provide efficient, affordable access without detracting from the Site's values or setting

Objective 25: Work to increase the safety, accessibility and enjoyment of the Site for pedestrians and cyclists, and give them priority over motorised traffic

Objective 26: Work to provide appropriate, high quality access for all mobility needs, without compromising the Site's values

5.6 Visitor Management Issues and Objectives

Visitor Management Issues

Issue 48: There is an opportunity to enhance the quality of environments at entrance points to the Site, and provide better information

Issue 49: There is an opportunity to disperse visitors around the site beyond current concentrations in the central area

Issue 50: There is a need to manage the heavy impact which all forms of visitor traffic, including coaches, has upon the Site

Issue 51: There is a need to manage the impacts on the Site of the number, type, and length of stay of visitors

Issue 52: There is a lack of consensus on the marketing value of WH status

5.6.1 This section is concerned with the relationships between tourism management, the need to protect and conserve the Site and the needs of Bath's resident and business communities. The main themes are:

- Welcome and Facilities
- Dispersal & Travel
- Impact
- Marketing

5.6.2 Tourism is a major contributor to the economy of the South West Region of England, with a total of 118.7 million trips worth £9.3 billion in 2007. The area of Bath and North East Somerset (B&NES) had a total of 4.4 million trips worth £349 million. The area has 7,834 jobs related to tourism, which is about 8% of total employment. The City of Bath is the main focus for tourism in the B&NES area.¹⁷

Welcome and Facilities

5.6.3 There are excellent visitor facilities and attractions for certain elements of the Site. However, there is a need to make other less well-understood elements more accessible.

5.6.4 When providing visitor facilities and attractions, it is important to regard local communities as potential visitors to the World Heritage Site. Museums, attractions, tours,

¹⁷ The State of the South West 2010, South West Observatory; Value of Tourism Report, 2007, South West Tourism; Economic Impact Survey 2007, South West Tourism; Visit Bath <http://visitbath.co.uk/site/media/information-sheets/statistics-and-facts-on-bath>

exhibitions and other visitor facilities are not solely of interest to people who travel to Bath from other parts of the country or world.

5.6.5 However, local communities also have requirements, such as local needs shopping (rather than souvenirs or gifts), short stay or on-street parking, affordable properties and appropriate access. There is a need to balance the provision of visitor facilities with those supporting local cultural or economic activities.

5.6.6 The current road signs to the City (and Site) are over-loaded with information and would benefit from renewal. The opportunity should be taken here to welcome visitors to the Site, and help fulfil interpretation actions. This opportunity should also be realised at public transport arrival points, and major walking and cycling routes.

Dispersal & Travel

5.6.7 Tourism is heavily concentrated in the city centre, and consists mainly of day or overnight visits to a few major attractions and the central retail area. Visitor reception and information is provided in the city centre by a Tourist Information Centre, but information at entry points and other key places is limited. The Civitas funding has also allowed new interpretation signage to be designed and trialled (See para 5.5.6).

5.6.8 In 2010 a new self-guided City Trail was published which explains why Bath is a World Heritage Site. Copies are distributed free to visitors via hotels etc. This World Heritage Walking Trail was produced and funded by the World Heritage Enhancement Fund. It is the latest in a range of city trails, but the first to be based on Outstanding Universal Values. This is a relatively low cost option to increase interpretation, promote walking above vehicle travel, and has the potential for expansion to take visitors to less well visited parts of the site, connecting with other initiatives such as the Combe Down Heritage Group trail covering the stone mine community of Combe Down. The National Trust 'Sky-line Walk' has also proved very popular, as has the Jane Austen downloadable audio tour, which has had nearly 40,000 downloads since being introduced in 2007.

5.6.9 Projects instigated by the Enhancement Fund include initiatives such as the repair of historic milestones. Such projects achieve the dispersal of the benefit of World heritage beyond the historic core.

Impact

5.6.10 Tourism provides access to the Site for a wide domestic and international audience. It is generally beneficial and provides support to the local economy which in turn provides funds for conservation.

5.6.11 Tourism can have detrimental impacts. The greatest pressures in Bath are felt through traffic. Coach parking, especially for specific events such as the Christmas Market, needs to be carefully managed. Coach day trip tours bring visitors for a stay of only several hours which cause congestion without bringing the wider economic benefit of an overnight stay. There is a need for greater long stay tourism.

Marketing

5.6.12 Generally, Bath's World Heritage Site status has low visibility on visitor literature, signs around the city and at certain visitor attractions, and it is still possible for visitors to be unaware of WH status. Works are underway to address this, such as the erection of a

second sign in Abbey Churchyard in 2010. Further works are needed, including works to entrance signs on both road and rail approaches. The official tourism web site for Bath (www.visitbath.co.uk) has been revised in 2010 to include a section on World Heritage and associated education initiatives.

5.6.13 In South West England, the four World Heritage Sites (Bath, Stonehenge/Avebury, Dorset and East Devon Coast, Cornwall and West Devon Mining Landscape) have worked together to pilot a joint marketing project. Starting with a general awareness raising leaflet, the project progressed into the creation of an interactive web based application using Google maps which enables the user to explore the sites and discover ways of reaching them via sustainable transport - train, bus, boat (where applicable), bike and walk. (www.worldheritagesouthwest.org.uk) By its very nature, the website is raising awareness of the sites but at the same time, it is reinforcing important sustainability messages and encouraging people to think differently about how they travel. A project to investigate if this initiative could be rolled out across all UK World heritage Sites is currently being developed.

Visitor Management Objectives

5.6.14 Visitor Management Objectives are addressed primarily through objectives 27, 28, 29, 30, 31 and 32.

Objective 27: Work to provide appropriate, high quality and welcoming environments and information for visitors at the main entry points to the Site

Objective 28: Work to encourage visitors to explore the wider Site, both intellectually and physically, and extend the necessary infrastructure and visitor management safeguards to currently under-visited areas

Objective 29: Work to encourage visitors to use more sustainable forms of transport when travelling to and in the Site

Objective 30: Ensure that opportunities to incorporate the use of the World Heritage Site status and logo in promotion and marketing are maximised

Objective 31: Work to encourage long-stay visitors, and increase the contribution all visitors make to the Site in relation to the demands they make on its resources

Objective 32: Ensure that visitor facilities and information are high quality, and reflect the status of the Site

6 IMPLEMENTATION AND ACTION PLAN

6.1 Introduction

6.1.1 This section of the Management Plan sets out the recommended mechanisms and resources required for achievement of the objectives shown in the previous chapter, plus actions made in response to the UNESCO/ICOMOS mission. There is a direct flow through the plan from issues to objectives and to actions. This programme lists actions against objectives in order to demonstrate this progression.

6.2 Implementation

Responsibilities and Administration

6.2.1 The management and governance of World Heritage in Bath is set out in section 3. Implementation of actions in this programme will involve the full range of partners formerly involved in Site management, plus others whom it is not possible to identify individually. Overall responsibility for the Plan lies with the Steering Group, although in practice the Council carries out most of the actions, and in formally adopting the Plan has acknowledged responsibility for this.

Funding and Resources

6.2.2 It is impossible to quantify the exact extent of staff and financial resources concerned with the protection and presentation of the Site. There are several reasons for this, predominantly (as repeated throughout this Plan) that the Site is large and complex, covering an entire City of 89,000 people and in multiple ownerships (see section 3.3). Also it is not possible to separate out those actions necessary to protect and promote the City as a World Heritage Site from those which would be required in any other historic city.

6.2.3 There are some areas which can be identified. The majority of expense falls upon the Council, and this is demonstrated by the high proportion of actions in this chapter for which the council is responsible. No core funding specifically earmarked for World Heritage is received by the Council from government or other bodies.

6.2.4 Amongst the key cultural assets listed in Appendix 4 are the Roman Baths. This complex presents the sole visible remains of Roman Bath, and is therefore a key component of the Outstanding Universal Value. The Council's Heritage Services business unit, which manages the Roman Baths and Pump Room complex as well as the Council's other museums and historic public buildings, returns a net surplus to the Council of £3.3 million per annum. The Council is also responsible for the public realm, much of which is historic and contributes to the authenticity of the Site. The cost of maintenance can be far in excess of maintaining modern materials.

6.2.5 Other key cultural and natural assets are funded by charities, including Bath Preservation Trust and the National Trust.

6.2.6 The World Heritage Manager is a full-time post funded solely by the Council, together with a small operating budget. Whilst no other staff are directly employed under the heading of World Heritage, staff in Planning and Heritage Services regularly contribute

to the wider agenda, together with periodic contributions across the range of Council departments.

6.2.7 The Steering Group Chairman is paid an annual stipend (by the Council) although the current Chairman donates this money to the Enhancement Fund.

6.2.8 The Enhancement Fund is a small scale grant fund established in 2009. The main Contributors to the fund are the Council and Bath Preservation Trust. Other sources of funding are also being sought, and this Fund benefits from being able to target funding that the Council could not. In contributing to projects such as the repair of historic features in the Site, the fund would generally expect to attract contributions from other sources, thus generating further funding.

6.2.9 In terms of large scale projects which involve bidding for funds from national or international bodies, World Heritage has been influential in attracting funding. It is difficult to quantify, as it is often hard to ascertain how much influence World Heritage status had in successful bids, but the CIVITAS bid (€3.975 million of European Commission (EC) funding) is thought to have benefited, and the Combe Down Stone Mine Stabilisation Project (in excess of £150 million of English Partnerships funding) secured provision for heritage interpretation alongside the main funding.

6.2.10 A final important element of funding and resource is volunteer time. The World Heritage Volunteer initiative was established by the current Steering Group Chairman in 2009, and parties of around 25 volunteers have undertaken works to repair city centre street furniture, and provide stewarding at events. The Mayor's Guides, described in 5.4.8, guide 30,000 visitors a year and rely on over 50 highly trained voluntary staff. The charities named in 5.4.11 are also reliant on volunteer staff, with Bath Preservation Trust having around 120 volunteers with an estimated value of £70,000.

Monitoring

6.2.11 Monitoring is central to the implementation of the Plan and successful comprehensive management of the Site (see 3.4.5). The two branches of monitoring, namely those of the condition of the Site and the implementation of the Management Plan, are of equal importance.

6.2.12 Monitoring measures are written into the action plan alongside each action. This is essential to judge achievement, and also essential in order to progress actions. Without direct financial control over most of the actions, the principal method the Steering Group employs to ensure implementation is to monitor progress and draw attention to any inaction. The main mechanism for monitoring will be by collation of all information relating to monitoring indicators on an annual basis by the World Heritage Manager, and collation of this data into an annual report to the Steering Group. It is envisaged that this report will also form the basis of the annual newsletter.

6.3 Actions to Achieve the Objectives

6.3.1 Building on experience of the 2003 Plan, changes have been made to the programme of action designed to ensure a greater level of achievement. Extra columns have been inserted into the tables below to show where responsibility for the action lies,

and where the funding will come from. As explained in the section on monitoring above, this is essential information as the Steering Group works mainly through influence rather than financial control, and there is therefore a requirement to know where responsibility lies.

6.3.2 Actions may be implemented by a single partner or by multiple partners. The 2003 plan listed 'a suggestion of possible key organisations' against each action. Again, this Plan aims to be more specific as a choice of possible partners is a recipe for nobody taking the lead. There may however be more partners involved in implementation than is possible to identify at this stage.

6.3.3 Where possible, time scale has been given as accurately as can be foreseen. The 2003 Plan gave short, medium and long term labels to actions, but in attempting to tighten up delivery this ambiguity has been reduced. Some actions, by their nature, will be on-going.

6.3.4 Funding is also as specific as possible. The Action Plan clearly distinguishes between those actions which are funded and those for which funding must be found. Inclusion of unfunded items is warranted, an example being improvement of the city archives in Bath Record Office. Although funding is not in place, the objective of improvement remains valid and the action is to attempt to secure this. Actions such as this were seen in the 2003 plan as being a promise of delivery, but the plan must strike a balance between being visionary and deliverable, and inclusion of an issue cannot constitute a promise of delivery.

6.3.5 The programme is intended to be as comprehensive as possible but is not definitive as it is expected that new projects will arise and existing ones will be revised according to changes in circumstances. The actions are numbered sequentially and are not prioritised by order. It is envisaged that the Action Plan can be updated within the life of the plan without need to re-write.

6.3.6 Public consultation on the draft of this plan resulted in a large number of comments. The Steering Group developed main themes from these responses in order to focus on key priority areas. The six key priorities (together with a seventh 'other' category) are listed below. The six priorities closely match recommendations from the 2008 UNESCO Mission Report. In order to effectively direct limited resources to the topics of highest need, the Action Plan has been organised around these priority themes.

Priorities:

- 1 WH Funding and Management
- 2 Transport
- 3 Buffer Zone/Setting
- 4 Planning Policy
- 5 Public Realm
- 6 Interpretation
- 7 Other/ Cross – Cutting actions

6.3.7 Most of the headings are self explanatory, but funding and management and planning policy require brief explanation. Funding and management refers to the way that WH is administered in Bath, and in particular the ability to ensure that WH is at the heart

of decision making in the City. Different models of governance exist across UK WH sites and improvements to the current Bath system are worthy of investigation. Planning policy provides the framework within which development in the site is managed. Some of the UNESCO Mission Report issues concerning new development can be addressed through planning policy, and the production of clear guidance such as tall buildings guidance or the WHS Setting Study.

Abbreviations used in the Action Plan:

B&NES	Bath and North East Somerset Council
EH	English Heritage
OUV	Outstanding Universal Value
PRMP	Public Realm and Movement Programme
SPD	Supplementary Planning Document
WHS	World Heritage Site

Key to prioritisation

Bold	Priority Funded Actions
Normal	Normal Funded Actions
<i>Italic Bold</i>	Priority Unfunded Actions
<i>Italic Normal</i>	Normal Unfunded Actions

Managing Change Actions

Objectives	Actions	Responsibility for delivery	Resources	Timescale	Monitoring Indicator
1 Ensure that management & administrative arrangements are appropriate for the effective implementation of the Plan, encourage community involvement, enable partnership working & secure the required funding	1a Review the WHS Management arrangements with a view toward potentially moving to a new model placing OUV at the centre of decision making & unlocking new sources of funding	B&NES Council, Steering Group	Further funding may be required	2011-2012	Review undertaken
	1b Continue to hold regular Steering Group meetings	WHS Manager/ Steering Group Chairperson	Allocated budget	Bi-annual as a minimum	Regular meetings held

Priority: Funding and Management	1c Develop an annual work programme for WH	WHS Manager	Existing allocated budget	Annually	Programme developed & implemented, results reported to Steering Grp
	1d Produce an annual WHS report/ newsletter	WHS Manager	Existing allocated budget/possible sponsorship	Annually from 2011	Newsletter produced
	1e Continue to identify funding sources to include contributions from visitor attractions &/or local tax	All Steering Group members	No budget likely to be required	On-going	Results reported annually to Steering Group
	1f Maintain links with appropriate local, national & international bodies which support WH management & funding	All Steering Group members	WH Manager has a limited budget for memberships	On-going	Evidence reported annually to Steering Group
2 Ensure that risk management plans for the protection of the Site, including the fabric & relevant archives, are undertaken & periodically updated, & resulting actions identified & undertaken Priority: Funding and Management	2a <i>Undertake & engage partners in a review of the risks facing the site, & evaluate how these are being addressed</i>	WHS Manager/ all relevant partners	No budget allocated	2011/12	Review reported to Steering Group & published
	2b Progress, adopt & implement the emerging Flood Risk Management Strategy	Environment Agency, B&NES	Allocated budget for strategy production – further funding required for implementation	Adoption 2010 – actions on-going	Strategy completed & adopted. Actions undertaken. Incidents of Flooding monitored.

<p>3 Ensure that research & information about the Site is produced, collected, archived & analysed, & made available to partners in ways that assist implementation of the Plan</p> <p>Priority: Interpretation</p>	<p>3a Support proposals for better facilities for the Council's archives</p>	<p>B&NES Culture, Leisure & Tourism</p>	<p>No budget allocated</p>	<p>On-going</p>	<p>Evidence that opportunities are being sought.</p>
	<p>3b Complete & publish the revised list of Listed Buildings for Bath</p>	<p>EH, B&NES Historic Environment Team</p>	<p>EH/B&NES (notifications to owners, etc) – may need extra budget</p>	<p>2010/2011</p>	<p>New list published</p>
	<p>3c Maintain publicly accessible Historic Environment Record (HER) library and archive</p>	<p>B&NES planning</p>	<p>Greater public access only possible following appointment of HER Officer</p>	<p>Late 2010 or early 2011</p>	<p>Comprehensive HER maintained & available</p>
	<p>3d Establish a WHS Research Group with a remit to identify existing research & research opportunities</p>	<p>Bath Spa Uni/ Bath Uni</p>	<p>Universities & partners, plus opportunity for funding bids</p>	<p>2010 onwards</p>	<p>Research Grp meetings held, papers published, results fed back to Steering Grp.</p>
<p>4 Ensure periodic monitoring of the condition of the site</p> <p>Priority: Funding and Management</p>	<p>4a Identify suitable processes & partners to develop processes to assess the condition of the OUV</p>	<p>WH Manager/ partners</p>	<p>Existing allocated budgets</p>	<p>2011-12</p>	<p>Partners, processes & criteria established</p>
	<p>4b Establish & implement annual monitoring system</p>	<p>WH Manager/ partners</p>	<p>Existing allocated budgets</p>	<p>2012 onwards</p>	<p>Monitoring in place, reported to Steering Grp</p>

<p>5 Ensure that the Site & its setting are taken into account by all relevant planning, regulatory & policy documents (statutory & non-statutory) & by any future changes to the planning system</p> <p>Priority: Planning Policy</p>	5a Include WH policies & references in the emerging Core Strategy	B&NES Planning Policy Team	Existing allocated budgets	Public Consult. Dec 2010	Adopted Core Strategy which protects the OUV of the WHS
	5b Complete Building Heights Study & take this forward as a SPD	Consultants/ B&NES Major Projects, B&NES Planning Policy Team	£40k committed for completion of study. No budget currently identified for progression to SPD	Dependent upon resources. Not currently in the Local Development Scheme	Production of Study, adoption as SPD
	5c <i>Produce a summary of the WHS Management Plan & adopt this as a SPD</i>	WH Manager/ B&NES Planning Policy Team	Further funding may be required	Not currently on Local Development Scheme programme - target 2011-12	Production & adoption of SPD
	5d Provide general support to Planning Development Management on the use of WH policies	WH Manager/ B&NES Environment Team	Existing budgets	On-going	Record of support given reported to Steering Group
	5e Provide training as required to elected members & officers on WH issues	WH Manager/partners/ specialists as required	Existing allocated budgets	On-going	Record of training undertaken reported to Steering Group
	5f Review the Bath Conservation Area boundary & produce character appraisals	B&NES Planning Service	No resource identified	Dependent upon resources	Reviewed conservation area

	<i>5g Produce a local list SPD as encouraged by Planning Policy Statement 5</i>	B&NES Planning Service	No budget currently identified	Dependent upon budget	Production & adoption of a local list
6 Ensure that the Site is taken into account in all relevant decisions taken by the Local Authority & other management partners Priority: Funding & Management	6a Review all major plans & strategies affecting the WHS & ensure account has been taken of potential impacts on OUV	WH Manager/ partners	No budget required	On-going	All plans & strategies affecting the site take account of impacts on OUV
	6b <i>Ensure web sites & links are appropriate & in place</i>	All Steering Group partners	<i>Budgets may be required for web site changes</i>	Periodic review of sites	All web sites linked & up to date
7 Ensure that architecture, which enhances the values of the site, is encouraged Priority: Funding & Management	7a Explore development of training for planners, elected members etc. on architecture	B&NES Planning Service	Existing training budgets	Periodic	Training undertaken Results reported to Steering Group
	7b Encourage preservation societies to clearly state their policy on contemporary architecture	Bath Preservation Trust	No budget required	Late 2010	Trust to launch its own design principles for new architecture
8 Ensure that adaptation to address climate change is made & promoted, with any harm to the heritage asset	8a Undertake partnership work to seek consensus & guidance	Bath Preservation Trust with Centre for Sustainable Energy, B&NES and other partners as required	DCLG grant obtained under Empowerment Fund	2010-11	Detailed guidance produced, route to SPD adoption identified

balanced against the public benefit					
Priority: Planning Policy					

Conservation Actions

Objectives	Actions	Delivery Partners	Resources	Timescale	Monitoring Indicator
9. Ensure that owners & users of historic properties/sites within, or impacting upon, the WHS & its setting, are aware of requirements for care & maintenance, & have access to appropriate guidance, advice & craft skills	9a <i>Produce a list of guidance required (including information for building owners), prioritise this & include production in the annual WH work programme</i>	B&NES Planning Service/Bath Preservation Trust	No resource required for initial identification – <i>resource will be required for production of guidance</i>	2011 (<i>depend. On resources</i>)	Work programme of required guidance
Priority: Planning Policy	9b Continue to offer a range of lectures & other learning opportunities for owners related to OUVs	B&NES, BPT, Universities	Existing resources	On-going	Programme of educational opportunities
10 Encourage the use of, & where appropriate prepare, programmes for planned maintenance,	10a <i>Embed maintenance requirements into procurement of all capital works</i>	B&NES Highways, Developers, Planning Dept. (Section 106 agreements)	Ensure funding is in place when development occurs	2010-2015	Records of Financial & other arrangements from individual schemes.

management &/or conservation					
Priority: Other/ Cross – Cutting					
11 Ensure that damaged & disused structures within the Site are monitored, repaired, maintained &, where appropriate, re-used	11a <i>Continue to monitor & address listed Buildings at Risk (& other assets carrying OUV), & act accordingly</i>	B&NES Planning Services, with possible outside assistance	Dependent upon adequate resources to undertake this above statutory duties. Within the framework of existing resources	On-going as the need arises	Up to date Buildings at Risk register maintained Number of buildings on the list Evidence of active management of neglected structures
Priority: Other/ Cross – Cutting	11b <i>Act quickly to remove Council owned properties from the Buildings at Risk register</i>	B&NES Property Services	B&NES Property budgets – extra resource may be required	On-going	Evidence of active management of Council owned Buildings at Risk Number of Council owned properties at risk
	11c Instigate a Streetscape at Risk Register to identify non-building elements of the historic environment under threat	World Heritage Manager/Bath Preservation Trust	Existing budgets/ volunteer assistance PRMP	2011	Register produced Assets identified within Bath Pattern Book & enhance. delivered within each spatial project

	11d Continue to progress enhancement & conservation works through the WHS Enhancement Fund /seek new funding	WH Enhancement Fund	Continued funding from existing & new partners/contributors is required	On-going	Annual report of completed projects
12 Ensure that landscape & natural elements of the Site & its setting, including heritage sites & their associated remains, are protected, acknowledged, understood & managed alongside the Site Priority: Buffer Zone/Setting	12a Bring forward the information paper Bath WHS Setting Study (Oct 2009) as a SPD, & ensure SPD identifies key views	B&NES Planning Service	Further funding required	Dependent upon resource availability	Study adopted as a SPD
	12b Continue to monitor the effectiveness of existing setting protection & consider the necessity of applying a formal buffer zone	B&NES Planning Service	Within existing budgets	On-going	Monitoring undertaken, evidence base gathered & reported to Steering Group
	12c Include protection of the hot springs within the emerging Core Strategy	B&NES Planning Service	Within existing budgets	2010-11	Policy protection included in adopted Core Strategy
	12d <i>Produce a Trees & Woodlands Strategy for the WHS</i>	B&NES Parks/ Planning Service/ other partners	No budget identified	No current timetable	Strategy produced & adopted by B&NES

	12e <i>Continue to progress possible transfer of Beechen cliff from the Council to the National Trust</i>	National Trust/ B&NES	Budget for preliminary investigation identified, no B&NES budget for transfer of land	Target 2011	Investigation completed Ownership & management transferred to the National Trust.
13 Ensure that awareness & understanding of the archaeological remains are increased, & improve the range & accessibility of the associated artefacts & information Priority: Interpretation	13a <i>Publication of 'Bath Urban Archaeological Assessment' research and planning tool</i>	B&NES Planning/EH	To be identified	2011	Publication and official launch of document
	13b <i>Revision of Archaeology in Bath SPG as new Supp. Planning Document</i>	B&NES Planning	Only possible if Archaeological Officer's time is freed up by appointment of HER Officer	2011/12	Publication and official launch of document
	13c <i>Revision of B&NES Archaeology web pages to reflect changes in national guidance (PPS5) for the management of archaeology</i>	B&NES Planning	Only possible if Archaeological Officer's time is freed up by appointment of HER Officer	2011/12	Launch of new B&NES Archaeology web pages
14 Ensure that the public realm is seen as, & understood to be, a significant, historic &	14a PRMP to provide pattern book for landscape features in public realm to manage asset &	B&NES Major Projects	Budget in place as part of PRMP - £680k to deliver all public realm preparatory projects	2010-2011	Compliance with pattern book. Environmental improvement

cultural element of the Site & that alterations are of a high standard to take this into account Priority: Public Realm	inform material choices for all future improvement work				
	14b Produce a street lighting strategy for the WHS as part of PRMP pattern book	B&NES Highways/ PRMP	PRMP budgets - £680k for preparatory works	2010-2015	Production & adoption of a strategy/ programme
	14c PRMP adopted & programme of works identified to achieve incremental improvement	B&NES Major Projects	Initial PRMP funding in place. Street improvement projects for Union/Stall St, Bath Street funded to £1.6m	2010-2015	Development & execution of projects

Interpretation, Education & Research Actions

Objectives	Actions	Responsibility for Delivery	Resources	Timescale	Monitoring Indicator
15 Ensure that the current provision of interpretation is established, & provide high quality, accessible facilities & materials that present a comprehensive view of the Site's values & management issues Priority: Interpretation	15a Complete Interpretation Strategy for the WHS	B&NES Heritage Services/ WH Manager	None identified	2011-12	Interpretation strategy in place
	<i>15b Continue to explore the feasibility of a City Museum/WHS Interpretation Centre</i>	All partners	None identified	On-going	Evidence of discussions, project proposals
	<i>15c Investigate development of an improved WHS website</i>	Steering Group	None identified	2011 – dependent upon resource	Web site in place

<p>16 Ensure that the Site is used widely & effectively as a resource for learning in all sectors & phases of education & training</p> <p>Priority: Interpretation</p>	<p>16a <i>Continue to use UNESCO WH day as an opportunity for learning & celebration</i></p>	<p>Steering Group/ B&NES Heritage Services/ Bath Preservation Trust/ Museums</p>	<p>No permanent budget</p>	<p>Annually in April</p>	<p>Numbers attending/ positive publicity</p>
	<p>16b <i>Continue to promote the use of the WH Education pack in schools & refresh as necessary</i></p>	<p>Bath Preservation Trust, B&NES Education</p>	<p>No budget</p>	<p>Periodically as required</p>	<p>Continued take up & use of the pack/ feedback from teachers</p>
	<p>16c <i>Continue to train 'visitor ambassadors' in WH matters</i></p>	<p>World Heritage Manager, B&NES Heritage Services</p>	<p>No budget</p>	<p>Periodically as required</p>	<p>Consistent message rolled out to visitors – examples monitored.</p>
	<p>16d Implement City information system & heritage interpretation within the suite of PRMP outputs</p>	<p>B&NES Major Projects</p>	<p>Funded under PRMP programme: CIVITAS & Growth Point funding to £2m</p>	<p>2011</p>	<p>Information system in place</p> <p>User satisfaction/ feedback</p>
	<p>16e <i>Provide annual outreach event(s) to promote the HER and archaeology in the district</i></p>	<p>B&NES Planning and Heritage Services</p>	<p>Only possible following appointment of HER Officer</p>	<p>2011</p>	<p>Evidence that event has been held and number of attendees</p>

Physical Access Actions

Objectives	Actions	Responsibility for Delivery	Resources	Timescale	Monitoring Indicator
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17 Ensure that all traffic, transport & pedestrian management schemes enhance the values of the Site Priority: Transport	17a Bring forward a Comprehensive Traffic Management Plan for the Site	B&NES Transport	None identified	unknown	Production of the plan
	17b CIVITAS package includes Cycle hire scheme, City Car Club, Wayfinding scheme, Freight Management Distribution	B&NES Transport	CIVITAS funding	2011-2015	Vehicle traffic volumes Usage of cycle hire and car club
18 Work to reduce volumes of vehicular traffic through the Site including coaches, & develop alternative modes of transport in consultation with all stakeholders (local, regional & visiting) Priority: Transport	18a Implement establishment up of a freight trans-shipment depot outside Bath	B&NES Transport	Funding secured under CIVITAS programme	2011	Depot established. Monitor HGV numbers passing through site
	18b Progress the Closure of key streets and spaces to vehicular traffic	B&NES Transport, Bus operators	Investigative works are within existing PRMP resources via proposed programme for street scape improvements	2011-2015	Street closures implemented
	18c Support the City Car Club initiative	B&NES Transport	CIVITAS Funding	2010-2011	Provision of new hybrid vehicles. Monitoring of usage.

<p>19 Work with public transport providers to improve services, both within & around the Site, & to increase the use of public transport</p> <p>Priority: Transport</p>	<p>19a Continue to implement the Greater Bristol Bus Network provisions, including A367 route & A4 scheme</p>	<p>B&NES Transport</p> <p>First Bus Group</p>	<p>Joint funding by Dept. of Transport, First Group, Local authorities (x 4), developers. Total package £69.8m</p>	<p>2010 onwards</p>	<p>Bus patronage Figures. User satisfaction survey. Bus reliability & punctuality. Percentage of population within 45 minutes journey time of Bath centre.</p>
	<p>19b Implement Bath Transport Package provisions of Park & Ride expansions, Bus Rapid Transit construction, city centre improvements, showcase bus route upgrade & active traffic management measures</p>	<p>B&NES Transportation</p>	<p>Govt. funding currently on hold pending spending assessment</p>	<p>Subject to Government spending assessment Autumn 2010</p>	<p>Implementation of measures.</p> <p>Traffic flow figures.</p> <p>User satisfaction surveys.</p> <p>Park & Ride usage.</p>
<p>20 Work to increase the safety, accessibility & enjoyment of the Site for pedestrians & cyclists, & give them priority over motorised traffic</p> <p>Priority: Transport</p>	<p>20a. Implement 'Two Tunnels' project</p>	<p>Sustrans, B&NES, Heritage Lottery Fund</p>	<p>£1.9m</p>	<p>Due to open at the end of 2011</p>	<p>Route open for use. User numbers</p>
	<p>20b Implement Bath Rapid Transport route with cycle path provision</p>	<p>B&NES Transport</p>	<p>Part of the £53m Bath Transport Package</p>	<p>Depend. Upon outcome of Dept. for Transport funding bid process</p>	<p>Route open for use. User numbers</p>

21 Work to provide high quality access for all those with mobility needs, without compromising the Site's values Priority: Other/ Cross – Cutting	21a Continue to identify & implement opportunities to make the historic environment more accessible	B&NES Highways, Building Control, Accessibility Groups	Generic action - Budgets to be identified on a individual project basis	On-going	Individual projects to be reported back to Steering Group in annual report
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Visitor Management Actions

Objectives	Actions	Responsibility for Delivery	Resources	Timescale	Monitoring Indicator
22 Work to provide appropriate, high quality & welcoming environments & information for visitors at the main entry points to the Site Priority: Public Realm	22a <i>Instigate replacement & upgrade of the roadside City entrance signs</i>	B&NES Highways, Major Projects Steering Group.	None identified – PRMP budgets to be investigated	Target 2011	Signs replaced
	22b <i>Seek to provide WHS welcome signs in Bath Spa Railway Station, & other locations as appropriate</i>	Bath Tourism Plus, Rail Operator	Resources required for potential signage & any fee. No identified budget.	2010 – 11	Signage incorporated at the station
23 Work to encourage visitors to explore the wider Site, both intellectually & physically, & extend the necessary infrastructure & visitor	23a <i>Continue the WH City Trail, evaluate success & repeat or extend as appropriate</i>	WH Enhancement Fund	£1,000 Re-print of 6,000 in 2010. Further resources will be required for future re-prints	On-going	Uptake of leaflet. Feedback on leaflet.

management safeguards to currently under-visited areas Priority: Interpretation	23b Participate in Year of the Museum which will include a World Heritage Trail	Bath tourism Plus/Bath Preservation Trust	Budget under discussion	2010-11	Podcast trail downloadable
24 Work to encourage visitors to use more sustainable forms of transport when travelling to & in the Site Priority: Transport	24a Progress joint SW WH sites marketing scheme	WH Manager. Stonehenge, Avebury, Dorset & East Devon Coast , Cornwall & West Devon Mining Landscape WH Sites	Total project cost approx £42,000. B&NES contribution £500 (subject to budget process) Funding provisionally identified	2011 – pre Cultural Olympiad	Enhanced web-site with wider coverage Web site hits
	24b Introduce trial hybrid fuel low carbon park & ride buses	First Group, B&NES Transport	Funding secured under the CIVITAS project	Late 2010	Trial bus operating in bath
	24c Introduce new map base & wayfinding system	B&NES Major Projects	PRMP budgets	2011-2012	New system in place
25 Ensure that visitor facilities & information are high quality, & reflect the status of the Site Priority: Other/ Cross – Cutting	25a Promote co-ordination between visitor attractions through the Visitor Attraction Forum	Bath Tourism Plus, Independent Museums & attractions	Budgets to be identified on a individual project basis	On-going	Review actions on an annual basis in report to the Steering Group
	25b Encourage opportunities to use WHS status & logo in promotion, marketing &	All partners	Should not require further budgets	On-going	Record actions on an annual basis & report to Steering Group

	civic signage within UNESCO guidelines				
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Bath & North East Somerset Council

MEETING:	Council	
MEETING DATE:	16 November 2010	AGENDA ITEM NUMBER
TITLE:	World Heritage Site Management Plan	
WARDS:	City of Bath and surrounding wards	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix A: Draft World Heritage Site Management Plan (and Appendices)		
Appendix B: Executive Summary		
Appendix C: Summary of consultation responses		

1 THE ISSUE

1.1 The draft replacement City of Bath World Heritage Site Management Plan has been progressed to a stage where it is ready to be passed to central government for submission to UNESCO. The Council is asked to endorse the draft plan, and approve the submission.

2 RECOMMENDATION

Council is asked to:

2.1 Endorse the draft replacement City of Bath World Heritage Site Management Plan, and recommend to the Cabinet Member for Development and Major Projects that it is approved for submission to UNESCO.

2.2 Note that further minor editorial changes to made to the document prior to submission.

3 FINANCIAL IMPLICATIONS

3.1 The management plan is being prepared within allocated budgets.

3.2 The plan contains 71 actions, some of which are funded, and others for which funding must be sought (from external sources such as the Heritage Lottery Fund, etc). These include aspirations such as action 3a – ‘Support proposals for better facilities for the Council’s archives’. The Plan clarifies that inclusion of such items carries no guarantee that funding will be found and cannot be a promise of delivery. The plan must strike a balance between being visionary and deliverable, and inclusion of aspirations proves useful when bidding for funds from external sources.

4 CORPORATE PRIORITIES

4.1 World Heritage cuts across many agendas, and will impact on the achievement of the following Council priorities:

- *Building communities where people feel safe and secure*
- *Sustainable growth*
- *Addressing the causes and effects of Climate Change*
- *Improving transport and the public realm*

5 THE REPORT

5.1 Bath is one of 28 UK sites warranting World Heritage Site status - the highest global accolade acknowledging outstanding heritage, and one of only a handful of sites worldwide where an entire city is designated. The financial impact of the tourist economy is significant, with 27% of the visitors stating that they visit for the built heritage, and world heritage therefore reflecting at least £122m of the £450m annual tourism income. World heritage has reached high prominence in recent years, with a fact finding UNESCO 'mission' visiting Bath in November 2008.

5.2 Bath is required by UNESCO (the United Nations Educational, Scientific and Cultural Organisation - the body overseeing world heritage) to have a management plan. The draft plan before the Council is the update of the existing 2003 version.

5.3 The plan follows a standard format developed in conjunction with English Heritage and used across most UK World Heritage Sites. It describes why the city is significant, identifying issues and pressures affecting it, and proposing an action plan addressing issues. It also incorporates actions designed to address points raised by the 2008 UNESCO mission, (and includes at appendix 7 the UNESCO committee decision made in response to the mission). Submission of a revised management plan by 2011 was one of the mission recommendations, who stated 'The World Heritage Centre and ICOMOS also note that a review of the management plan is currently in progress and that it will include and integrated and comprehensive Tourism Management Plan, and integrated Public Realm and Movement Strategy ... and an integrated Traffic Control Plan'.

5.4 The plan has been compiled by the Council's World Heritage Manager under the guidance of the World Heritage Site Steering Group, a partnership body with an independent chairman. The Council has seats on the Steering Group, and is the body responsible for delivery and funding of most actions within the plan. As such the Council has led the development of this draft. The document has been the subject of wider public consultation the details of which are set out in Section 8 below.

5.5 Following Council endorsement the draft plan will be passed to the Cabinet Member for Development and Major Projects for approval to submit. The World Heritage Site Steering Group will be asked to sign off the plan, which will then be submitted to Department Culture, Media and Sport (DCMS). DCMS then pass the plan to their advisors on the historic environment, English Heritage, and to

UNESCO advisory bodies including the International Council on Monuments and Sites (ICOMOS). Following advice from these bodies, the plan is submitted, by 1 February 2011 to UNESCO, for consideration at their annual World Heritage Committee in Bahrain, July 2011. Assuming successful UNESCO adoption the plan will be passed back to the Council to adopt, or if necessary amend.

5.6 It should be noted from 5.5 that once passed to DCMS (the 'State Party') the plan becomes their document and may require amendment as necessary to receive the UNESCO approval – hence the recommendation for Council endorsement, not adoption, and the draft unpublished form of the document. DCMS have already been involved in developing the plan, and will work closely with this Council in any changes made. They would not unilaterally impose changes involving actions with financial consequences for the Council.

5.7 It should also be noted from 5.4 that the timetable for this process is rigid, and failure to meet submission deadlines to the UNESCO annual committee would result in a years delay and failure to meet Council assurances given to UNESCO following their 2008 mission.

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 An equalities impact assessment has been carried out using corporate guidelines.

8 CONSULTATION

8.1 Consultation began in December 2009 with an event involving approximately 120 representatives of local and national bodies. Public consultation on the draft plan followed from 26 August to 7 October 2010, and involved targeted email messages containing the draft document to all Bath and surrounding area councillors, and all attendees of the December 2009 event.

8.2 Leaflets advertising public consultation were distributed at heritage open days and other events, electronic copies of the draft plan were available on the web site and hard reference copies were available in libraries and council offices.

8.3 250 responses were received from 21 different non-Council bodies, and a summary is shown at appendix C. A sub group of the Steering Group identified the following 6 key priorities from consultation:

- i) Funding and Management of the World Heritage Site
- ii) Transport
- iii) Buffer Zone/ Setting
- iv) Planning Policy
- v) Public Realm

vi) Interpretation

8.4 The above 6 issues have been used to prioritise the action plan, shortening this section from the consultation version. Multiple changes have been made post consultation including re-ordering Chapter 5 to put issues alongside corresponding objectives, and strengthening of the main body text.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 *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 (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	Tony Crouch, World Heritage Manager, 01225 477584
Background papers	World Heritage Site Management Plan Appendices (x 11) have changed little since public consultation and can be viewed on the public consultation draft at: www.bathnes.gov.uk/worldheritagesite
Please contact the report author if you need to access this report in an alternative format	

Executive Summary

The City of Bath World Heritage Site was inscribed in 1987. The reasons for inscription, or attributes of Outstanding Universal Value, can be defined as:

1. Roman Archaeology
2. The hot springs
3. Georgian town planning
4. Georgian architecture
5. The green setting of the City in a hollow in the hills
6. Georgian architecture reflecting 18th century social ambitions

Bath is a complex site, encompassing an entire living city where modern life co-exists alongside historic cultural and natural assets of global significance. Achieving balance between conservation and community needs is the constant challenge which this plan addresses.

This plan replaces the first site plan of 2003. It follows that document in explaining site significance, management, pressures and challenges facing the site, and how to address these. There are important changes in this plan, notably a new draft statement of Outstanding Universal Value defining site significance in World Heritage terms, which underpins all World Heritage management decisions.

There have also been significant events since the production of the previous plan. Thermae Bath Spa has opened, re-establishing the connection between the Hot Springs and health and well being on which so much of Bath's history is founded, and the new Southgate Shopping area has remodelled a significant area of the City centre. New national guidance has come forward, including Planning Policy Statement 5, and new agendas have come to the fore, especially the increasing need to address climate change.

A buoyant economy during the previous plan period lead to development pressures not seen in the city for a generation. Debate regarding new developments was intense, and a UNESCO Mission visited the site in 2008 to study proposals and share advice. The UNESCO Mission documents are included in this plan, as are actions to address the points raised.

The UNESCO Mission concluded that both the overall state of conservation and management of the site were good. However, despite this welcome commendation there are always challenges to be faced.

The World Heritage Site Steering Group, who are responsible for production of this plan, have considered the many comments made during consultation on this document and produced the following six key priorities:

- **Funding and management of World Heritage.** Placing consideration of Outstanding Universal Value at the heart of key decision making.
- **Transport.** Developing a comprehensive response the City's traffic pressures.
- **Buffer Zone and Setting.** Continue to explore ways to preserve the setting of the Site.

- **Planning policy.** Providing a robust and comprehensive planning policy to ensure new development does not harm the values for which the site was inscribed.
- **Public Realm.** Addressing the need to improve the public realm through existing and new measures.
- **Interpretation.** Ensuring the reasons for inscription and the story of the site are more effectively told.

Despite the new plan emerging at a time when the finances are under pressure and many aspects affecting the site such as regional planning are dynamic, all partners involved in managing Bath World Heritage Site remain committed to ensure that the City of Bath, as a masterpiece of human creative genius, continues to be conserved for the benefit of this and future generations.



City of Bath World Heritage Site Draft Replacement Management Plan

Summary of Consultation responses

Public Consultation ran from 26 August to 7 October 2010.

250 comments were submitted in writing from 21 different non-Council parties:

○ **Individuals**

- Mr N Quine
- Mr R Davies
- Mr I Barclay

○ **Bath & North East Somerset Council** ('first round' internal consultation had already taken place)

- Historic Environment Champion
- Development & Major projects (meeting held)
- Corporate Sustainability Manager (meeting held)
- Head of Heritage Services (meeting held)
- Corporate Policy Manager – Equalities (meeting held)
- Archaeologist (meeting held)
- Group Manager Highways, Strategic Transport Project Manager – (meeting held)
- Principal Building Control Surveyor (Hot Springs) – (meeting held)

○ **National Consultees:**

- English Heritage (meeting(s) held)

○ **Special/Local Interest groups:**

- Bath Independent Guest Houses Association (BIGHA)
- Vineyards Residents Association

- Valley Parishes Alliance (Parishes of Bathampton, Batheaston, Bathford, Claverton, Freshford, Limpley Stoke, Monkton Combe, Westwood, Winsley)
 - Federation of Bath Residents Association (FoBRA)
 - London Road Area Residents Association (LoRARA)
 - Beckford's Tower Trust
 - Bath Preservation Trust
 - Bath Society
 - Cotswold Conservation Board
 - Bath Heritage Watchdog
 - Norfolk Crescent Green Residents Association
- o **Developers/Landowners/Consultancies:**
 - Lear Associates on behalf of Duchy of Cornwall

Brief summary of key issues raised (as identified by the sub – group of the WH Steering Group 18 Oct 2010)

1. Management/funding of WH. There are calls to investigate management structures which place WH closer to the heart of Council decision making, & to fund appropriately to ensure actions are delivered.
2. Transport. The perception is that, despite the Bath Package, Joint Local Transport Plan & PRMP, that there is no comprehensive traffic plan for the city. This is a key issue as such a plan was a specific request of the UNESCO Mission.
3. Buffer Zone/Setting. This attracts multiple comment, with arguments for & against. Again this is an issue raised in the UNESCO Mission report. This issue has been addressed recently through the emerging Core Strategy, & the position need to be more clearly stated in the Plan. It is likely that lobbying for a buffer zone will continue.
4. Planning Policy. There are multiple calls for better policy protection through supplementary planning documents on tall buildings, a summary of the WHS plan, the setting study & generic Core Strategy issues. Current Council policy production is not resourced to meet this demand
5. Public Realm. There is strong support for the Public Realm & Movement Programme, & requests that the programme be implemented more widely.
6. Interpretation. A further UNESCO report issue. Interpretation of the site needs to be improved.

Summary of key issues raised

PLEASE NOTE: Comments have been summarised & do not necessarily incorporate exact wording submitted.

With regard to comments highlighting 'typos' or grammatical suggestions, where these are not shown on the table it should be assumed that changes have been made accordingly. Full responses can be made available upon request.

Broad issue	Organisations	Summary of comments made
Funding, river, traffic, industrial heritage, litter.	Historic Environment Champion	1. Lack of funding will be a major stumbling block. Not enough is done to promote the rivers history or future as a working entity to take freight & provide leisure. More needs to be done to address industrial past, particularly water mills. Litter remains a problem.
Visitor management, accommodation, traffic.	Bath Independent Guest Houses Association (BIGHA)	1. Bath Destination Management Plan calls for quality, not quantity of visitors. Flooding Bath with an over capacity of rooms will not bring high quality visitors in- this will just create an abundance of cheap rooms, leading to lower quality visitors.
Visitor Management (Hotels)	BIGHA	2. BANES Visitor Accommodation Study calls for a max. of 370 rooms by 2016. We already have 114 extra rooms at The Gainsborough, possibly another 190 beds at Green Park & a further proposal for an additional 240 at Kingsmead Hse. This exceeds 2016 total, & can only have a detrimental effect on the city's accommodation offer.
Visitor Management (Hotels)	BIGHA	3. Visitor experience will be worsened by a large overcapacity, as the large rise in volume of visitors will increase congestion & pollution problems.
Car Parking	BIGHA	4. Removal of the minimum amount of parking facilities from any new hotel will have an extremely detrimental effect on visitor experience, as Bath is predominantly a tourist destination, & many tourists choose to bring cars here, as they are on a driving holiday. Not having anywhere to park in the city can only make their visitor experience worse.
Planning	BIGHA	5. There is a need for a co-ordinated, proactive, council led response to these planning applications for new hotels, as the current planning process is not working to protect the accommodation offer for the city. The city is in danger of being severely damaged beyond repair if new hotel developments are not correctly managed. This will in turn affect the WHS status of the city
	BIGHA	6. Visitor Accommodation Study states need to preserve the unique mix of Bath's accommodation offer, from small B+B's to the high quality guest houses, & independent hotels. This is part of Bath's unique

		make up, & support should be given to the sector. Flooding the city with hundreds of extra hotel rooms will not do this.
Coach Parking	BIGHA	7. There needs to be consideration of coach parking in & around the city within this process.
Traffic, pollution.	Vineyards Residents' Association	1. Nearly all houses have been cleaned over the past 20 years, but are already blackening again due to air pollution. Some have had to be cleaned a second time after only 15 years. It cannot be good for the houses to be cleaned regularly, but if they are not cleaned they will revert to their blackened state. The houses also suffer from vibration from high volumes of passing traffic. Much is HGV traffic which should not be here, but the HGV weight restrictions are not enforced. Thus these Georgian houses, part of the townscape which makes Bath so exceptional, are likely to suffer progressive deterioration. The same is true of much of the city centre.
Air Pollution	Vineyards Residents' Association	2. Residents suffer high levels of air pollution. The average nitrogen dioxide level at Vineyards in 2009 was 57 micrograms per cubic metre, compared with the safe health limit of 40 set by the World Health Organisation & enshrined in UK Environment Act. This street, & the whole main road network through Bath, has been declared an Air Quality Management Area (AQMA). Some 5000 people live in the current AQMA, where air pollution is by definition above the safe health level. However, far from improving, the pollution is spreading & the 2009 draft Air Quality Action Plan) has had to propose enlarging the AQMA to the Circus & surrounding streets.
Air Pollution	Vineyards Residents' Association	3. Pleased that Plan recognises that vehicular pollution & vibration is affecting historic building fabric. The Plan correctly diagnoses (Issue 41, p40) the need to manage the volume of traffic passing through & around the city, & sets out (Issues 42-47) other 'needs' that should be addressed to improve the city's physical environment & amenity. We agree with the needs identified in this section of the Plan. However, the analysis is not carried through in the remainder of the Plan into actions to tackle the traffic problem. We have the following specific comments.
Traffic	Vineyards Residents' Association	4. Para 5.5.3 Traffic. The issue is not so much that there are physical limits to the city's ability to accommodate growing traffic requirements without detriment to the historic environment, as that the city is already overrun with traffic. There are very high levels of traffic congestion here & throughout the city's main road network, extending even to Queen Square & the Circus. Q. Square "is a prime example of Wood the Elder's high ambitions for remodelling Bath" (p93), The Circus "is the pinnacle of John Wood the Elder's work" (p94). However, Q.Square is also a busy gyratory on the A4, while The Circus has up to 700 vehicle movements an hour.

Traffic (Eastern by-pass)	Vineyards Residents' Association	5. Para 5.5.3 last sentence. A by-pass to the east is technically feasible, & in our view needed to remove N-S through traffic & cut pollution & congestion on London Rd, Cleveland Bridge & Bathwick St. The present wording appears to reflect a preference for protecting the 'setting' rather than the WHS itself. More balanced wording is required.
Traffic Management	Vineyards Residents' Association	<p>6. Like a frank statement in the Plan of the traffic problem. Following Issue 41, p40, the Plan should propose the creation of a comprehensive plan to manage & reduce traffic volumes in the city. We note UNESCO has itself called for an integrated Traffic Control Plan for the city (Annex A7.3, para 5.2, p 108). Therefore propose rewording paragraph 5.5.3 as follows:</p> <p>"5.5.3 Bath suffers from high levels of traffic congestion throughout the city's main road network, & this extends even to the Georgian architectural icons of Queen Square & the Circus. A comprehensive traffic management plan is required in order to deal with the volumes of traffic coming into & through the city. UNESCO has called for an integrated Traffic Control Plan for the city.</p> <p>"5.5.3a The landscape & countryside surrounding the city is of outstanding natural beauty & integral to the values of the Site, & the hot waters below the site are vulnerable to major excavations. Because of these factors an underground by-pass is likely to be problematical; an above-ground road to by-pass the city would be technically feasible but protection of the World Heritage Site by this means could conflict with the preservation of its surroundings. Difficult choices may have to be made".</p>
Air Pollution	Vineyards Residents' Association	<p>7. Para 5.5.4. Plan should acknowledge the impact of pollution on residents. Add before penultimate sentence:</p> <p>"Air pollution also presents a serious threat to the health & well-being of the city's residents, some 5,000 of whom live within the current Air Quality Management Area (AQMA)."</p>
Physical access – traffic management	Vineyards Residents' Association	8. Para 5.5.20, p54. We fully support Obj.s 19 to 26 (physical access). The issue is how to translate them into effective action.
Public Realm	Vineyards Residents' Association	9. Action 4c, p62 & Obj. 16, p67. The PRMP is excellent, but covers only a small part of the mainly commercial centre S of Queen Sq. & George St. It does not cover most of Georgian Bath, not even Royal Crescent & Circus. At present Queen Sq. & George St. represent a barrier to pedestrian movement between the commercial centre & the Georgian area to the N. The PRMP should be accelerated & extended to include the area north of Queen Sq. & George St. Add new Action 4d:

		"4d. Extend PRMP to include the area of Georgian Bath to the north of Queen Square & George Street."
Traffic Management	Vineyards Residents' Association	10. Obj. 21, p69. While we strongly support Obj. of reducing traffic volumes, actions listed will go nowhere near achieving it. Closure of Pulteney Bridge will displace traffic, not reduce it. The freight trans-shipment depot, while welcome, will be voluntary & affect only a v. small percentage of total freight; & funding exists only for a trial. What is required is a commitment to a master plan for traffic in Bath, such as UNESCO has demanded. We would like to see through traffic removed from the Georgian heart of Bath by access restrictions in the area of Queen Square. Add new Action 21c: "21c. Develop a comprehensive plan to manage & reduce traffic volumes in the city."
Traffic Management	Vineyards Residents' Association	11. Para 4.2.1., p35. In view of the vital importance to the city of managing traffic, we believe that there should be an additional Aim in the Plan, on the lines: "Improve the amenity of the city for residents & visitors, & preserve it for future generations, by reducing the volumes of traffic coming into & through the city".
Setting, Buffer Zone,	Valley Parishes Alliance (VPA) (Parishes of Bathampton, Batheaston, Bathford, Claverton, Freshford, Limpley Stoke, Monkton Combe, Westwood, Winsley)	1. Vision. Strongly recommend para 4 of Vision statement should read: "Bath will conserve & safeguard the cultural assets & landscape setting of the World Heritage Site for this & future generations".
UNESCO Report 'Green Belt'	VPA	2. Strongly recommend the Management Plan set the record straight (with regard to references to 'green belt') by the State Party which have grossly misrepresented fundamental considerations relating to the landscape setting of the WHS.
Buffer Zone	VPA	3. Concerned by the lack of reference to buffer zone options presented in Core Strategy Spatial Options document.
Buffer Zone	VPA	4. Strongly recommend that a hard buffer zone, defined by the ridge line of the surrounding hills to the east of Bath, be established. We also recommend that; (a) Content of Circ. 07/2009 regarding protecting the setting of WHS's & buffer zones be set out

		<p>within the Mgt Plan</p> <p>(b). Appropriate sections of the Plan be amended to reflect buffer zone discussion & issues, & obj.s & actions relating to establishment of a buffer zone & an associated protection policy be included.</p>
Aims objectives	VPA	5. Support the aims, & are in broad agreement with majority of issues, narratives, obj.s & actions.
Geology	VPA	6. P 39 Issue 27 (Geology): Geology of area is well documented, It is not clear what the underlying issue is.
River & Canal	VPA	<p>7. Issue 29 (River & Canal). Welcome identification of this issue. Canal, with associated River stretches, is a unique & important asset to Bath & its WHS landscape setting, is enjoyed by the B&NES & Wilts communities as a recreational amenity & generates revenue, not least by virtue of being a tourist attraction for both UK & overseas visitors.</p> <p>However, it also brings with it social, housing, planning & environmental issues.</p> <p>...dramatic increase in the number of boats using the canal & a step change in the recreational use of the waterside path & environs & hence it is considered essential that Mgt Plan addresses all the above issues, in order to:-</p> <ul style="list-style-type: none"> • preserve the attractive green environment & historical features & • ensure that the canal & waterside is available to all users (walking, cycling, commuters, fishing & boating community) but does not degrade into a linear boat park. <p>Recommend that the Mgt Plan include a specific obj. & actions setting out how B&NES envisages (a) promoting understanding that the River Avon & K&A Canal are integral to the Site's landscape setting & (b) effective management of them & the associated waterside environment.</p>
Traffic	VPA	8. Issue 41 & 47 (traffic). There is an associated need to ensure that any initiatives to manage traffic passing through & around city do not have an adverse impact on the WHS landscape setting, particularly Green Belt & Cotswolds AONB areas. Consider that this should be reflected in issue statement.
Steering Group	VPA	9. Recommend that Membership of the Steering Group be reviewed, with a view to increasing the Avon Local Councils Association representation.
Landscape & Natural Setting	VPA	10. Obj. 14 (landscape/natural elements) following from Issue 26: we are concerned that the word 'protected' is missing from Obj. 14 & recommend strongly that it be amended to read -

		"Ensure that landscape and natural elements of the Site & its setting, including heritage sites & their associated remains, are acknowledged, understood, protected & managed as integral parts of the Site".
A36/A46 Link Road	VPA	11. B&NES, as a member of the W of Eng. Partnership, should abandon any aspirations for an A36/A46 link road through the WHS landscape setting & Cotswolds AONB.
Traffic – HGV's	VPA	<p>12. Obj. 21: Damaging impact of HGVs (noise, vibration, air pollution, fabric of urban infrastructure) on Bath can be tackled by other measures &, therefore, strongly urge their implementation. These measures are identified in the B&NES draft Air Quality Action Plan: e.g. introduction of a Low Emission Zone & Demand Management Strategies (physical & legal restrictions, e.g. HGV ban on Cleveland Bridge or A36 Warminster Road). Elements of the Bath Transportation Package, if implemented, would also result in a reduction of vehicular traffic through the Site.</p> <p>In particular, strongly recommend B&NES impose an HGV ban on Cleveland Bridge or A36 Warminster Road, as originally proposed by the Council in '05; this being the only acceptable option to protect both the WHS & landscape setting/Cotswolds AONB to the E of the City. The VPA feels confident that an effective & enforceable ban can be formulated.</p> <p>The two listed actions are insufficient to achieve the obj.. Furthermore, it is incorrect to state that closure of Pulteney Br. would reduce volumes of vehicular traffic through the Site - it would simply re-route them to the Pulteney Rd, North Parade/bridge & Pierrepont St.areas.</p> <p>Recommend that comment be made on the new Deep Sea Container Terminal at Avonmouth. This highly significant development, which was approved by the DfT in Mar '10, should result in a significant reduction in volumes of HGV traffic (to & from south coast ports) on the A36/A46 corridor through the City.</p>
Management – Staffing levels	VPA	13. Obj. 1 (management & admin arrangements): recommend that the actions include a review of B&NES WH full-time staff levels - We suggest that there may be scope to increase the full-time staff
Setting, Buffer Zone	VPA	14. Obj. 6. We do not consider that the listed actions provide effective planning protection against inappropriate development in the WHS landscape setting/environs & we are also concerned about the potential implications of the govt's plan to pave the way for the creation of a Community Right to Build in the Localism Bill. We recommend the actions include definition of a buffer zone & associated protection policy.
Setting Study	VPA	15. Action 14a (bring forward setting study as SPD): must ensure that there is public consultation prior to the S. Study being finalised as an SPD.

Sustainable Transport	VPA	16. Obj. 25 (sustainable transport network): Suggest that provision of new hybrid vehicles should be an action not Monitoring Indicator. However, this & the City Car Club initiative would not achieve the stated obj. - additional actions should be identified. There should be no mention of the A36/A46 link road.
Appendices	VPA	<p>17. Given the increased focus on <i>both</i> the WHS & its landscape setting we recommend strongly, in the interests of clarity & education, that the four maps (14a, b, c & d) which are included in the Bath WHS Setting Study also be included in the Management Plan as -</p> <p>App. 2: WHS & Planning Designations - Cotswolds Area of Outstanding Natural Beauty. App. 3: WHS & Planning Designations - Green Belt. App. 4: WHS & Planning Designations - Conservation Areas. App. 5: WHS & Planning Designations - Scheduled Ancient Monuments & Historic Parks & Gardens.</p> <p>& that they are referenced, together with additional narrative, at paragraphs 1.2.8, 2.2.2, & 3.4.16 & in other relevant sections of Chapters 5/6.</p> <p>...also recommend that the maps depict the full extension into Wiltshire of the designations on these maps, particularly the Green Belt & Cotswolds AONB.</p> <p>...recommend that the words "<i>but rather should be considered as a taster of what is available</i>" be removed & the DCLG Circular 07/2009 be included in the bibliography.</p>
Importance of plan	Federation of Bath Residents Association (FOBRA)	1. Welcome the plan. Charm & status of Bath is all about its history & its built environment. Thus designation of Bath as a WHS is undeniably both important & an honour. It has an incalculable economic value. There are just 28 Sites in UK, & Bath is the only one which constitutes an entire city. We therefore have a responsibility to manage it efficiently, fund it properly & ensure that all who visit it understand what it is, & enjoy the experience. If they do, more visitors will be encouraged & the district's economy will benefit.
Adoption of the plan	FoBRA	2. Para 1.2.4, p9: "Plan will be adopted by B&NES Council" but this is mentioned only once, & not expanded upon. What does it mean? Record from the previous (2003) Plan does not inspire confidence: its implementation was not allocated to any Council Director, nor was any associated funding awarded. Thus, although 36% of the 129 actions were assessed as having been achieved (& a further 38% partially done), it seems very likely that these would have happened anyway. However, the WHS-only actions were not implemented, & there is a serious risk that this will happen again unless funding is secured. This is the key to an effective Plan.
Management	FoBRA	3. Management of the WHS is the responsibility of the Council. However, this is handled in such a low-key way that one would hardly know that Bath is a WHS. Disappointed that B&NES has not

		<p>been more energetic in using this coveted international accolade as a draw for tourists & justification for proactive investment in conservation & all aspects of city management. It would then be better placed to achieve recognition as a global centre of excellence in urban heritage management &, with its universities, establish a potentially lucrative leading role in heritage education. Both universities already involved in this area. Other management models exist (Edinburgh WH for example) which might give Bath & its WHS greater prominence & power, draw in additional funding, & involve in a greater way the many stakeholders, including those universities. FoBRA recommends & urges that alternatives be examined.</p>
Employment	FoBRA	<p>4. One opportunity to benefit from WH status that does not feature is recognition that much contemporary business investment focuses on areas offering a high quality, well educated workforce, proximity to centres of learning & research, & an environment that internationally mobile senior staff will enjoy living in. WHS status could be exploited as a tool to encourage inward investment.</p>
Heritage	FoBRA	<p>5. No heritage site can rest on its laurels: in an international visitor economy competition is fierce. The Plan should therefore have ambitious targets for bringing the WHS up to standard & for developing it further. For example:</p> <ul style="list-style-type: none"> a. Discovery of the Temple Precinct beside the Roman Baths in the 1980s took place because of inspired archaeology & funding. Is there still more to be found? (para 2.4.28, p24) b. Why is there no permanent stone mine site for tourists to see? (para 2.3.18, p17) c. Despite much pressure for improvement, the city centre presents a depressing picture of dirty & ill maintained roads & pavements. This is central & fundamental to residents' & visitors' first impressions. The PRMP has to be implemented now.
Traffic	FoBRA	<p>6. Plan correctly diagnoses (Issue 41, p40) the need to manage the volume of traffic passing through & around the city, & sets out (Issues 42-47) other 'needs' that should be addressed in order to improve the physical environment & amenity of the city. FoBRA wholeheartedly agrees with the needs identified in this section of the Plan. However, the analysis is not carried through in the remainder of the Plan into actions to tackle the traffic problem. We have the following observations:</p> <ul style="list-style-type: none"> a. Para 4.2.1., p35. In view of the vital importance to the city of managing its traffic, we believe that there should be an additional Aim in the Plan. b. para 5.2.28, p44. There is insufficient recognition that many of the Georgian houses are family

homes, whose owner-occupiers care for them & contribute to the character of the city. It is vital that Bath remains an attractive place for families to live. If owner-occupiers find that the downsides of living in Bath - traffic & pollution, difficulties over parking, antisocial behaviour - outweigh the undoubted pleasures of the city they will decline in number & the present character of the city centre will deteriorate.

c. Para 5.5.3, p52. Traffic. The issue is not so much that there are physical limits to the city's ability to accommodate growing traffic requirements without detriment to the historic environment, as that the city is already overrun with traffic. There are very high levels of traffic congestion throughout the city's main road network, extending particularly to Queen Sq. & the Circus (which are specifically mentioned as Key Elements of the site). Queen Sq. 'is a prime example of John Wood the Elder's high ambitions for remodelling Bath' (p93), The Circus 'is the pinnacle of John Wood the Elder's work' (p94). However, Queen Sq. is also a busy gyratory on the A4, while The Circus is a rat-run with up to 500 vehicle movements an hour. These high volumes of traffic have a major impact on the overall appearance & amenity of the city. As the draft Plan recognises, pollution & vibration from vehicles is taking its toll on the fabric of the historic buildings. The city's heritage is being slowly but inexorably degraded.

d. Para 5.5.3 last sentence, p52. A by-pass road to the east of Bath is perfectly feasible in technical terms, & in our view one is needed to remove north-south through traffic & cut out the pollution & congestion on London Road, Cleveland Bridge & Bathwick Street. The present wording appears to reflect a preference for protecting the 'setting' of the WHS rather than the Site itself. A more balanced form of words is required. FOBRA would like to see a frank statement in this section of the Plan about the traffic problem in Bath. Following on from Issue 41, p40, we believe that the Plan should propose the creation of a comprehensive plan to manage & reduce traffic volumes in the city. We note that UNESCO has itself called for an integrated Traffic Control Plan for the city (Annex A7.3, para 5.2, p 108).

e. Para 5.5.4, p52. An aspect that is not mentioned in the draft Plan is that the air pollution associated with this traffic presents a serious threat to the health & well-being of the city's residents, 5,000 of whom live within the current Air Quality Management Area (AQMA). Far from matters improving, the 2009 draft Bath Air Quality Action Plan has had to propose enlarging the AQMA to the Circus & surrounding streets. By definition, air pollution in the AQMA is above the safe health level

set by the World Health Organisation & the UK Environment Act.

f. Para 5.5.20, p54. We fully support the Physical Access Obj.s 20 to 26. The issue is how to translate them into effective action.

g. Action 4c, p62 & Obj. 16, p67. FOBRA has been a strong supporter of the PRMP, but it must be recognised that the PRMP covers only a small part of the mainly commercial centre south of Queen Square & George Street. It does not cover most of Georgian Bath, not even Royal Crescent & The Circus. FOBRA believes that the PRMP should be accelerated & extended to include the wider area between the Holburne Museum, Bath Spa Station, Queen Square & Royal Crescent. It is significant that this is the precisely the area being considered for a Business Improvement District.

h. Obj. 21, p69. While we entirely agree with the Obj. of reducing traffic volumes, the actions listed will go nowhere near achieving it. The closure of Pulteney Bridge will displace traffic elsewhere in the city, not reduce it. The freight trans-shipment depot, while a welcome development, will be voluntary & affect only a very small percentage of total freight; & funding exists only for a trial. What is required is a commitment to a master plan for traffic in Bath, such as UNESCO has demanded.

i. Traffic Plan: The detailed elements of a comprehensive plan, some of which are already mentioned in the draft WHS Management Plan, should include:

- I. Attractive public transport in all areas, & measures to encourage its use. There need to be more routes, especially in the south west part of Bath & other areas which are currently poorly served, & buses need to run later in the evening. Fares need to be attractive.
- II. Improved school bus services, to eliminate school run congestion.
- III. Better facilities for pedestrians & cyclists.
- IV. Encouragement of alternatives to the private car, including car-sharing & car clubs.
- V. Extension of the PRM Programme to the wider area between the Holburne Museum, Bath Spa Station, Queen Square & Royal Crescent.

		<p>VI. Reducing the volume of traffic by means of parking policy & traffic management. The use of congestion charging should be considered.</p> <p>VII. Proper enforcement to keep HGVs on permitted routes in Bath.</p> <p>VIII. HGV restrictions or a toll on Cleveland Bridge to encourage HGVs to take other routes such as the A350.</p> <p>IX. Improved signposting to discourage traffic from using the centre of the city as a through route; action with satnav providers to ensure that route restrictions are taken into account.</p> <p>X. Greater use of the A420 as a bypass for east-west through traffic.</p> <p>XI. A bypass/link road to the E of Bath to remove N-S through traffic, on a less damaging route than the previous proposal, to cut out the pollution & congestion on London Rd, Cleveland Br. & Bathwick St.</p> <p>XII. A ban on tour coaches which drive around the city without stopping [relates to Obj. 22, p70].</p> <p>XIII. A comprehensive rather than piecemeal approach to traffic issues, & integration of transport & planning policies. Planning decisions should take full account of the traffic implication of new developments – particularly those generating high traffic volumes such as supermarkets. No new development should be permitted without the necessary infrastructure [relates to Obj. 24, p71].</p>
Parks & Open Spaces	FOBRA	<p>7. Page 39, Issue 28 states that "There is a need to ensure that Bath's parks & open spaces are seen to be integral to the Site's landscape setting & managed appropriately". Seven parks & gardens are listed by English Heritage as being of historic importance in A5.14, on page 99. The corresponding obj. is 14, on page 66, which spells out a number of actions. However, both the Issue & the actions ignore the fact that, as pointed out, these listed parks & gardens should not be treated merely as integral to the site's landscape setting but should be managed as part of Bath's heritage. Three of them, Abbey Cemetery, Sydney Gardens & Royal Victoria Park & in the ownership of, or are managed by, the Council. The first is maintained on a basis that does not reflect its historic importance; for the second there is now an opportunity to re-unite it with the Holburne Museum</p>

		garden; & the third incorporates Bath's Botanic gardens. In each of these cases there is a need for an action plan to be published for its restoration & maintenance.
Night time Economy	FOBRA	8. Bath has many bars & clubs, & a large population of students & other young people. Anti-social behaviour, due to excessive alcohol consumption, is a major problem at night. Not only does this have an adverse effect on local residents, but it is also upsetting for visitors & can spoil their experience of the City.
Consultation Period	FOBRA	9. This is a lengthy & very important paper. Many of the organisations expected & desiring to respond have no paid employees, & answers must therefore be developed by members in their spare time. Adequate warning & a time scale of at least 8 weeks is needed for proper consideration of such plans & development of responses, allowing also time for periods away from Bath which may already have been arranged.
Terminology	FOBRA	10. Pg 21, para 2.4.9 (5) Attributes of the WHS: Replace "hollow in the hills" by "river cutting through a limestone plateau".
Statement of OUV	FOBRA	11. Pg 27, para 2.4.34 Man. & Protection. Line 25. Amend "..network, outlined..." to read "..network & widespread pedestrianisation, outlined..."
Physical access	FOBRA	12. Issue 44. Line 1. Insert "& reduce" after "control".
Transport	FOBRA	13. Add new Aim (para 4.2.1 (vi) to read: "Improve the amenity of the city for residents & visitors, & preserve it for future generations, by reducing the volumes of traffic coming into & through the city".
Community action	FOBRA	14. Pg 44 para 5.2.28 Add "It is also vital that Bath remains an attractive place to live for private individual owners & their families, taking into account all aspects of everyday life experienced in the city. Too much pressure on those in the city centre could result in the houses there reverting to multiple occupation, with consequential effects on the quality & amount of money invested in their conservation. Residents' Associations should be encouraged, as a source of strength, advice & civic pride."
Wayfinding	FOBRA	15. Pg 48 para 5.3.18 It is important that any new way-finding system extends beyond the city centre to give directions to all sites of importance. At present it is particularly poor, south of the river.
Traffic	FOBRA	16. Pg 52 para 5.5.3. Reword to read: "Bath suffers from high levels of traffic congestion throughout the city's main road network, & this extends even to the Georgian architectural icons of Queen Square & the Circus. A comprehensive traffic management plan is required in order to deal with the volumes of traffic coming into & through the city. UNESCO has itself called for an integrated Traffic Control Plan for the city."
	FOBRA	17. Pg 52 para 5.5.3 Redraft to read : "There are physical limits to the city's ability to accommodate growing traffic requirements without detriment to the historic environment. The landscape &

		countryside surrounding the city is of outstanding natural beauty & integral to the values of the Site. In addition, the hot waters below the site are vulnerable to major excavations. Because of these factors an underground by-pass is likely to be problematical; an above-ground road to by-pass the city would be technically feasible but protection of the WHSite by this means could conflict with the preservation of its surroundings. Difficult choices may have to be made".
Air Pollution	FOBRA	18. Pg 52 para 5.5.4 Add: "Air pollution also presents a serious threat to the health & well-being of the city's residents, 5,000 of whom live within the current Air Quality Management Area (AQMA).
	FOBRA	19 Pg 56 para 5.6.12 Add new obj. 33: Work to minimise anti-social behaviour at night in order that long-stay visitors are not deterred.
	FOBRA	20. Pg 62 Obj 4 Add new Action 4d: "Consider extension of PRMP to include the wider area of Georgian Bath between the Holburne Museum, Bath Spa Station, Queen Square & Royal Crescent." Cross ref to existing action 16b
	FOBRA	21. Pg 66 Obj 14 Add new Action 14f: "Draft & implement a plan to manage the seven historic parks & gardens within the WHS listed in A5.14 as being of importance."
	FOBRA	22. Obj 21 Add new Action 21c: "Develop a comprehensive plan to manage & reduce traffic volumes in the city."
Setting	London Road Area Residents Association (LoRARA)	1. We support the responses by the Valley Parishes Alliance & Bath Society, & would like our views to be recorded accordingly.
	(LoRARA)	2. Ask B&NES (& the State Party) to act upon UNESCO's Recommendation of " RE-INFORCED PROTECTION OF THE LANDSCAPE SURROUNDING THE PROPERTY " & not just relying on Green Belt designation.
Flooding	(LoRARA)	3. Worried that section on Flood risk is inadequate. Fear the cumulative impact of developments within the Flood Plain plus danger of hard non porous surfacing & (by definition) non porous buildings. Concerned at fanciful aspirations to "pretty" the riverside, at the expense of undermining Frank Greenhalph's masterly Flood Defence design. We await publication of Flood Risk Mgt Strategy.
Transport, Pollution		4. i) No mention is made of using Rail – (existing or enhanced) to reduce vehicle miles & congestion & attendant pollution damaging not only to health but to Ashlar stone. ii) The closure of one of Bath's five bridges is naïve & merely re-distributes traffic to cause congestion & pollution elsewhere.
Statement of OUV/Significance	Beckford's Tower Trust	1. '...situated in a hollow in the hills & built to a Picturesque landscape aestheticism creating a strong garden city feel more akin to the 19th century garden cities than the 17th century Renaissance cities'

		<p>It is perhaps misleading to put a reference to the garden city concept in this section so closely associated to the reference to the Picturesque aesthetic. The Garden city movement (the ideas of which were being developed in 1880s but as a movement was founded in 1898) is, while significant to the early 20th century developments, in particular those to the west of the city, perhaps not however the correct term to use when referring to the Picturesque of Bath. Bath's Picturesque & the use of the natural landscape to develop it emerged in the late 1820s through to the 1860s & is a very different theoretical ideal from the Garden City movement, & feel that that distinction should be very clear.</p> <p>It is also perhaps misleading to refer to this in the same sentence as having established the development of the city & referred to a series of primarily C18th architects who transpose Palladio, when the Palladian development of Bath is also not part of the Picturesque movement. I would suggest that the first sentence in this paragraph end after '...a complete city.' & the new sentence then cover the Landscape 19th century Picturesque & later developments that can be seen as being in the Garden City idea.</p> <p>Criterion ii is phrased better as the reference to the Picturesque is not included.</p> <p>There is such a distinct difference between the Palladian, the Picturesque & the Garden City movement that we should really try not to confuse them. Placing such an emphasis on the garden city feel, when really that is quite late in Bath's development & not the most significant phase is misleading.</p> <p>The reference to John Wood in criterion i as John Wood Senior, when he is always referred to as John Wood the Elder.</p>
Architectural approach	Mr N Quine	<p>1. Fully agree that Bath is a living city & not a museum, & the management plan needs to reflect that. Why is there is not a default assumption that any development within the WHS should a) reflect historic st. plan or reinstate it where lost, & b) recreate the façade of C18 (or older) buildings lost either to enemy action or insensitive development in the C20. This assumption needn't be rigid, but deviation from it ought to be strongly justified before being approved. This policy could particularly benefit areas such as Green Pk Rd/Charles Str, Avon St & Trim St/Barton St, & can be seen to have worked marvellously in Bathwick St & Claverton St. It might even have improved the new Southgate still further.</p>
	English Heritage (EH)	<p>1. Couple of useful meetings already held to assist in shaping the document. This response incorporates comments from International team as well as the region. More detailed points will be sent to you via track changes on the electronic version of the document.</p>

Responding to the Mission Report	EH	2. Due to the Mission visit the plan will be scrutinised by UNESCO, in particular issues raised in their report. Issues included: protecting views, setting, presentation & flooding, key development sites such as Bath W.Riverside. Whilst there is a response to some of these points in the appendix, there needs to be a discussion & actions associated with these within the plan. E.g setting study, building heights study, & flooding strategy are all mentioned but, in addition, the key messages & how these will be taken forward needs to be summarised in this section. Fundamental Issues such as buffer zone need to be discussed.
Wider Council involvement	EH	3. The first part of the plan has been improved & majority of text for first 4 chapters is largely acceptable. However in terms of site governance we have concerns regarding overall engagement of all Council depts with the development of the plan & associated actions. E.g Council owns a significant no. of buildings within the Site & its direct management of these properties is critical. Other depts are responsible for the spaces between buildings such as the public realm & parks/gardens. Heritage Services look after some key sites & no doubt have proposals for their future management/ presentation/ interpretation, - these aren't contained within actions. The key to the success of the plan is that it is fully integrated into working practices of all the relevant depts & isn't just considered the remit of the planning dept. This engagement would provide a mechanism for delivery of actions plus means for funding bids.
Implementation by stakeholders	EH	4. Noted that a number of obj.s & actions are going to be met by other stakeholders such as the Bath P. Trust, which is welcomed. Desirable to have wider stakeholder engagement in plan delivery.
Structure	EH	5. Structure of the second half of plan remains unresolved; - suggest further rationalisation of sections is undertaken. In particular, it could benefit if the issues & obj.s were combined. In addition, the actions need to be placed against the relevant obj. & not repeated. We recommend that the document is proof read to check the cross referencing.
Monitoring Indicators	EH	6. In association with monitoring, plan needs to include key indicators of state of conservation of WH property as well as of the effectiveness of the plan itself. We suggest a starting point would be those established by ICOMOS UK & the WHS Coordinators. Others could include Heritage at Risk, visitor survey information, traffic data, to name but a few.
Archaeology	EH	7. There is very little on archaeology, which is one of the key components of the OUV of the site. This needs to be enhanced & we suggest you liaise with your archaeology colleagues & those in Heritage Services who directly input into the conservation & management of the Roman Baths. We presume that they will have some key obj.s & actions to deliver within the lifespan of this plan.
Executive Summary	EH	8. As you have suggested it would be useful to have an exec. summary containing Statement of Significance & key plan obj.s. Stonehenge provides a useful model.

Commercialisation of the historical district. Advertising	Mr R Davies (RD)	<p>1. Gradual Commercialisation of the historical district at the heart of the city. Steady & constant degrading of listed buildings & public realm in the city & it should be a Council obj. to stop any additional advertising & to reverse blight from our finest buildings & streets. Clear Govt guidelines on window advertising is ignored & advertising outside many listed offices/shops/pubs, etc is totally inappropriate with often large painted names on many windows & indeed quite inappropriate advertising blinds on others. Steady growth of A boards is a constant unsightly feature throughout Bath, most in contravention of the law in terms of placing & overall size. There is a new "commercial" development starting outside restaurants & cafes that offer pavement service where barriers are being deployed to demarcate their area which in itself isn't a problem but these normally carry further advertising. Recommendation. That the whole issue of the gradual despoiling of Bath with inappropriate advertising is treated as an important WHS issue & that a code of practice is set out which all businesses will be expected to observe with fines applicable if they fail to meet the requirements.</p>
Plaque Scheme	RD	<p>2. Current building plaques are virtually illegible, inadequate & unrepresentative of the many interesting people who have lived here. A new Bath plaque should be designed similar to the excellent ones in London & a detailed city tour guide developed. The guide should include detailed notes on each occupant & their influence on our society. The BPT is a fund of information on the occupants of our listed buildings.</p>
Landscape/Park	RD	<p>3. Probably the 2 most important Georgian open spaces in Bath are Queen Sq & Circus green. Queen Sq is used for many totally inappropriate activities causing considerable damage to the grass/path edges etc & often looks little better than a 3rd world soccer pitch. The wonderful streetscape envisaged by J. Wood for the Circus is completely hidden by the excessively large Victorian trees. Both open spaces should be reviewed & a policy adopted in the WH document to bring them back to their original planned design.</p>
Cobbled Streets	RD	<p>4. Apparently many Bath streets still have the original cobblestones under their current modern asphalt surfaces. A programme to identify these streets & bring them back to their original cobblestone finish should be one of the goals of the WH plan.</p>
Coaches	RD	<p>5. In no other European historical city are large coaches allowed to freely circulate without stopping. Coaches fuel congestion & add to air pollution. Passengers should be forced to get off the coaches to spend money in the city's shops, pubs, museums, restaurants, galleries etc & coaches banned from the city centre.</p>
The River	RD	<p>6. Both the proposed E. Park & Ride & the current W. P&R sites are very close to the River & these corridors into the city should be considered for moving people into/out of the city rather than just</p>

		relying on buses. The argument is that river transport would be too slow but it is doubtful that any river bus would take any longer than a road bus to get into & out of the city during busy periods. A plan to open up the river for transportation should be a goal of the WHS document.
Listed Building Consent	RD	7. Issue causes considerable anger. Decisions taken by the listed building (LB) staff are often arbitrary & frequently contradictory. There needs to be clear guidelines set as to what can & cannot be done to LB's with clear information. LB officers tell residents they can't tank vaults, then that they can tank 1 & then again others get granted approval if they use the right architectural practice. Some officers say council wants LBs to revert from offices to residential & others that the city is desperate for office accommodation & any permission to convert back to original use is unlikely. The situation for the officers & the applicants is unsatisfactory & clear unequivocal written guidance on all listed building issues should be a WHS priority & would make the LB officers life far more tolerable & avoid potential conflict.
Traffic & HGV Enforcement	RD	8. Traffic regulations are seldom enforced. HGVs drive through the heart of this WHS along the A4 in contravention of the law with virtual impunity. Double Yellow line violations are seldom enforced. Traffic lights are rarely synchronised. Parking is often allowed in totally inappropriate places. Deliveries are permitted at the busiest times of the day causing further congestion & adding considerably to air pollution not to mention lost productive time for everyone stuck in the traffic. All in all the whole traffic management issue in Bath is haphazard & piece-meal without any overriding master plan for the future. The resultant damage to the WHS infrastructure is incalculable but undoubtedly severe.
Buildings at Risk	RD	9. A number of LBs throughout the City are urgently in need of repair/ maintenance but remain neglected. There should be some City bye-law that requires fabric of any LB to be protected & the Council should be required to move in to maintain the fabric if the owner fails to fulfil his LB. The Council is one of the worst culprits in neglecting many listed properties. The Georgian Terraces under Empire/Guildhall facing Pulteney Br. & Weir are falling into disrepair. These magnificent columned terraces could be restored/ developed & generate substantial income. Cafes/ restaurants etc could be set up in them & become a major attraction (Bath's equivalent to St Marks Square) but instead they lie derelict & virtually forgotten. It is a disgrace & again the WHS plan should have clear goals as to what needs to be achieved.
Governance, plan actions	RD	10. The plan covers general aspirations for WH status but is short on policy & actions needed to move Bath towards being a really worthy holder of this International honour. Bath's WH status is largely taken for granted by B&NES Cllrs especially many of those who live outside the historical heart. They fail to understand that this unique WHS is the life blood of the local economy & that it urgently needs nurturing & protecting with a clear unequivocal plan of action for the future.

	Bath Society	1. B.Society welcomes the plan in summarising a range of issues connected with WH. It is also a valuable exercise in raising awareness. It strongly supports measures concerning statutory backing of the plan, provisions made in Circ. 07/2009, & proposals to adopt a summary as an SPD. It urges that they be further strengthened by means of the designations, documents & strategies listed in paragraphs 3.4.16 & 3.4.17.
Planning Policy	Bath Society	2. All possible links should be made between plan, Core Strategy & other relevant Development Plan Documents. CS Obj. 4 should make specific reference to Bath. Suggest that, in view of importance of WHS, protection should be provided for in a range of development, design & townscape/landscape protection CS policies, rather than within just one.
Obj.s	Bath Society	3. Agree that managing change is the most pressing issue. Unclear how issues have been converted into obj.s. Can obj.s be prioritised?
Setting Study, Building Heights Study	Bath Society	4. Very much support the intention to produce a 'Setting Study' (5.2.11) & 'Tall Buildings Study' (5.2.14) as SPD.
Action Plan	Bath Society	5. Addition of 'responsibility' & 'funding source' columns in the tabulation is welcome. Consider the action list too long & would benefit from prioritisation.
Delivery of Actions	Bath Society	6. Are all the Planning Service actions achievable in the face of budget constraints? Can a bigger role be played by voluntary societies?
UNESCO Mission Report	Bath Society	7. Rec. III of the UNESCO rpt (rvd plans for social facilities in BW Riverside) has not been undertaken. The Society applauds recs. IV & V. Do not feel the State Party is meeting Recommendation VI (interpretation).
Landscape, Buffer Zone	Bath Society	8. Recent planning decisions testify that neither Green belt or AONB status are sufficiently robust to protect the WHS surrounding landscape. We ask that the final version of the Plan responds to the UNESCO recommendations as written, & that B&NES writes to the new SoS for DCMS pointing out the mistaken response of his predecessor. Furthermore, B&NES could note WHS Circ 07/2009 regarding settings & buffer zones & undertake measures to define the latter.

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Flooding	Bath Society	9. 5.2.16 para 2 not wholly accurate as it omits Oct 2000 when Bath came within two inches of flooding. Recent calls to remove the 1974 sluice gate on aesthetic grounds display an ignorance of the gate's function – to operate at low to medium river flows to raise the velocity of flow under Pulteney Br. (The arches were underpinned & the riverbed widened during the construction of the weir). Society has consistently expressed concern about cumulative impacts of recent riverside proposals - Bathampton Meadows P&R, Lambridge P&Ri, Bath Rugby on the Rec., Dyson at Newark Works, BW.Riverside & 'Blue Sky thinking' proposals expressed in the semi-secret Royal Haskoning report to B&NES. What happened to the River Corridor Study ?
Flooding	Bath Society	10. 5.2.17 Last sentence should add "& also the impact of the water table either side of the Avon". Gardens in Kensington PI flooded in 2000 & 2008 despite 1960s landfill elevation of Kensington Meadows between the Avon & the Grade II listed properties – water is affected by geological strata
Flooding	Bath Society	11. When will the Flood Risk Management Strategy become public ?
Flooding	Bath Society	12. 5.2.19 i) impossible to create compensatory storage downstream as it is already flood plain (ref PPS 25 Practice Guide) – cannot add to where it already floods. ii) Regarding upstream measures a) the 1m Cumec reservoir. Told that at projected peak flow this will fill in 38 mins – assuming it was empty to begin with b) Tree planting will take years & just as ground can only absorb so much water, so trees cannot be expected to absorb more water when there is a sudden excess.
Flooding	Bath Society	13. 5.2.20, 5.2.21 PARNASSUS - how will Bath's WHS benefit rather than individual Nat.I Trust properties ? We can minimize the danger of run-off by opposing new hard surfacing eg tarmaced car parks & other non- porous developments Buildings are as impervious as tarmac & also may form an obstruction to water flow. Society believes dangerous proposals within flood plain should not be allowed. No mention is made of maintenance of interlocking metal piling which has a finite life. The pilings 'backstay' construction is a further problem that should not be ignored.
Traffic	Bath Society	14. Public Realm 5.3 17 – 19 & Public Transport 5.5.7 – 5.5.12 do not mention using Rail Infrastructure to relieve road congestion. B&NES should display 'Localism' & approach Network Rail & the Department for Transport for help & advice
Traffic	Bath Society	15. Obj. 21 B (page 69 – Pulteney Bridge) is naïve, misleading & displays flawed thinking. How will closure of one of Bath's five bridges reduce vehicular volumes & develop alternative modes of transport ? Redistributes traffic & adds to congestion elsewhere. Vehicular emissions from standing & slow moving traffic increase. As always, the pollution is exacerbated by the so called 'canyon effect' of Bath buildings & surrounding topography. Traffic emissions harm Bath stone.
Traffic	Bath Society	16. Re 23B & 26B The Society has repeatedly opposed elements of the B. Trans.Package. Cancellation of the Regional Spatial Strategy house building removes the pressure to enlarge the

		Newbridge P&R & further weakens case for the dedicated Rapid Transit Bus route & associated Com. Purchase Orders.
	Bath Preservation Trust	<p>1. Plan provides a comprehensive description of the WHS & the progress (or otherwise) in implementing previous plan actions. Fails to provide a convincing picture of how the responsible authorities (principally B&NES) will ensure delivery of long-term vision. BPT believes plan needs significant reshaping to address some issues around delivery, & that it should provide the vehicle for debate within Cabinet & Council as to how the Council intends to deliver WHS responsibilities. The plan should be adopted as an SPD within the LDF with appropriate officer responsibility & budget. Our comments concentrate on the key areas of authenticity & integrity, governance & resourcing & prioritisation.</p> <p>There needs to be a strong WHS voice at the table when the key decisions are taken, & in every policy document. The current WHS management arrangements have failed to deliver this.</p>
Authenticity & Integrity	Bath Preservation Trust	<p>2. Spirit of Place - BPT welcomes the work done to develop understanding of the OUV, including the concepts of authenticity & integrity. Consider that the draft statement of OUV set out at paragraph 2.4.34 (p25 to 27 of the consultation draft) provides a satisfactory description of the physical elements of the WHS (the hot springs, the historic buildings & streetscapes, & their relationship with the surrounding landscape). However the authenticity & integrity of the WHS depends not only on its physical structures but also on its intangible culture & character – the spirit of the place. Challenge for Bath, like other urban WHSs, is to conserve physical heritage while also nurturing/ preserving spirit of place as a living entity across generations. Stat. framework for protecting WHSs described on p. 27 does not fully address the complexities of preserving either the physical structures or the spirit of place. It is essential that we protect/ preserve our historic buildings, spaces & views & also ensure new development is of appropriate quality & sits harmoniously alongside heritage assets. But there need to be clear means to achieve these goals, & in any case this represents only part of the challenge.</p>
Planning	Bath Preservation Trust	<p>3. physical assets of the place need to be preserved, developed & looked after consistently & in such a way as to assist multiple owners/ leaseholders to understand the framework in which they operate. The planning system in a City as complex as Bath needs to be much more responsive to customer needs by providing clear, unambiguous planning guidance where possible, & dedicated case-by-case advice where needed. Bath has considerably less generic but place-specific policy guidance than comparable historic cities, & result of this is a confrontational & labyrinthine planning system which imposes unnecessary costs on both property owners & Council’s Planning Dept. This mgt plan should be much more prescriptive in demanding this policy framework as a high priority</p>

		<p>within the action plan. As resources become constrained within the Planning Dept, the fear is that individual owners will increasingly 'do their own thing' without sufficient pre-planning advice or post-development enforcement to ensure that authenticity & integrity are maintained. The Council is ideally placed to take the lead in this with its substantial ownership of City Centre properties, whose leases should ensure the highest standards in property maintenance & repair.</p>
Role of Local Planning Authority	Bath Preservation Trust	<p>4. Chap. 3: acknowledges that B&NES is the 'predominant steward' of the site but barely mentions its role as the Local Planning Authority (LPA) in ensuring best possible management of individual physical assets & potential for this role to be an active servant of the site OUVs. There have been a number of areas where B&NES has fallen short in this duty. EG:</p> <p>i) There is no Conservation Area Character Appraisal for Bath, which results in the paradox of a number of villages in B&NES being better served in terms of planning policy than the WHS.</p> <p>ii) Changes achieved in PPS 5 (mentioned paragraph 3.4.4) in relation to WHS should be made much more prominent in order to enter into the consciousness of the Council at the highest level.</p> <p>iii) Physical accommodation of the City's Record Office is a disgrace, & there is clear evidence that there are inadequate resources available to maintain the Historic Environment Record. Despite outstanding efforts of the City Archivist & his colleagues to deliver a first-class service, this presents a real threat to maintaining the integrity & authenticity of the WHS.</p> <p>iv) Draft Plan gives no firm commitment that WHS mgt is to be incorporated into the LDF. In our view, the Plan will not be worth the paper it is written on unless the LD. Scheme is amended to include adoption of SPDs covering the key Plan priorities from the Plan, the Building Heights Study & Bath WHS Setting Study & including creation of a buffer zone.</p>
Distinctiveness	Bath Preservation Trust	<p>5. B&NES has done useful work defining spirit of place: Future for Bath Vision 2007 & Public Realm & Movement Strategy (2009). This work has not been fully carried through into later documents such as Sustainable Community Strategy 2009 to 2026 & Core Strategy Options Document 2009. These documents fail to recognise paramount importance of nurturing/ preserving the very special tangible & intangible qualities which set Bath apart from other historic cities. Careful consideration needs to be given to promotion (the 'Bath brand'). BPT recognises that in order to sustain its economy, Bath needs to remain an attractive destination for shoppers & tourists. Positive recent developments include creation of Future Bath Plus & the appointment of City Centre Manager, & opening of new small independent shops opening in N end of city centre. New Southgate has attracted several new retailers. Current advertising strategy 'a golden city paved with shops' misses the opportunity to tell visitors Bath has much more than shopping to offer. Bath's heritage must not be overridden by powerful commercial initiatives aimed at one particular client group (the shopper</p>

		market). Concerned that the Business Improvement District proposal seems to take little account of the tangible/ intangible qualities which set the city apart from its competitors.
Public Art	Bath Preservation Trust	6. City has not yet thought through how best to capitalise on its distinctiveness in the approach to public art displays. BPT are concerned that recent initiatives (& Christmas Market) do not enhance the exceptional quality of the buildings & public spaces at the heart of the city, & that the sheer number of people in the historic core frequently results in a poor quality experience for the visitor. BPT would like to see a more strategic approach to developing a public art programme of sufficient artistic distinction for a WHS, potentially using guest curators & developing educational links, for example through the Holburne Museum. More effort should be made to use public art displays to enhance areas of the city in need of temporary improvement instead of concentrating them in the historic core.
Governance & Resourcing	Bath Preservation Trust	7. BPT welcomed creation of the World Heritage Manager post & reconstitution of the WH Steering Group in 2008. The new Steering Group has undertaken useful initiatives, most notably the WH Enhancement Fund & a volunteer network for delivering small projects. However current arrangements cannot deliver the management infrastructure to take control of & implement this Plan. This is not the fault of any individuals involved: the unhelpful institutional framework, lack of any political or snr management accountability for delivery of the WHS Plan & absence of significant dedicated financial resources mean that it has been impossible to bring about any high level WHS management. First priority: develop a shared understanding of the OUV in their widest sense, including intangible/ tangible elements. This understanding needs to be shared by, & fully embedded in thinking & actions of political decision makers; officers, all three parts of Future Bath Plus; & by stakeholder organisations representing residents, the business community & heritage sector. We are concerned that we still hear influential individuals expressing the view that WH status is a drag on the city rather than an accolade which underpins its current economic & cultural prosperity & needs to be cherished. The shared understanding should be reflected in all daily management decisions & longer-term development. A WHS Steering Group meeting on a bi-annual basis (as proposed p60), supported by a single officer (the WH Manager) will never achieve this. Financial pressures will make med./short term budget increases very difficult for the Council. BPT believe that the time has come to radically rethink the way the WHS is managed. The aim should be to develop an alternative model which would better integrate WHS management with city management & which could unlock alternative sources of funding.
Prioritisation	Bath Preservation Trust	8. Lengthy analysis of issues & obj.s provides a useful evidence base for the Plan, & the equally lengthy list of actions are desirable. For the Plan to be a credible management tool, there needs to

be a clear commitment from the Council (& others where appropriate) that the most important obj.s will be delivered. Pages 60 to 73 are a wish list, not an action plan. The sheer length of the list will require a great deal of reporting & monitoring. It would be much more effective to identify a small number of really critical obj.s & concentrate the available resources on achieving these.

BPT would identify the following critical obj.s:

1. Review WHS management arrangements & move to an alternative model which (a) ensures that OUV of the WHS are at the centre of decision-making & (b) unlocks new sources of funding;
2. Develop a fit-for-purpose planning policy framework for managing the WHS which meets Govt requirements, by;
 - a. amending Local Develpt Scheme to show early adoption of SPDs covering WH Management, Building Heights & View Management;
 - b. Prioritise adoption of Bath WHS Setting Study as SPD & use its research to identify & install a buffer zone;
 - c. undertake a Conservation Area Character Appraisal for Bath Conservation Area;
 - d. Produce SPD on adaptation of traditional buildings in the WHS to reduce carbon emissions (using the model of partnership working with third parties currently underway);
 - e. Produce SPD on adaptation of traditional buildings in the WHS to reduce carbon emissions (using the model of partnership working with third parties currently underway);
3. Provide adequate resources for the Bath Record Office
4. Implement the PRMP
5. Develop & implement transport policies to reduce the pressure of vehicle traffic within the WHS & its setting while facilitating appropriate means of access for increasing numbers of visitors; &
6. Produce & implement an interpretation strategy for the WHS.

Action Plan	Bath Preservation Trust	9. Most individual Actions in Section 6 would support high-level obj.s. Many are however unfunded & no specific timetable can therefore be identified. The formal Action Plan should not be a wish list; rather, it should set out those items which the responsible authority commits to delivering. The wish list needs to be recorded separately, with items from it being brought forward for action as & when resources allow. BPT would welcome the opportunity to work with the WHS Manager to produce an alternative version of Section 6 of the draft Plan on these lines, for consideration at the next Steering Group meeting.
Research	Duchy of Cornwall	1. Welcome the Plan & excellent work done by the Council in preparing document for consultation. The Duchy is committed to advancing the understanding of Bath & already committed resources to further independent & <i>bona fide</i> archival & topographical research within the City. The findings this work will be made fully available to B&NES & other interested parties in due course.
Vision	Duchy of Cornwall	2. Page 6 Long Term Vision: 'Bath will maintain & enhance...(1st para) ...& Bath will conserve(4th para). This doesn't make sense - Bath is a place & not an agent of action in & of itself. See also P 35 4.1 .
Introduction to Plan	Duchy of Cornwall	3. Chapter 1 Intro: Should contain a statement of authorship & purpose of document & how this document relates to existing/ previous versions of the WHS Plan & assoc. documents.
Clarification of text	Duchy of Cornwall	4. Page 8 1.1.3 4th bullet. the 18th century 'Georgian' city & associated villages with their dwellings... Does this refer to earlier villages absorbed within the Georgian core; or villages created in the Georgian period – ie what is Georgian about these villages?
Clarification of text	Duchy of Cornwall	5. Page 8 1.1.3 8th bullet: 19th, 20th & 21st century developments, including presentation & interpretation of the historic environment through museums & other services... If this is referring to significant areas of 19th & 20th century housing development it should say so. It is not clear to link the first part of the bullet with the second (about museums) which would link better with the 9th bullet.
Clarification of text	Duchy of Cornwall	6. Page 9 1.1.7 : 'Bath Travel to Work Area' should be defined & main work destinations/commuter flows identified.
Clarification of text	Duchy of Cornwall	7. Page 9 1.1.9: Hotels & Restaurants are part of the service sector but the comment implies these are not part of the 79%.
Clarification of text	Duchy of Cornwall	8. Page 10 1.2.9: Bath is not a prospective Site.

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Supporting documents	Duchy of Cornwall	9. Page 11 1.2.16: We have not been able to locate a detailed review of actions on the Council website.
Setting, Buffer Zone	Duchy of Cornwall	<p>10. Page 12 1.2.19: Document is a tool for management of the WHS & should respect the boundaries of the Site as legally defined. Whilst the issue of views & the interconnection between countryside & city is of undoubted importance, the WHS boundary was established in 1987 & reconfirmed in 2005. The fact that there is as yet no agreed buffer zone or boundary defining the 'setting' make the findings of the 2009 Setting Study difficult for interested parties to understand & interpret. If the claim that is now put forward is that the OUV resides outside of the WHS, then the boundaries should be withdrawn & be renominated as indicated in 2.4.6 (this doc.) If however, the area immediately adjacent to the present WHS boundary is a contributory factor in the protection of OUV qualities & authenticity, but not in & of itself an element of OUV, then control of planning issues arising beyond the WHS boundary should be dealt with under existing or purpose drafted planning legislation. It is also noted (1.2.16 this doc.) that 'care needs to be taken not to include in the Plan any aspect of the City's management which are not directly related to its WH status'. With such a large & complex Site such as Bath, it is clear that most aspects of city planning will impact on the WHS, & changes beyond the boundary are no less likely to be influential. What is essential is that there is a robust interdepartmental consultative procedure within the Council, but it is our view that the inclusion of the setting is not warranted within the present document as a target of Management Actions. It is our understanding that much of the 19th & 20th century development (not included in the OUV Statement of Significance) extends from areas close to the City's historic Roman & Georgian core up to (& in some cases, beyond) the WHS boundary. That is to say, throughout much of Bath, it is 19th & 20th century development, & not the identified OUV that abuts the WHS boundary & which is brought directly into tension with the setting. Areas of 19th & 20th century development critically impinge on the view quality & experience of the countryside in some areas such as Little Solsbury Hill; but at the same time not all parts of the landscape surrounding the WHS are of equivalent sensitivity. For this reason, we advocate the development of more focused planning mechanisms such as view cone or view corridor policies which are successfully employed elsewhere in the UK including Greater London & Oxford. Development of a view cone strategy for Bath, need not compromise the concept of setting, or the excellent work compiled within the 2009 Setting Study; however in contrast to a reliance on setting, a view cone or view corridor policy (dealing with inward & outward views) & 3D modelling would provide a more practical tool in directing limited Council resources to maximum effect in the protection of the most important views; whilst also accepting the importance of growth & change in sustaining a vibrant city.</p>
Plan	Duchy of Cornwall	11. Page 13 1.3.3: The responses to these recommendations can be read in full at App 7. The

structure, wording		accompanying Appendix is particularly unclear. App 7 contains UNESCO/ICOMOS mission terms of reference July 2009 & it is presumed that the following text is of the same date. However App 7 also contains 'Response from the State Party' dated March 2009. It cannot then be the case that the 'State Party' comments are made in response to the July 2009 mission, & indeed the text itself suggests that these comments are made in response to an earlier document, which is not presented here.
Wording descriptions	Duchy of Cornwall	12. Page 16 2.3.10 We suggest text addition/alteration as below: In the 18th century the City was re-invented as a fashionable health resort. It expanded beyond its walls through the release of pockets of agricultural land from the various estates which surrounded the medieval city as a consequence of speculative development by their owners in response to the changing social & economic environment of the City. As a result, very few early buildings & urban arrangements remained unaltered. Cramped, jumbled medieval streets were transformed into a spacious & beautiful classical city ...
Wording descriptions	Duchy of Cornwall	13. Page 16 2.3.11. Is reference to town planning appropriate? Paragraph 2.3.16 states, & we would support, that "Bath evolved through speculative development... there was no city-wide plan" that is to say, Bath was not subject to any masterplan or town planning scheme, other than that put forward by individual architects & developers, whose work in time came to coalesce with considerable visual & practical cohesion.
Setting	Duchy of Cornwall	14. P. 17 2.3.19: This extends what is considered to be "the Site". It also challenges the concept of "setting" which has up to now largely been predicated on views. Presumably the 18th century buildings in surrounding villages are protected under normal planning restrictions & are not currently identified as OUV elements.
Railway	Duchy of Cornwall	15. P.17 2.3.21. ..was undertaken in a largely sympathetic manner, contributing some new, & high quality architecture. The high embankment of railway line to the W within the Avon valley significantly altered the relationship to the river of Corston, Newton St. Loe & Kelston Park.
Assets carrying OUV	Duchy of Cornwall	16. P 17 2.3.24. Greater clarity is required as to those assets listed which are considered to be OUV those that are not.
Royal Crescent	Duchy of Cornwall	17. P 18 2.3.30. Archival evidence shows that the design of the Royal Crescent also reflected adaptation & constraints placed upon it by the necessity to sustain the agricultural infrastructure, which was only gradually being absorbed into the urban infrastructure.

River	Duchy of Cornwall	18. P 19 2.3.35 Much could be achieved in extending access & improving the rural & natural qualities of the river flood plain. Such opportunities should be taken into account in determining policy for the river corridor area.
Trees	Duchy of Cornwall	19. P 19 2.3.36 There is evidence that much of the 18th & 19th century treescape to the south of the river contained substantial belts of conifers. Today, extensive conifer plantations are unlikely to engender public support, but it is an issue of authenticity which needs to be addressed if the management strategy is to be extended to include 'the setting'. A detailed appraisal should be made of trees within the City. Trees contribute greatly to the perception of Bath as a green city, nonetheless they must be respected as dynamic & changing elements with the capacity to grow or die; alter or block views; affect biodiversity & people's perception of place. The type of species, age of tree & its potential longevity with concern about the long-term viability of Horse Chestnut due to disease & pest issues. These are important factors to be taken into account in any city-wide tree appraisal. This should form the basis of a tree management strategy & form an integral part of the WHS Management Plan provision.
OUV	Duchy of Cornwall	20. P 20 2.4.6: The summary of the Committee's determination of OUV value must be based on their decision at the time, since any change to it would require a re-nomination of the property. Surely this means OUV refers to those attributes within or at the very most, visible (in terms of establishing curtilage or context) from the WHS itself.
OUV – Garden Cities	Duchy of Cornwall	21. P 20 2.4.8 : The agreed Statement of Significance says: <i>...creating a strong garden city feel, more akin to the 19th century garden cities than the 17th century Renaissance cities.</i> The term Garden City is misapplied. It normally is used in British contexts to the establishment of New Towns towards the very end 19th century & early 20th century. These were based on a city-wide plan which determined layout as part of a master planning process. Such towns were typically on much flatter sites, without diverse topography & with the provision of green open space driven by functional rather than aesthetic considerations. They are not generally considered in Picturesque terms. As such, the term does not reflect Bath well in terms of the processes of its development, nor the low density housing & the lack of central coherence which is a common feature of the so called garden cities.
OUV	Duchy of Cornwall	22. P 23 2.4.21 The drafting of a full statement of Outstanding Universal Value should be distinct from the WHS management plan.
Setting	Duchy of Cornwall	23. P 24 2.4.27 This is somewhat misleading. Much of the landscape surrounding the Georgian city (OUV) has been developed in successive centuries & in places, such as Batheaston, Bathampton & Bathford there has been extensive development mainly in the 20th century outside the city boundary.

Buffer Zone	Duchy of Cornwall	24. P 24 2.4.31 Agree that the boundary is generous & for this reason find it difficult to appreciate why a buffer zone further extending the effective catchment within the boundary should be necessary. Also we would like to see greater consideration & clarity given to definitions which identify elements as OUV & those regarded as 'connected with the OUV'. Those elements not regarded as being of significance to the OUV , or contributing less positively to the OUV but are nonetheless contained within the WHS boundary should also be more clearly identified.
Wording descriptions	Duchy of Cornwall	25. P 25 2.4.34 4th bullet We find reference to 'hollow in the hills' & 'garden city' inappropriate. Suggest text alteration as: "Bath is situated within the valley of the River Avon & its tributaries which cut deeply through the limestone plateau, opening an attractive topography of steeply sloping hillsides majestically occupied by buildings of extraordinary architectural merit & visual coherence through the use of local stone as a building material."
Wording descriptions	Duchy of Cornwall	26. Bath's grandiose neo-classical Palladian crescents, terraces & squares spread out over the surrounding hills & set in its green valley This suggests that Bath is not contained within its valley & extends out over the plateau. We suggest text addition/alteration as underlined below: Bath's grandiose neo-classical Palladian crescents, terraces & squares spread out 'along the sides of the valley & its slopes'
Integrity	Duchy of Cornwall	<p>27. P 26 Integrity (2010): Suggest text addition/alteration as below: 'Remains of the known Roman baths, the Temple of Sulis Minerva & the below grounds Roman remains are well preserved & within the property boundary. Despite some loss of Georgian buildings prior to inscription, the Georgian City remains largely intact both in terms of buildings & plan form. An extensive range of interlinked spaces formed by crescents, terraces & squares set in a harmonious relationship with the green landscape survive,' ...</p> <p>both within & surrounding the WHS site boundary, though the existence of this greenspace does not in all accounts represent a designed process but one determined by historical & present day patterns of ownership, development opportunities past & present, in addition to development control measures established during the 20th century. In all, ...</p> <p>'the relationship of the Georgian city to its setting of the surrounding hills remains clearly visible. As a modern city, Bath remains vulnerable to large scale development & to transport pressures, both within the site & in its setting that could impact adversely on its garden city feel, & on views across the property & to its green setting.</p> <p>'Garden city feel' is less problematic in this context but nonetheless might be replaced with 'green city' or similar for reasons given above.</p>
Trees	Duchy of Cornwall	28. P 26 Authenticity (2010) suggest text addition/alteration as: 'Careful appraisal & management of the urban treescape is also essential to ensure the continuity of the green character of the city.'
Trees	Duchy of Cornwall	29. P 27 Management & Protection (2010) Suggest that there should be reference to tree

		management issues here. We consider that a tree management programme which addresses the issues of senescent & diseased trees will be essential in maintaining the green character of the City. Advocacy for planting of large sized tree species appropriate to the Georgian setting & recognition of the dynamic & long-term contribution that trees make to the townscape also requires careful appraisal.
	Duchy of Cornwall	30. Issue 29: Improvements in the visibility & accessibility of the river are highly desirable & should be an important principle in consideration of any development or redevelopment within the river corridor. Issue 31: A comprehensive appraisal of the contribution that trees make in defining the character of Bath & authenticity in relation to the OUV is required, along with a plan to manage the treescape into the future. Issue 33: We suggest text addition/alteration as underlined below: There is a need to secure the necessary capital investment to realise opportunities to improve the quality, heritage significance & maintenance of the Site's public realm & open spaces. Issue 40: There is a need to ensure that historic buildings are understood in the context of their surroundings... Reference to Georgian building design as an architectural response to topography would be helpful here.
Setting, OUV, Planning Policy	Duchy of Cornwall	31. P 41 5.2.10 'Local Plan policy BH1 addresses World Heritage, & currently refers to protection of the 'special qualities' that lead to inscription, & to the Site's 'setting'. This policy needs to be both taken forward into the emerging Core Strategy & amended to refer to the OUV instead of special qualities' If there are elements of the OUV not contained within the present WHS boundary, then the Site should be withdrawn & re-nominated by due process. If elements within the setting are contingent only in so far as they establish a general character then they should not be conflated with the term OUV. See also comments for P 12 (1.2.19).
Summary Plan SPD	Duchy of Cornwall	32. P 41 5.2.11 Welcome the approach of producing a summary SPD. We consider that not all parts of the setting are of equal sensitivity in relation to the WHS/OUV. We would suggest that clear understanding of issues such as proximity to OUV; visibility to & from OUV; scales of sensitivity & risk to OUV should be established according to a purpose developed systematic assessment methodology.
Tall Buildings	Duchy of Cornwall	33. P 42 5.2.14 Consider that the policy for tall buildings should take account of the underlying topography & the potential for impact in relation to views across the city. It is noted that the WH committee mission July 2009 response found the proposal for an 8 storey building within the Western Riverside Development to be acceptable on the basis that buildings of similar height can be found in historic quarters of Bath. Whilst acknowledged that the committee took into account other factors relating to the removal of the existing gasometer, this should not obscure recognition that the tall buildings within the OUV

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		area are typically developed as a means of mitigating & articulating their relationship to steep slopes. In areas such as river corridor, building design does not perform the same function - the landform has little or no gradient.
Flooding	Duchy of Cornwall	34. P 43 5.2.20 Desirability of new development/redevelopment on the river floodplain should be addressed. This area offers significant potential for ecological & public access improvements which would contribute positively in reconnecting Bath with its River. Redevelopment of brownfield sites within the river corridor do not offer a no risk option on the straight forward basis that development of brownfield sites should in all cases be preferred. There are significant issues concerning protection of the OUV from both flood & visual intrusion in this zone. As an important arterial route, the qualities of the river corridor also conveys impressions of the city to visitors. Obj 2: Propose additional action point 2c as underlined below: Critically readdress development/redevelopment strategies in light of flood management issues identified within the river corridor.
New buildings	Duchy of Cornwall	35. P 46 5.2.41 We suggest text addition/alteration as below: Obj. 10: Promote multifunctional & adaptable new build configurations which will make an important contribution to long term sustainability by ensuring that built infrastructure can adapt to suit cultural & social needs in the future without demolition & wastage of valuable material resources. Multifunctional provisions should include opportunities for home working & employment within neighbourhood centres to promote social cohesion & reduce travel to work dem&.
River, Conservation Area	Duchy of Cornwall	36. P 46 5.3.6 There should be a closer relationship between the OUV & CA in order to guide sensitivities & conservation priorities through the planning system. We regard the River corridor as particularly sensitive with regard to potential impact upon the OUV.
Craft Skills	Duchy of Cornwall	37. P 47 5.3.9 Opportunities for appropriate skills training & qualification should be identified & promoted through active engagement in appropriately specified development schemes & restoration projects. P 39 5.1.9 Issue: 24: Duchy, in association with the Prince's Foundation for the Built Environment, has high regard for traditional craftsmanship of all types & has experience in ensuring the survival of living craft skills which so easily die out if not propagated through practical training & application.
Public Realm	Duchy of Cornwall	38. P 47 5.3.11 A robust inter-departmental consultative procedure <i>within</i> the Council is of crucial importance to ensure the effective conservation of public realm infrastructure.
Setting, Views	Duchy of Cornwall	39. P 47 5.3.12 We suggest text addition/alteration as below: ...important views need to be identified & given planning protection with consideration given to view cone/view corridor policies as means of delivery. This recommendation is made since not all parts of the setting are of equivalent sensitivity in relation to OUV & that a more practical approach with more sharply defined targets & policies should carry forward findings & further development in the understanding of issues relating to 'the setting'.

		<p>Obj 14: We suggest text addition/alteration as underlined below: Action 14a: Bring forward the information paper Bath WHS Setting Study (Oct 2009) as a SPD, & ensure SPD identifies & prioritises key views as a means of targeting effective controls.</p>
Trees	Duchy of Cornwall	<p>40. P 47 5.3.13 A detailed evaluation of the City's treescape is required. Trees in Bath exist in a dynamic & intimate relationship with built form. Not only do they present important issues in terms of historical authenticity of the OUV; but they also critically determine, constrain & augment views; & make a vital contribution to the perception of Bath as a green city; in addition to impacting on biodiversity & influencing multi sensory experiences of the city. A comprehensive tree management plan is required which respects & responds to WHS Management issues & ensures that an appropriate treescape survives into the future. This needs to be dovetailed with a landscape management plan, which ideally can link together public, NGO & private landholdings partly by the planning process & partly by education & incentives</p> <p>P 47 5.3.14. Much of the treescape to the South of the City was dominated by 18th century plantings of conifers & firs now out of fashion. In this respect the <i>type</i> of treescape to be maintained or re-established needs careful assessment if authenticity is to be taken seriously. See also comments under Page 19, paragraph 2.3.36.</p> <p>P 48 5.3.19 Suggest text addition/alteration for Obj. 16 as below: Undertake critical analysis of trees within the WHS to better understand their contribution to authenticity; impact on views; anticipated growth & longevity; & implications of diseases affecting trees such as h. chestnut.</p>
Public Realm	Duchy of Cornwall	<p>41. P 48 5.3.17 The materials, textures & forms of the public realm are crucial in defining the unique qualities of Bath. Such infrastructure delivers a sense of place, often working in subliminal ways & overlooked until such time that the crucial components are disassembled or replaced.</p> <p>P 48 5.3.18 Respect for the historic evidence base should guide the selection of materials, surfaces & forms to be adopted in new works & restorations.</p> <p>Suggest text addition/alteration as below: Action 14e: PRMS to provide pattern book for landscape features in public realm to manage asset & inform material choices for all future improvement work with regard to historic precedents & contexts.</p>
Research	Duchy of Cornwall	<p>42. P 49 5.4.3 The extensive scope & need for research is beyond that which can be reasonably carried out, commissioned & assimilated by the Council. The Council should build a suitable consultative structure so that valuable research carried out by reputable agencies or individuals can be fed into the WHS Management Planning Process as it is rolled forward.</p> <p>P 51: 5.4.25 Suggest text addition/alteration as below: Obj. 19: Develop strategies by which reputable agencies & individual researchers can interact with &</p>

		<p>contribute to understandings which will contribute to the ongoing process of WHS Management Planning.</p> <p>Ps 60 – 73 Obj 1: Propose additional action point 1g as below: Develop strategies & procedures for the assimilation of relevant WHS research from suitably qualified outside bodies & individuals.</p> <p>Obj. 19: Propose additional action point 19b as underlined below: Develop strategies for the assimilation of new research & analysis from bona fide & suitably qualified sources into forthcoming WH management planning.</p>
River Transport	Duchy of Cornwall	<p>43. P 53 5.5.12 Suggest addition to follow paragraph 5.5.12 as below: Opportunity exists to critically address the development potential within the river corridor. The potential for riverboat services should be investigated as part of the sustainable Transport Strategy. Obj 25: We propose additional action point 25b 'Explore potential for river taxi services.'</p>
Visitor Dispersal	Duchy of Cornwall	<p>44. P 55 5.6.8 Focus on Bath's literary & artistic heritage through leaflet guides would help to disperse visitors by following specific trails & encourage more overnight stays through making more obvious other aspects of City worthy of exploration & enjoyment.</p> <p>Obj 29: Propose additional action point 29c 'Develop special interest trails to disperse visitors & encourage overnight stays.'</p>
Cotswold AONB	Cotswolds Conservation Board	<p>1. Board welcomes this revision of the WHS Mgt Plan & is supportive of the document, in particular pleased to note references to the Cotswolds AONB & the Cotswolds AONB Mgt Plan 2008-13. As you are aware that Plan was endorsed by the Council as a material consideration in the consideration of planning applications & for the development of planning policies</p>
Setting	Cotswolds Conservation Board	<p>2. The WHS Plan addresses the issue of the setting of the WHS & its significance. Some discussion is included of whether the setting can be defined as a Buffer Zone. The Board has issued a position statement on development within the setting of the Cotswolds AONB which provides guidance on this issue. It includes the following statement which may be helpful in context of WHS Plan:</p> <p>The setting of the Cotswolds AONB does not have a geographical border The location, scale, materials or design of a proposed development or land management activity will determine whether it affects the natural beauty & special qualities of the AONB. A v. large development may have an impact even if some considerable distance from AONB boundary.</p> <p>Examples of adverse impacts will include:</p> <ul style="list-style-type: none"> - Blocking or interference of views out of the AONB particularly from public viewpoints - Blocking or interference of views of the AONB from public viewpoints outside the AONB - Loss of tranquillity through the introduction of lighting, noise, or traffic movement

		<ul style="list-style-type: none"> - Introduction of abrupt change of landscape character - Loss of biodiversity, particularly if of species of importance in the AONB - Loss of features of historic interest, particularly if these are contiguous with the AONB - Reduction in public access - Increase in air or water pollution <p>Adverse impacts might not be visual. The special qualities of the Cotswolds AONB include tranquillity. A development which is noisy may well impact adversely on tranquillity even if not visible from the AONB.</p>
Vision	Cotswolds Conservation Board	3. Board would suggest that para 4 of the Vision should read "Bath will conserve & safeguard the cultural assets & landscape setting of the World Heritage Site for this & future generations".
Partnership Working	Cotswolds Conservation Board	4. Board will continue to conserve & enhance the AONB through its own actions, & in partnership with others. Examples include offering grant aid for dry stone walling restoration, countryside management by the Cotswolds Voluntary Warden Service, management of the Cotswold Way National Trail, & securing the undergrounding of significantly intrusive electric distribution cables. The Board will also respond to significant planning applications & planning policy proposals which affect the AONB & its setting.
Steering Group	Cotswolds Conservation Board	5. In view of overlap between WHS/ AONB, consideration should be given to inviting Board representation onto WHS Steering Group.
Tranquillity, Dark Skies	Cotswolds Conservation Board	6. The Board has issued a position statement on Tranquillity & Dark Skies in the AONB.
	Bath Heritage Watchdog	1. The revised plan is both shorter than the 2003 edition & easier to read & understand. Authors are to be congratulated.
Management	Bath Heritage Watchdog	2. Cabinet Member for Devlpt & Major Projects has responsibility for WH matters. This is a union with a permanent conflict of interests. Major Projects are aimed at achieving particular aims, whether they be housing targets, employment opportunities, etc. WH matters have a conservation slant, attempting to preserve the OUV & its tourism significance without completely stifling development. Having one Cabinet Member as sole arbiter between the two has generally resulted in undesirable outcomes. We propose that responsibility for WH matters should transfer to the Leader of the Council as part of the Culture Development responsibilities. Conflicts of interest would then have to be resolved by discussion rather than being one person's decision. This would put the OUV

		on an equal footing to development aspirations. The outcome might end up the same, but it might not; & having the issues properly debated beforehand must make both parties aware of what is at stake when a decision is made.
Management	Bath Heritage Watchdog	3. Council's Heritage Champion obviously has a role to play outside Bath because heritage exists throughout B&NES. But if his title was amended to Heritage & World Heritage Champion it would serve to identify an alternative point of contact (other than the World Heritage Manager) for public concerns about World Heritage.
Conservation Area	Bath Heritage Watchdog	4. WH boundary embraces the entire city, but the current Cons Area covers only part of that. The introduction of an umbrella term "Heritage Asset" in PPS5, puts listed buildings, conservation areas, sites of special scientific (or natural) interest, archaeological remains & visually important open spaces etc on an equal footing. Part of Bath's OUV recognises sight lines & landscape, but outside the CA no protection is offered to parts of the landscape that might be visually important. Outside of the CA, inappropriate felling of trees, an unfortunately placed "permitted development" extension or dormer window, could sever this line or a "permitted development" demolition could remove a landmark feature. We recommend that the entire Site is made a CA, so that developments are subject to planning permissions & Article 4 controls can be introduced where appropriate.
Planning	Bath Heritage Watchdog	<p>5. Development Control Committee often hear opinions as to whether a planning application would affect the WHS. Unfortunately there are many interpretations of the Site, ranging from the correct one of everything within the city boundary plus views in & out, to an incorrectly restricted view of "central Bath" or "Georgian core". An incorrect description of the WHS during a debate must lead to planning decisions of doubtful accuracy.</p> <p>Currently, developments on land areas in excess of 0.5 hectares are referred to English Heritage, & too often EH either make no assessment of the impact on the WHS, or even worse, make a wrong assessment. In the case of the West. Riverside, UNESCO specifically disagreed with the EH advice.</p> <p>We recommend:</p> <ul style="list-style-type: none"> • A standard procedure of referring all proposed developments with a land area of 0.5 hectares or more to ICOMOS-UK as well as EH, because as agents for UNESCO, ICOMOS-UK are the experts on the OUV. Such planning applications should also require consultation input from the WH Manager. • Training should be given to all DCC Members & reserves on how to properly assess any impact on the WHS, & should emphasise that local benefits should take second place to the expectations of the rest of the world. • Written guidelines for Case Officers to help them assess any impact on the WHS.

		<ul style="list-style-type: none"> Delegated decisions on Listed Building applications should only be made by Cons Officers, as should CA Consent for demolitions.
Tourism	Bath Heritage Watchdog	<p>6. Many Tourists come to absorb the architectural ambiance, & don't care when something was built provided it fits in with their idea of what Bath should look like. Architectural purists can find lots wrong with the detailing of the Southgate, but the general public like it because it meets their expectations of what a shopping centre in Bath should look like, & the only styling criticism from visitors that we have overheard is that it is too tall (which it is). Similarly, nobody cares that the Francis Hotel was built in the 1950s with the wrong number of doors, because it looks as though it belongs to Queen Sq. & very few know that on another side of Queen Square is a Victorian infill. The varieties of style, like the Italianate villas on Bathwick Hill & the Edwardian terraces in Oldfield Pk are regarded as part of the homogeneous experience of Bath. From a WH point of view, the world in general will not support the idea that 'pastiche' is somehow abhorrent, or that uncharacteristic buildings (such as the bus station, where we overheard "What were they thinking of when they built this") are an asset.</p> <p>When Bath City Council controlled planning, there was a style guide that insisted that every new building should be compatible with the homogeneous appearance of Bath, in scale & in palette of materials. Avon Co.Council took over this policy but did not enforce it rigidly. B&NES did not adopt this policy, probably because to do so would have prevented planning permission being given to the Thermae Spa building. But the continued absence of this policy has failed to prevent the bus station which was built, & provided an excuse for the Dyson multi-coloured glass palace, the tower blocks on the West. Riverside which the council is mindful to permit, or the Cullinan Plan for N. & S. Quays which has not yet had proper public exposure.</p> <p>The proof that this mode of thinking is still in vogue can be witnessed by the new proposals for a 'Welcome Building' for the Technical College. A style guide to control this type of extravagance is desperately needed. We recommend that this type of style guide is resurrected & is adopted as an SPD. Tourists do not come to Bath to be impressed by modern architects' egos, they come to enjoy the honey coloured stone & a universal sense of proportion. Bath only needs one landmark building, the Abbey.</p>
Long Term Vision	Bath Heritage Watchdog	<p>7. There seems to be a general attitude that having got WH status nothing else needs to be done. Yet this is far from true. Looking at Bath from popular viewpoints, nearly everything that looks out of place was built in the last 40 years, & it shows itself up by absence (of chimneys, dormers or window proportions etc) or as a presence (shiny roofs, excessive areas of glass, brilliant white rainwater goods etc). The Long Term Vision needs to include a reminder that maintaining the OUV</p>

		takes effort. We suggest an amended paragraph: Bath will be accessible & enjoyable to all; a site that understands, <u>defends</u> & celebrates its Outstanding Universal Values & atmosphere.
Description of the Site	Bath Heritage Watchdog	8. The evolved nature of Bath needs far greater description than “19 th , 20 th & 21 st century developments”. It is right to identify the “Designated” archives, but that section needs to also recognise that other collections are an important window on the site.
Energy Conservation	Bath Heritage Watchdog	9. Para 1.1.5. Ways that historic buildings can be adapted for energy conservation are not necessarily the same methods as those promoted for modern buildings. The last sentence should be amended to: Bath has a high number of historic buildings which may not be <u>suitably</u> adapted for changing energy needs <u>by the most widely used methods</u> .
Students	Bath Heritage Watchdog	10. Between 1.1.6 & 1.1.7, should come a reference to the steadily increasing student population also has to be accommodated. Some purpose built residences have been erected, but a considerable amount of former family housing has been bought & converted into bedsits. This has not only added to the shortage of family housing by taking a considerable proportion of such properties off the market, but in the interests of easy maintenance gravel has replaced many gardens & in some places walls & gateposts have been removed. The character of some areas has changed considerably.
Contemp. Architecture	Bath Heritage Watchdog	11. Para 1.1.10 is over-simplified. There is no single style called “contemporary”. The reference to contemporary buildings should refer to typically styled contemporary buildings . Contemporary buildings have been successfully introduced (Charlton Court, Horstman Close & Seven Dials for example) but Bath should not be entertaining architects who want to introduce “shock value” designs to the city. It is not impossible to surround a modern business space with an exterior that sits comfortably into the street scene, but it is difficult to persuade developers that they should do that.
Legislation	Bath Heritage Watchdog	12. Para 1.2.6 needs additional material: The World Heritage Convention has been ratified by the UK Government, although the designation is not yet recognised in UK law <u>beyond being included as a “Heritage Asset” in PPS 5</u> . The Site is primarily protected by UK planning laws & specific planning guidance. PPS 5 (2010) lays down the principles for protection, & Circular 07/2009 clarifies that World Heritage Site status is a ‘key material consideration’ in planning terms. The Plan <u>has not</u>

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		<p><u>previously</u> been adopted as a Supplementary Planning Document, but the Action Plan contains an aspiration to achieve this by adopting a summary version. Locally, protection is currently (2010) via the B&NES Local Plan, adopted in October 2007. Designations including listed buildings & conservation areas, & scheduled monuments also offer statutory protection. <u>The Local Plan makes provision for protecting Locally Important Buildings, but the associated task of identifying the buildings that fall into that category has never been undertaken.</u> Section 3.4 gives more detail on the planning & policy framework, & Appendix 5 contains the relevant Local Plan policy. Non-statutory designations also exist, such as the English Heritage Register of Historic Parks & Gardens, <u>& planning decisions normally treat areas on that register as Grade II listed.</u></p>
Setting	Bath Heritage Watchdog	<p>13. Paragraph 1.2.8 doesn't go quite far enough. It needs some additional words in the second sentence: The Plan recognises that factors beyond the boundary of the Site will influence it <u>or views into or from it.</u></p>
Management & Funding	Bath Heritage Watchdog	<p>14. Para 1.2.15 needs amending. Bearing in mind that it is a plan for a number of years, it should not rule out possibilities for the future even if they seem unlikely today. So the last sentence should begin <u>Delivery of plan actions has not so far been</u> underpinned by a specific budget & <u>currently</u> relies on co-ordinating & influencing other agendas.</p>
Wording	Bath Heritage Watchdog	<p>15. Para 1.2.16. Saying that 26% is not completed implies that they are started. You should say 26% unachieved.</p>
UNESCO Mission	Bath Heritage Watchdog	<p>16. Para 1.2.17 misleads slightly. The Mission Rpt assesses management of <u>the parts of the site which they saw</u> as good. In the conversation that Watchdog had with them they were completely shocked to discover that something as unique as Cleveland Pools could be allowed to get into the state in the photographs we showed. However, because they didn't see it with their own eyes they didn't mention it in their rpt.</p>
Interpret.	Bath Heritage Watchdog	<p>17. Para 1.2.18 should recognise that better dissemination of information is required. Educational establishments should extend beyond schools into the universities. Also, a surprising number of residents are unaware that Bath is a WHS. The WH logo should be on council forms, main buildings & on all local maps & leaflets available from the Tourist Info. office.</p>

Contemp. Architecture	Bath Heritage Watchdog	<p>18. Para 1.2.21 is not true. Look at the claim "Large scale developments of contemporary architecture have come forward, & provided important lessons on how to handle such applications." Now consider that the original proposals for the Dyson Academy involved demolishing the Newark Works & resulted in the Canadian Government writing to the Secretary of State insisting that the building was preserved, & it was spot listed within days. Then the plans were amended to retain just a butchered façade, & the council voted to grant permission. This demonstrates that the lesson that what the world (in this case represented by the Canadian Government) wants should be more important than a mere local desire, was definitely not learned. Similarly, the WH Committee, made up of delegates from a number of countries, voted decisively that the West. Riverside as currently proposed would seriously damage the Site, yet the DCC decided to persist with that design. Whether these examples reflect greed, stubbornness or stupidity is irrelevant, there is clearly no evidence that anybody has learned anything.</p> <p>As for the Thermae Spa proving that it is compatible with Bath's status, the appearance on the street scene might not cause visual problems, but the method of construction rules out the "entirely compatible" description used in this paragraph. Firstly, the Beau Street Baths which was demolished to build the Thermae building was of traditional stone & mortar construction, & would have lasted another couple of centuries, whereas the Thermae building is concrete poured over ungalvanised steel reinforcements, so has a life of at best 60 years, & probably less than this. Then the Beau Street Baths had its water at the lowest level, so that the weight of water in the pool was supported by the water table in the surrounding soil, & the building above could be relatively light. The Thermae building has a large pool on the roof, so all the underlying structure has to be strong enough to support the weight, making it a very heavy building bearing down on a relatively small footprint. Its weight appears to be already moving the water table beneath it, & the colonnade & buildings in Bath Street are showing the first signs of structural damage from movement of their foundations. So this adventure into modern architecture has resulted in a short-lived building replacing one that would have outlasted it, which will have caused considerable expense to rescue the Grade I listed buildings in Bath Street in its short lifetime.</p> <p>Consequently, the only part of Paragraph 1.2.21 worth keeping is the first sentence & parts of the last two, hence: "Balancing conservation against growth has been a significant challenge. Decision makers within the development process need to appreciate, understand & properly interpret Bath's status & characteristics. This requires continual support & reinforcement".</p>
Access	Bath Heritage Watchdog	<p>19. Para 1.2.25 could be extended with the news: "Plans for providing disabled access to Number 1 Royal Crescent are in the early stages but should be brought to completion within the lifetime of this Management Plan."</p>

WH Day	Bath Heritage Watchdog	20. Para 1.2.26 should not be so narrow as to set a single day for World Heritage Day, when "World Heritage Events" would give elbow room. See also our comments on Para 5.4.7.
Wording	Bath Heritage Watchdog	21. Para 1.3.3 needs an additional sentence: By the autumn of 2010, none of the recommendations iii to vii have been actioned.
Landscape Setting	Bath Heritage Watchdog	22. Paragraph 2.3.2 has a last sentence that is too narrow. It should say: The countryside stretches into the city in several places, & there are views of the surrounding hills from <u>many parts of the city, along with views into the city from the surrounding hills.</u>
Wording	Bath Heritage Watchdog	23. Paragraph 2.3.3 should begin: The stone of the surrounding hills can & has been mined & quarried ...
Wording	Bath Heritage Watchdog	24. Paragraph 2.3.5 reads clumsily. For accuracy the first sentence should read: The hot springs have played a central role in <u>nearly</u> every stage of the city's development, creating a unique social history & continuing culture. It would be better for the second sentence to say: The city has regularly used the springs as a regeneration tool, rebuilding the structures & promoting the culture of drinking the waters for health, & bathing in the waters for health & recreation.
Wording	Bath Heritage Watchdog	25. Paragraph 2.3.9 for accuracy should begin: Medieval Bath was an important regional trading centre based on the wool & cloth trades, & during that time the Roman complex remained undiscovered & the hot springs ran to the river unused.
Wording	Bath Heritage Watchdog	26. Para 2.3.13 needs an additional sentence at the end: The Mineral Water Hospital, the first hospital in the country to offer treatment to patients from outside the local area, attracted scientists & doctors of renown because of the opportunities the hospital offered for research.
Wording	Bath Heritage Watchdog	27. Para 2.3.19 needs to be completely rewritten: Unlike the Georgian builders who either remodelled existing buildings or demolished & replaced them, Victorian developments mostly infilled

		<p>the gaps left by the Georgians or extended the size of the city. Many of the buildings the Victorians built in the city centre continued the Palladian style, & a number of buildings that are assumed to be Georgian (including parts of the Roman Baths complex) are of a later date. The Victorians also extended buildings in the original style, including the Guildhall, the Abbey & the Pump Room & the Mineral Water Hospital. Bath also had the majority of its churches (with exceptions such as St Mary's Bathwick, St Saviours, Larkhall & Christ Church, Julian Road which were of the late Georgian period but not in that style) built by the Victorians. The contribution to the skyline of Bath made by these buildings is significant. At the time, Bath had the greatest number of places of worship per head of population than anywhere else in Britain, & John Wesley came to preach. The use of Palladian style continued after 1825, indeed the now demolished Beau Street Baths was built in Palladian style in the 1930s, but new Victorian styles increasingly influenced the city's architecture, & in particular extended the city beyond its Georgian boundaries. The 19th & 20th century suburbs largely filled in the landscape between the city & its satellite villages, but stayed within the river valley. A distinctive contribution was made to the site by industrial & railway architecture mostly along the river valley. Many surrounding villages, although separate centres of population until the suburbs reached them, were closely associated with the city & their 18th century buildings reflect the activity in Bath at that time, & now they form an important element of the Site.</p>
Bomb Damage	Bath Heritage Watchdog	<p>28. Para 2.3.22 Very few Georgian artisan dwellings were lost to World War II bombs. The City Engineer's records from 1942 identify 115 Georgian buildings destroyed by bombs (we have a list of the addresses if you want it), everything else (the records show that about 19,000 buildings sustained some degree of bomb damage) was either repairable damage or in the Victorian & Edwardian suburbs. It was Bath City Council's post war policies that erased acres of Georgian artisan dwellings from the landscape, not the war.</p>
	Bath Heritage Watchdog	<p>29. Para 2.3.25 needs revising. The built heritage of Bath is extensive & spread across the Site. The city centre is largely Georgian in character <u>despite retaining the medieval street layout</u>, though some buildings were refaced & contain earlier fabric, <u>& others are later, mostly Victorian additions, built in the Georgian style</u>. A few notable buildings from the 16th & 17th centuries remain, <u>& the original Roman drain from the bathing complex still exists & functions today</u>. In addition to the structural fabric of buildings, many historic interiors survive from different periods. Surviving Georgian elements comprise not only buildings, but also infrastructure elements such as parks & gardens, streets & footways, bridges, subsurface vaults, & cemeteries.</p>
	Bath Heritage Watchdog	<p>30. Para 2.3.29 needs additional sentence: Some of the inter-war buildings are sufficiently</p>

		important to the character of Bath that they have been listed.
Wording	Bath Heritage Watchdog	31. Para 2.3.30 needs additional information. In some locations, the gaps between buildings are architecturally significant.
	Bath Heritage Watchdog	32. Paragraph 2.3.34 needs to be divided & enhanced as follows: 2.3.34 Bath also has rich associations with prominent people from all periods, particularly the 18th & 19th centuries: royalty, politicians, aristocracy, artists, writers, musicians, doctors, scientists & engineers. It has played a long-term role as a national & international place for large-scale social interaction. In the 18th century Bath was central to the development of society, particularly the upper classes. In the 19th century, engineering advances improved Bath's textile mills, local residents James Dredge invented a new type of bridge, Gustav Horstmann invented the micrometer allowing accurate measurements to a thousandth of an inch for the first time & his son Sidney Horstmann designed & built a very early motor car, while Stothert & Pitt manufactured with such skill & accuracy that they became Isambard Kingdom Brunel's favourite subcontractor & were trusted with building the very first steam locomotives to run on the Great Western Railway. Medical science was advanced by the diagnosis of diabetes & the discovery that vaccination could prevent smallpox, & Dr Oliver's biscuit improved digestive problems. Isaac Pitman invented Shorthand & designed a method of printing it, & Jonathan Bowler automated the processes of producing Soda Water.
Bridges	Bath Heritage Watchdog	33. Para 2.3.35 needs addition: The natural crossing points of the R.Avon in Bath were used by the Romans, & as ferries were replaced by bridges, have continually influenced the city's development.
	Bath Heritage Watchdog	34. Para 2.4.8 Criterion (ii) provides too much scope for those who regard everything except the masterpieces as disposable. It is important to avoid any excuse for another 'Sack of Bath', & so the second sentence should be extended: This unifying of nature & city, seen throughout Bath, is perhaps best demonstrated in the Royal Crescent (John Wood Younger) & Lansdown Crescent (John Palmer), but the unsung Georgian artisan dwellings, & the 19th & 20th Century expansions of Bath in similar proportions & in the same limited palette of materials all contribute to a homogeneous character.
	Bath Heritage	35. Para 2.4.9 needs to be amended slightly to be compatible with amended Criterion (ii).

	Watchdog	Changing Item 4 to Georgian <u>styled</u> architecture would suffice.
	Bath Heritage Watchdog	36. Para 2.4.18 should include Ironbridge, which is within radius of the other WHS locations listed.
	Bath Heritage Watchdog	37. Para 2.4.19 needs to match the revised Criterion (ii), so the third sentence should read: Architecture & engineering from periods not <u>specifically mentioned</u> in the OUV are important ...
	Bath Heritage Watchdog	38. Para 2.4.21 needs revision: Text for parts a) & b) of this Statement is already agreed & should not require <u>more than minor</u> revisions.
	Bath Heritage Watchdog	39. Para 2.4.24 ends with wishful thinking. "Management measures in place through planning system continue to ensure changes are faithful to original designs & are recorded". ...the back of the Grade I listed Holburne is completely contrary to all national guidelines, & equally unjustifiable decision to demolish Grade II* listed access ramp to Bath Spa station, ...planning system fails dismally to protect what it is supposed to. Property Services have not been consulted about the ability of ancient vaults to support weight of the BRT buses. ... reports submitted by the public of damage done to listed buildings without planning permission, noting how many have been declared "not expedient to enforce" by Planning Enforcement, will show the other side of the coin. If it is important to rescue this paragraph, then: Management measures in place through the planning system <u>are intended to</u> ensure that changes are faithful to original designs & are recorded is at least honest without highlighting the failures.
	Bath Heritage Watchdog	40. Para 2.4.32 needs to be more accurate: With regards to development &/or neglect, this matter was fully considered by the 2008 joint UNESCO / ICOMOS Mission which found <u>those parts of the site examined</u> to have a 'good overall state of conservation' (see 1.3), <u>though they expressed concerns about future development plans</u> . Management measures are outlined in this plan to ensure that <u>conservation remains important</u> , & the integrity of the site remains <u>council policy</u> . Until Major Projects agree to take WH seriously, nothing more positive than that can be said.
	Bath Heritage Watchdog	41. Para 2.4.34 needs to align with the suggested amendment to Para 2.4.8. <ul style="list-style-type: none"> • Criterion (i) second para becomes: Bath's quality of architecture & urban design, its visual homogeneity & its beauty are largely

testament to the skill & creativity of the architects & visionaries of the 18th & 19th & to a lesser extent 20th centuries who applied & developed Palladianism in response to the specific opportunities offered by the spa town & its physical environment & natural resources (in particular the hot springs & the local Bath Oolitic limestone). Three men – architect John Wood Senior, entrepreneur & quarry owner Ralph Allen & celebrated social shaper & Master of Ceremonies Richard “Beau” Nash – together provided the impetus to start this social, economic & physical rebirth, resulting in a city that played host to the social, political & cultural leaders of the day. That the architects who followed were working over the course of more than a century, with no master plan or single patron, did not prevent them from contriving to relate each individual development to those around it & to the wider landscape, creating a city that is harmonious & logical, in concord with its natural environment & extremely beautiful.

- Criterion (ii) becomes:
Bath exemplifies the 18th century move away from the inward-looking uniform street layouts of Renaissance cities that dominated through the 15th-17th centuries, towards the idea of planting buildings & cities in the landscape to achieve picturesque views & forms, which could be seen echoed around Europe particularly in the 19th century. This unifying of nature & city, seen throughout Bath, is perhaps best demonstrated in the Royal Crescent (John Wood Younger) & Lansdown Crescent (John Palmer), but the unsung Georgian artisan dwellings, & the 19th & 20th Century expansions of Bath in similar proportions & in the same limited palette of materials all contribute to a homogeneous character. Bath’s urban & landscape spaces are created by the buildings that enclose them, providing a series of interlinked spaces that flow organically, & that visually (& at times physically) draw in the green surrounding countryside to create a distinctive garden city feel, looking forward to the principles of garden cities developed by the 19th century town planners.
- Criterion (iv) becomes:
Bath mainly reflects two great eras in human history: Roman & Georgian. The Roman Baths & temple complex, together with the remains of the city of Aquae Sulis that grew up around them, make a significant contribution to the understanding & appreciation of Roman social & religious society. The 18th century re-development is a unique combination of outstanding urban architecture, spatial arrangement & social history. Bath exemplifies the main themes of the 18th century neoclassical city; the monumentalisation of ordinary houses, the integration of landscape & town, & the creation & interlinking of urban spaces, designed & developed as a response to the growing popularity of Bath as a society & spa destination & to provide an appropriate picturesque setting & facilities for the cure takers & social visitors. Although Bath gained greatest importance in Roman & Georgian times, the city nevertheless reflects its medieval street pattern within the area that was bounded by the city walls, significant

		<u>Victorian additions, many imitating the Georgian style, & continuous development over two millennia with the spectacular mediaeval Abbey Church sat beside the Roman temple & baths, in the heart of the 18th century & modern day city.</u>
	Bath Heritage Watchdog	42. The last sentence of the "Authenticity (2010)" section needs to read: There is a need for new developments to respect the planning of the Georgian terraces, to respect the scale & rhythm of its structures, <u>to adhere to the local palette of materials</u> , & to contribute to picturesque views.
	Bath Heritage Watchdog	43. The "Management & Protection (2010)" section should perhaps mention the National Heritage Act 1983 as amended by the National Heritage Act 2002. Also, the sentence in the last paragraph "Transport improvements are based principally around a bus based network, outlined in the Management Plan" should be omitted. Our perception is that much of the congestion in central Bath is caused by ill conceived traffic lights & buses getting in the way of other buses as a consequence, & a long term plan should not commit to a single solution that might have to give way to other ideas within its lifetime.
Urban Regeneration Panel	Bath Heritage Watchdog	44. Para 3.2.6, isn't accurate. The Urban Regeneration Panel was set up to advise on the Western Riverside, but they took it upon themselves to examine other proposals. Given the discrepancy between their aspirations for the WR & UNESCO's abhorrence of the plans, they should be deleted from the "Governance" section. Rely instead on the WH Steering Group.
Parks & Gardens	Bath Heritage Watchdog	45. Add new Paragraph 3.3.16: Four of Bath's Parks are on the English Heritage Register of Historic Parks & Gardens, listed at Grade II, & the Local Plan identifies some Visually Important Open Spaces which are not recognised as parks but are an essential component to landscape views.
	Bath Heritage Watchdog	46. Paragraph 4.1 should contain the same amendment as the Vision at the beginning of the Management Plan: Bath will be accessible & enjoyable to all; a site that understands, <u>defends</u> & celebrates its Outstanding Universal Values & atmosphere. Something that ought to be in the Long Term Vision but isn't is the idea that the WHS should be actively advertised, perhaps in conjunction with an interpretation centre. (A visit to Ironbridge could be an inspiration for this).
	Bath Heritage Watchdog	47. The Built Heritage Team is undermanned for the number of listed buildings that are visually

		important in the WHS. Potential developments can be lodged in the form of a LB Application at no charge, but pre-application consultation is charged for so most applicants choose not to take it. This significantly increases the workload of the Built Heritage Team who have to write a formal response to an application & later deal with resubmissions, when an informal chat could have set an applicant on the right lines. only Conservation Officers should be case officers for Listed Building Applications, & this is not the current policy. The current policy has led to some serious errors of judgement.
Planning Decisions	Bath Heritage Watchdog	48. Planning legislation allows some leeway for judgement, balancing harm against benefits, but decision makers sometimes take liberties. One DCC Member about to vote on a development was heard to say he was fed up with being reminded about WH & would ignore it, despite the requirement to treat this as a matter of special significance & the national guidance that harm should be wholly exceptional. Decision makers should properly understand their obligations to protect the Site & the quality of their decisions should be audited.
Planning Enforcement	Bath Heritage Watchdog	49. Enforcement is not mandatory. legislation says that Local Planning Authorities "may" (rather than "must") take enforcement action. Unfortunately, far too many cases are ruled "not expedient to pursue". This has led to an attitude by building owners that they either won't bother to apply for LB Consent, or if they apply & get refused, they can go ahead & do it anyway. Every case not pursued encourages others. The situation is made worse by non-specialist Enforcement Officers who cannot accurately judge the harm to heritage assets (one case of reporting UPVC windows installed in a Grade II listed building without permission – which would not have been granted – was not pursued because "they look OK to me"). What is needed is a specialist Conservation Enforcement Officer who is actively supported in pursuing planning infringements within the WHS.
Interpret.	Bath Heritage Watchdog	50. More information needs to be provided about the chronology of the site. The attitude that if it is not Roman & is not Georgian it is not important must be stopped. There is also a need to educate about the industrial history & heritage of the Site.
Transport	Bath Heritage Watchdog	51. No thought seems to be given to the fact that most of central Bath has roadways supported on vaults, yet these vaults are an important component of the built heritage. There is an urgent need to place weight limits on vulnerable roads.
Physical	Bath Heritage	52. As worded, Issue 44 ("There is a need to encourage walking & cycling in order to control car

access	Watchdog	journeys”) could be misunderstood. Controlling car journeys is what the bus gate set out to do, but all it achieved was the same cars taking a longer route from A to B, congesting different roads. This Issue should encourage walking & cycling in order to reduce the number of car journeys undertaken.
Tourism	Bath Heritage Watchdog	53. Issue 49 is unachievable, in that visitors will go where they will see what they want to see. The trick is to let them know what they are missing so that they do roam further afield. The “Pigs” trail last year & the “Lions” trail this year proved popular. Other trails could be promoted: Victorian engineering, Religious or Worship buildings (who, for instance, if visiting would know that a recreation of a 6th century Roman Basilica lies in Oldfield Park), carved stone on buildings, interesting sight lines, building plaques for famous past residents, rare trees, & many others could be devised. Guided tours sold as MP3 downloads or iPhone apps could generate an income too.
Page 312	Bath Heritage Watchdog	54. Para 5.2.3 should include the lack of durability. It doesn’t seem to be part of current thinking, because the obelisk in the Abbey Churchyard to advertise the Cotswold Way & the sundial alongside the canal to celebrate the bicentenary were both designed with a 20 year life despite the function they were designed for stretching ahead indefinitely. The previous Southgate was demolished after 35 years & the current one will not last much longer than that because of the construction methods employed. The proposed Western Riverside would last a maximum of 60 years. Buildings that would last for centuries (Beau Street Baths, Green Park House) are being replaced by buildings that in the timescales of Bath’s heritage can only be considered short term. There is a real risk that in the future, Bath will become a permanent building site, with a continuous cycle of “disposable” buildings being replaced. There is a real need for all new buildings to be designed with a life of over a century, & a policy of not granting permission for demolishing any existing building unless a durable building replaces it.
Tall Buildings	Bath Heritage Watchdog	55. This should be extended to be Tall &/or Inappropriate Buildings. It could then protect against inappropriate materials, & buildings that are not tall in an absolute sense, but tower inappropriately above their neighbours. Supplementary Planning Documents currently offer very little protection. The Renrod application by Windsor Bridge was granted planning permission despite a number of constraints in the Western Riverside SPD declaring it unsuitable for that location. The Western Riverside Outline Application also doesn’t comply with the Western Riverside SPD. There are a number of instances of other inappropriate developments permitted around Bath despite conflicting with the City Wide Character Appraisal SPD. What is actually needed is SPDs that protect the Outstanding Universal Value (the Western Riverside SPD currently doesn’t!) & a mechanism for ensuring that the SPDs are adhered to. Ideally we would like to see the World Heritage Manager

		given a veto over planning decisions that ignore SPDs or national Heritage Guidelines.
Flooding	Bath Heritage Watchdog	56. Para 5.2.16 is not quite accurate when it claims that since 1972 flooding has been into designated flood plain. We have photographs from 2000 which show a flooded basement in Grove Street & around the Pavilion. Whilst the building structures subject to flooding might be resilient, there is a risk of loss of historic fabric if internal timbers & plasterwork are damaged. Para 5.2.19 misses the point. Bathampton Meadows already provides upstream flood storage, but the council wants to build roads & a Park & Ride on it. The Newbridge flood plain already provides downstream flood storage, but the council wants to extend a Park & Ride across it. The Recreation Ground provides city centre flood storage, but the council is promoting a land swap so that it can be built on. Raising the banks won't solve flooding problems: the experience of the Mississippi is that it saves some flood events, but if the water ever gets over the levee the impact of the flood is far more serious than if the river had overspilled earlier & at a lower water level. Bath, unlike the Mississippi valley, is hilly, & so Bath also has to consider that raised banks function as a dam if the water to be dealt with is running off the hills rather than along the river. The only practical solution is to deepen the river (by regular dredging) so that its capacity for carrying water is greater, & by banning any further construction on the flood plain.
Flooding	Bath Heritage Watchdog	57. Paragraph 5.2.21 is interesting, but doesn't really have a place in a Management Plan. It should be deleted.
Locally Important Buildings	Bath Heritage Watchdog	58. Para 5.2.24 needs to be expanded to introduce a commitment to implement the council's Locally Important Building policy. There is already the situation where several popular guide books invite tourists to see the Magna Carta which no longer exists, & there are council documents featuring as locally important the Bath Press building which is under threat. The last remaining Tin Church within the Site boundary was demolished this year, & nobody could stop it because it wasn't in a Conservation Area, so demolition was "Permitted Development"; yet English Heritage had described it as a Locally Important Building though not important enough nationally to list. Not every building that is important to Bath will be listed, & there needs to be a commitment in the Management Plan to protecting the ones that currently fall through the cracks.
Information	Bath Heritage Watchdog	59. Para 5.2.25 needs to include commitment to have database online for enquiries from the public, along the lines of the Eng. Heritage Listed Buildings system. Similarly, public has no ready access to info. about trees protected by Tree Protection Orders, but for protection of the character of the Site,

		it is important that this information is readily available so that pruning or felling such trees can be stopped if it is seen to be taking place. Extending the Cons. Area to match Site boundary will make all trees protected from felling without specific consent.
Planning Decisions	Bath Heritage Watchdog	60. Para 5.2.29 is partly addressed in our "Policy" section above, in that training will go some way towards getting WH properly considered. However, there is a tendency for some on the DCC to deliberately ignore the impact on the site & the advice of Conservation Officers, so it is not just ignorance but wilfulness that needs to be addressed. The consequence of this can be seen in Hayesfield Sch., where new extension was approved despite strong opposition by the Cons. Officer, English Heritage & Conservation Groups, & the folly of ignoring this informed advice is visible for all to see. We recommend that the World Heritage Manager should have an automatic right to attend & address the DCC when controversial issues are being discussed.
Park & Ride Site	Bath Heritage Watchdog	61. Para 5.2.30 ought to say that the Park & Ride, will have an impact on the eastern views in & out of the Site, the pressure to make best use of land will encourage unacceptably tall buildings & any development on the Rec will increase flood risks for listed buildings. Separation of WH from Major Projects is essential if such risks are to be controlled.
Contemp. Architecture	Bath Heritage Watchdog	62. The second sentence with reference to Thermae Spa & the Bus Station should be deleted. See our "Policy" comment on Tourism & our comments on Para 1.2.21 for reasons. Unless contemporary architecture takes account of the needs for durability, then there is a long term risk that Bath will become a permanent building site. That is not to say that high quality contemporary buildings cannot be designed & built. Seven Dials isn't pastiche, - there is nothing else like it in Bath, & yet it fits in. This shows benefit of contemporary architecture being designed by local architects who understand the character of Bath, compared to the Bus Station, designed by a French architect working for a London company.
Re-use of buildings	Bath Heritage Watchdog	63. Para 5.2.34 needs an additional sentence to say that reuse of an existing building is always preferable to demolition & a new construction in sustainability terms, & planning permission for demolition should only be granted as a last resort.
	Bath Heritage Watchdog	64. Para 5.2.35 should recommend that to preserve natural capital (because Bath stone is becoming an increasingly scarce resource, anything built of natural Bath stone that is permitted to

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		be demolished must be dismantled rather than knocked down so that the ashlar is available for reuse.
	Bath Heritage Watchdog	65. Para 5.2.36 could usefully point out that solar panels were originally very visible, & in quantity would have adversely affected the views into & across the Site. Current research is aimed at making these products much more discrete, (for instance photovoltaic cells that have the size & appearance of natural slates are being tested on a listed building in Wiltshire), & although dealing with climate change is important, in the interests of the appearance of the Site, permitted installations should always use the least visible types available.
	Bath Heritage Watchdog	66. Para 5.3.4 needs to recognise that some property, mostly commercial premises, are owned by non-residents, & they often do not understand the special character of Bath. Some owners have probably never even visited their property to understand its surroundings. So we suggest that there is scope for an information leaflet outlining what needs to be borne in mind should be sent to planning applicants giving out-of-city addresses.
Page 315	Bath Heritage Watchdog	67. Para 5.3.6 should have our recommendation in our "Policy" section above as an objective. There are a number of benefits from matching the Conservation Area with the World Heritage Site boundary
	Bath Heritage Watchdog	68. Para 5.3.7 could be enhanced. We recommend that the 1993 shopfronts guide is reformatted to form a Supplementary Planning Document, along with a colour chart of colours compatible with listed buildings (the Shopfronts Guide states: No other single aspect of design has so much effect on the character of a shopfront than its colour. A good design can be completely spoilt by poor colour, or a nondescript design uplifted by the right choice of colour which explains the necessity). The possibility of sending out WHS guidance with Council Tax documents should be considered.
	Bath Heritage Watchdog	69. Para 5.3.10 needs to recognise the risks associated with unauthorised changes. The current level of enforcement, even when infringements are reported is poor, & increasingly we are seeing unauthorised changes being used as justification for inappropriate change elsewhere. We have even seen a planning refusal overturned on appeal because an unchallenged unauthorised change further along the street was considered to be a precedent. We recommend that a specialist Heritage Enforcement Officer should be appointed & given the authority to pursue infringements to

		rectification, &/or fines. Once the news spreads that unauthorised changes won't be overlooked, the attempts to get away with it will reduce.
'Phone Masts	Bath Heritage Watchdog	70. Para 5.3.12 should include the intention to have the cumulative effects of mobile phone masts on the landscape covered by the planned SPD.
Public Realm	Bath Heritage Watchdog	71. Para 5.3.18 needs more teeth. We have been taking part in the Public Realm & Movement Strategy Project, so we know that the WHS has not been actively considered during their discussions. Also no real attention has been paid to the importance of local knowledge, to the extent that the person researching & drafting designs for street furniture is from Sheffield & is basing his recommendations & designs on what is in use there. The project is also overlooking the street furniture that the council doesn't install, such as 'A' boards, tables & chairs. The Management Plan should be the basis for reviewing the PRMS membership & Terms of Reference. What they produce should be proposals ideal for Bath, not a clone of somewhere else.
Page 316	Bath Heritage Watchdog	72. Para 5.3.19 needs two additional objectives: <ul style="list-style-type: none"> • Objective: Instil pride in the World Heritage Site. • Objective: Encourage developments to have variations within a set of design parameters to avoid monotony. <p>The second one perhaps needs some explanation. Major developments tend to go to one developer with one architect, which leads to a risk of a large area of monotonous repetition. The Western Riverside is a prime example. Yet look around Kingsmead Square for example & you will see that although everything goes well together there are variations to give interest. Southgate shops have also avoided monotony by having each block show its own style variations within an overall design concept. It is just a pity that the planning process has allowed monotonous "High Street, Anywhere" shopfronts to be installed to spoil the quality of what the architects designed.</p>
	Bath Heritage Watchdog	73. Para 5.4.7 will be difficult to address. The PRMS has set its face against increased signage. Our suggestions that signs should be on key parks & buildings (Sydney Gardens, Parade Gardens, Railway Station, Bus Station, the Guildhall, on the tour buses on the street signage & on the council website, for instance) fell on stony ground. Our suggestion that the World Heritage symbol should appear on street markers was dismissed as adding too much clutter! It seems from the lack of progress on the issues listed in paragraph 1.3.2 that the council as an organisation doesn't take the

		opinions of UNESCO seriously enough. Remember how the comments of ICOMOS for the Western Riverside were treated. There needs to be an objective to change this mindset.
	Bath Heritage Watchdog	74. Para 5.4.13 needs to move away from the concept of a single day. One of the criticisms of the past events is that Bath is so extensive that it is impossible to see everything of interest because the times overlap. Another criticism is that there were no evening events so that those who could not take time off work were excluded. Consideration should be given to a festival of events over a number of days so that those who want to take full advantage are not limited to a subset.
	Bath Heritage Watchdog	75. Para 5.4.15 needs to be updated along the lines of our comment on paragraph 1.2.18. It is also important that such educational material is put online.
Page 317	Bath Heritage Watchdog	76. Para 5.4.21 also needs to recognise the educational opportunities. Many planning consents are on condition that an architectural survey is conducted, & these results need to be made publicly available to inform future research. Similarly, the Historical Environment Team has what they refer to as their Monuments Records that should be more widely available, as should the Property Services records of the vaults & other structures that exist beneath the surface public realm. A link to Appendix 4 from this paragraph would be useful.
	Bath Heritage Watchdog	77. Para 5.5.13 usefully encourages walking. But it needs somebody putting himself (or herself) in the position of a tourist, walking around with a camera to identify photo opportunity viewpoints which should then be advertised as such. The same exercise will show where street clutter, advertising & signage spoils what would otherwise be a photograph to treasure. This section gives a feeling of déjà vu because there is some overlap with the Visitor Management objectives in Section 5.1. Do the two need to be separate, or could they be amalgamated?
	Bath Heritage Watchdog	78. Para 5.6.3 is true. Has anybody considered placing screens showing short promotional films in public free spaces (Roman Baths foyer, Guildhall reception etc) & copying them to youtube?
Map	Bath Heritage Watchdog	79. The fact that a better map will be provided is noted. Would it be possible to use a whole page A3 print, fan folded to fit into an A4 document? Anything smaller than that would not show sufficient detail.

<p>Victorian Development</p>	<p>Bath Heritage Watchdog</p>	<p>80. Appendix 2. The Victorian Changes section (currently Paragraphs A2.38 & A2.39) should include another paragraph on the Kennet & Avon Canal, opened in 1810. This allowed Bath Stone to be transported to other parts of the country, though mainly London, at reasonable cost, bringing employment opportunities to the quarries & profits for the quarry owners, much of which was spent locally.</p> <p>The other thing the Victorians built was buildings for industry,. The Newark Works for Stothert & Pitt is perhaps the most notable, but there were also extensions to the gas works & Carr’s Mill among others.</p> <p>But the greatest unsung Victorian building boom was places of worship, see our comment above on Paragraph 2.3.19.</p> <p>20th Century</p> <p>Paragraph A2.40 needs to have a second paragraph:</p> <p>Also in the 1930s, Bath recognised that it had heritage that was worthy of special protection but did not conveniently fit into the criteria specified in the Ancient Monuments Protection Act 1882. So Bath produced a local Historic Buildings Register, which later served to identify to the War Damage Commission those buildings which should be rebuilt if they were damaged by bombing. When the Town & Country Planning Act 1947 led to the compilation of the first list of buildings of special historical or architectural importance, Bath’s Historic Buildings Register seeded the national list, & was then discontinued.</p>
<p>Bomb Damage</p>	<p>Bath Heritage Watchdog</p>	<p>81. Bomb Damage. note that the rebuilding of the suburbs did take place, on a like-for-like basis. The Bath at Work Museum has chapter & verse on exactly what happened rebuilding King Edward Road, which would have been typical of almost all the ordinary bomb damage reconstruction, but in a nutshell, the Government would pay for the repair & rebuilding costs provided that for any unlisted building it didn’t exceed the estimated sale price of the building after repair. Almost all of the 2-storey residences were repaired under this yardstick, & all listed buildings, but 3-storey economics were marginal & many did not get rebuilt.</p> <p>For a more succinct summary, see www.bathblitz.org/events08.htm & we have secured permission from that website author for you to reproduce anything useful to you from that page, provided you add the website to your bibliography.</p>

App.3	Bath Heritage Watchdog	82. App 3 needs additional material to reflect the corrections & additions we have provided. See or comments on Section 2.4 above
App.4	Bath Heritage Watchdog	83. App 4 should include the Mineral Water Hospital (John Wood) & the Cleveland Pools.
Typo	Bath Heritage Watchdog	84. Paragraph A4.221 contains a typo. 165 should be 1865.
Parks & Gardens	Bath Heritage Watchdog	85. Paragraph A5.14. This list looks incomplete. Hedgemoad Park is listed Grade 2.
UNESCO Mission	Bath Heritage Watchdog	86. App A7. We believe that the response from the State Party was inaccurate, & wrote to both DCMS & UNESCO to say so, with details (for instance the Newark Works is listed as a group with its ancillary buildings so it is much more than an Italianate façade). We don't suggest that the Management Plan should express any opinion on the State Party's comments, but for completeness you should give the Mission Report in full & let the readers make up their own mind.
Core Strategy	Bath Heritage Watchdog	87. Final recommendation we would make is that entire Management Plan should be part of the Core Strategy. It would have more force in the planning processes if that were the case.
Consultation	Norfolk Crescent Green Residents Association (NCGRA)	1. Welcome opportunity to comment, but concerned that the plan says it has been developed in consultation with the local community. To date consultation appears to have only been with selected stakeholders, whose views are not always representative of the wider community. We trust therefore all views resulting from this public consultation will be given full consideration & incorporated as appropriate into the Management Plan before it is adopted by BANES Council & approved by WHS Steering Group etc. It's appreciated this is not a Planning Document & hence does not have to comply with SCI procedures, but if it is to be put forward to DCMS & UNESCO as a plan developed in consultation with the local community, making a summary of consultation responses available on request only does not seem appropriate & will give rise to doubts among contributors as to whether their views have been taken into account. So please can we be assured a summary of consultation responses will be placed on the website prior to BANES adopting the plan?
	NCGRA	2. We note it is intended to adopt a summary Plan as an SPD at a later date; objective Ic & 6a suggest 2011/12. It is assumed public consultation will then be undertaken again in accordance with SCI procedures & a schedule of comments & how they are addressed will be reported to Committee. However another consultation on the same topic is likely to confuse & many may not

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		respond assuming there is no need as they've already commented on the Plan this time round. We would be grateful to hear how this will be addressed.
Core Strategy	NCGRA	3. In the meantime we understand the Core Strategy is now scheduled for public consultation commencing in January 2011& assume this will not take account of responses from the current consultation, but merely include some references to WHS policies, which is disappointing, but please confirm this is correct.
Planning Policy/ Tall Buildings	NCGRA	4. Proposals to adopt further SPDs to supplement Policy BH1 in the local Plan & in the forthcoming Core Strategy, inc. Bath WHS Setting Study, Building Heights Strategy/Tall Buildings SPD. No doubt, like us, many respondents will welcome the above proposals to guide regeneration without compromising OUV of the site. In view of the potential for 'aggressive development' in very close proximity to our neighbourhood, for us a Building Heights Strategy/Tall Buildings SPD to guide regeneration is a pressing concern. Although work has been undertaken on a Tall Buildings Study, we note in objective 6f, completion & taking forward as an SPD is dependent on resources & no timescale is given. We would be most grateful if this SPD could be given earliest priority as our Georgian Architecture is extremely threatened by the impact of major development & tall buildings, (far more than in any other part of Bath WHS) because of our location opposite the proposed Western Riverside development. Although Crest Nicholson kindly averted the threat to the western part of our locale by reducing their buildings to 4 storeys, the adopted BWR SPD proposes buildings to the City Extension eastern part (only 30 metres across the river from the southern end of Grade I Norfolk Crescent) in excess of those granted outline planning permission further west in Crest's development i.e. 9 storeys +. From UNESCO's comments regarding Phases 2 & 3 of Crest's development, it is to be assumed they will not accept this scale of development in such close proximity to a group of 18 th C architecture.
Flood Risk	NCGRA	5. Mission comments that Council should be encouraged to provide clear guidelines with respect to flooding & development – state party reply refers to SFRA & land allocation for development management & sequential approach in PPS25 plus Flood Risk Management Strategy entitled Strategic Food Mitigation Management Strategy! Unfortunately their reply & the text in WHS Management Plan fails to explain that neither PPS 25 nor FRMS will reduce flood risk to existing properties & only guarantees this risk will not increase, although it protects new development. Should it not be made clear to UNESCO precisely the number of historic properties, or at least the groups of buildings, located in FZ 3a & hence already at some considerable flood risk? The whole text in WHS Management Plan is very muddled. 5.2.15 & 5.2.16 at best are irrelevant,

but at worst imply damage to 18thC architecture is acceptable because “major historic buildings appear to be resilient”; maybe they are, but costs of repair could be prohibitive & lead to blight. The second part of 5.2.16 is incorrect in that the river has not remained in its banks since 1972 as many of us have personally witnessed.

It is assumed in 5.2.19 “feasible, comprehensive, strategic solution” means one that protects all property in Bath from flooding, even that currently at flood risk, but this needs clarifying. Reference is made to “industry guidelines” but it is surmised instead Defra methodology applies & that Bath is low on their priority list for complete protection.

There might be some opportunity for non UK grants towards total protection but it is not clear if this has been investigated. If not, maybe once UNESCO is aware of the number of historic properties at risk they will assist with enquiries re possible sources of funding.

Regret to say, overall it is considered the whole section needs re-writing by a professional & hope that EA or Atkins might be asked & prepared to assist.

5.2.20 & 5.2.21 – An interesting but lengthy project & isn’t relevant to subject. Please see <http://www.bath.ac.uk/news/2010/07/08/parnassus/> for details.

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	16th November 2010	AGENDA ITEM NUMBER
TITLE:	Treasury Management Monitoring Report to 30th September 2010	
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 30th September 2010 Appendix 3 – Average monthly rate of return for 1st 6 months of 2010/2011 Appendix 4 – The Council’s External Borrowing Position at 30th September 2010 Appendix 5 – Sterling Consultant’s Economic & Market Review of 1st 6 months 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, a mid year report, and an annual report after the end of each financial year.
- 1.2 This report gives mid year details of performance against the Council’s Treasury Management Strategy and Annual Investment Plan 2010/11 for the first six months of 2010/11.

2 RECOMMENDATION

The Council agrees that:

- 2.1 the Treasury Management Report to 30th September 2010, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 2.2 the Treasury Management Indicators to 30th September 2010 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 The average rate of investment return for the first six months of 2010/11 is 0.52% above the benchmark rate.

5.2 The Council's Prudential Indicators for 2010/11 were agreed by Council in February 2010 and performance against the key indicators is shown in Appendix 1. All indicators are within target levels.

Summary of Returns

5.3 The Council's investment position as at 30th September 2010 is given in Appendix 2. The balance of deposits as at 31st March 2010 & 30th September 2010 is also set out in the pie charts in this appendix.

5.4 Gross interest earned on investments for the first six months totalled £479k. Net interest, after deduction of amounts due to West of England Growth Points, PCT and schools, is £367K. Appendix 3 details the investment performance, the average rate of interest earned over this period was 0.99%, which is 0.52% above the benchmark rate of average 7 day LIBID +0.05% (0.47%).

Summary of Borrowings

5.5 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.

5.6 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 if there was not a clear direction in tackling the public sector budget deficit following general election, rates could increase again, making UK sovereign debt and therefore long term borrowing more expensive. In addition, the 25-50 year PWLB interest rate forecast from our treasury advisors indicated rates rising steadily to around 5% by the middle of 2012.

5.7 The new borrowing took the Council's total borrowing to £90 million at an average interest rate of 4.32%. 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.

5.8 The current borrowing portfolio, including these new loans, is shown in Appendix 4.

Strategic & Tactical Decisions

5.9 As shown in the charts in Appendix 2, the amount invested with the Debt Management Office has gradually reduced to between 0-10% of total investments. Short term investments of £2m 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.

Future Strategic & Tactical Issues

5.10 Our treasury management advisors economic and market review for the first six months of 2010/11 is included in Appendix 5.

5.11 The Bank of England base rate has remained constant at 0.50% since March 2009, and the Council's treasury advisors are forecasting that this will not change in the next 12 months.

5.12 At the time of writing, the spread between the UK Government Debt Management Office returns and those of highly rated UK banks remains in excess of 1.00%.

Budget Implications

5.13 A breakdown of the revenue budget for interest and capital financing and the forecast year end position based on the period April to September is included in Appendix 6. This shows a current forecast underspend of £233k in 2010/11. The Council has tightened controls on expenditure where doubts over funding exist due to the growing uncertainties over government funding for capital schemes which have emerged over the past year. This slowing down of capital expenditure reduces capital financing costs in the short term. The amount of the underspend could increase depending on decisions taken during the remainder of the financial year and this will be closely monitored as the year progresses.

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 Deputy Leader of The Council & Cabinet Member for Resources, Section 151 Finance Officer, Chief Executive and Monitoring Officer prior to this report being presented to the 3rd November 2010 Cabinet meeting.

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 Malcolm Hanney</i>
Background papers	<i>2010/11 Treasury Management & Investment Strategy</i> <i>Q1 Treasury Performance Report (Single Member Decisions)</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 30th Sep. 2010
	£'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 30th Sep. 2010
	£'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 30th Sep. 2010
	£'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 30th Sep. 2010
	£'000	£'000
Variable interest rate exposure	20,000	-72,800

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

Given the Councils' financial position, i.e. of having low cash balances, any lending is likely to be the result of the phasing of cash flow. Investment periods are unlikely to be more than 6 months. This is the maximum % of total investments which can be over 364 days.

	2010/11 Prudential Indicator	2010/11 Actual as at 30 th Sep. 2010
	%	%
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 30 th Sep. 2010
	%	%	%
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

APPENDIX 2

The Council's Investment position at 30th September 2010

	Balance at 30 th September 2010
	£'000's
Notice (instant access funds)	22,000
Up to 1 month	18,800
1 month to 3 months	32,000
Over 3 months	20,000
Total	92,800

The investment figure of £92.8 million is made up as follows :

	Balance at 30 th September 2010
	£'000's
B&NES Council	72,082
West Of England Growth Points	4,583
Schools	16,135
Total	92,800

The Council had an average net positive balance of £72.5m (including Growth Points Funding) during the period April 2010 to September 2010.

Chart 1: Investments as at 31st March 2010 (£69.3m)

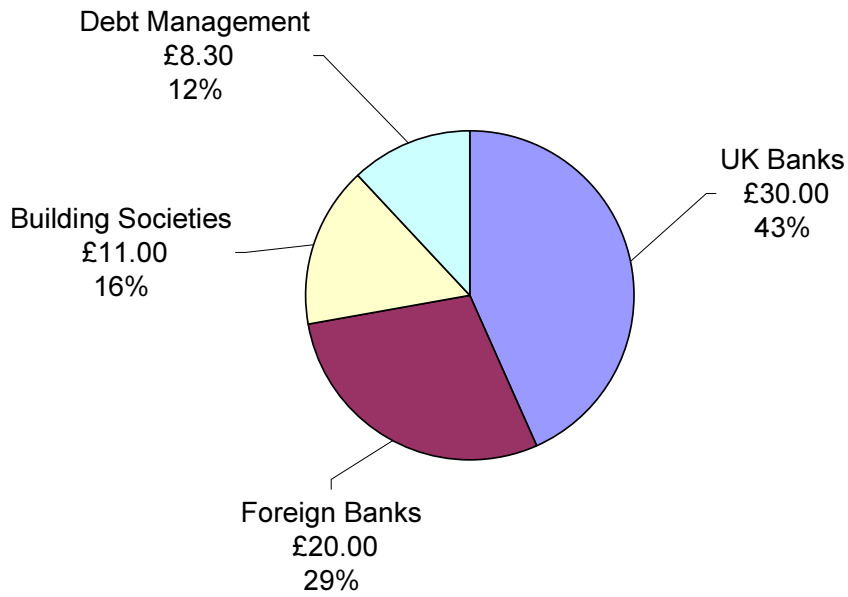


Chart 2: Investments as at 30th September 2010 (£92.8m)

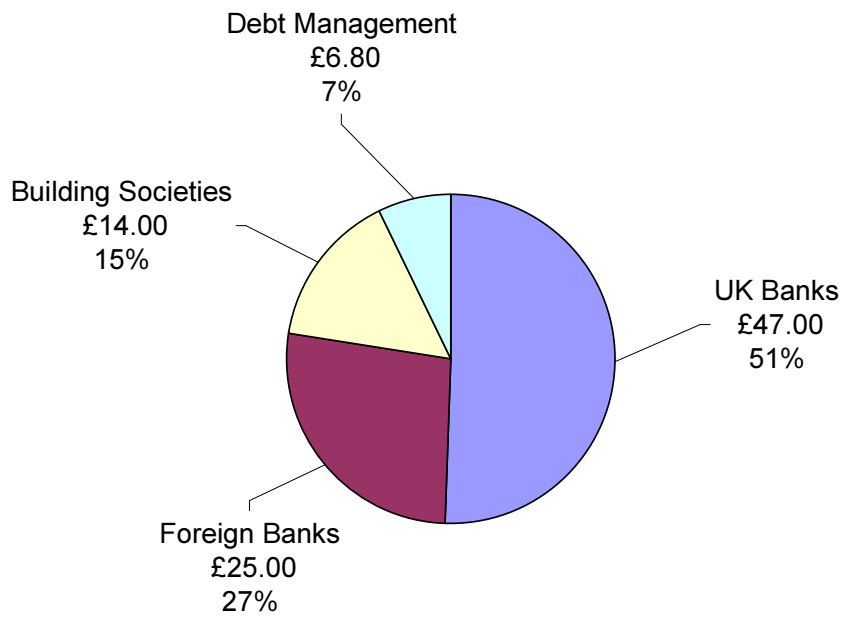


Chart 3: Investments per Fitch Long-Term Credit Ratings (£69.3m) - 31st March 2010

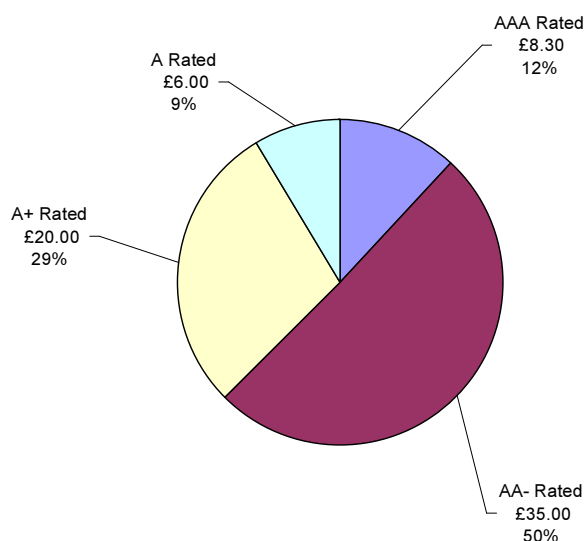
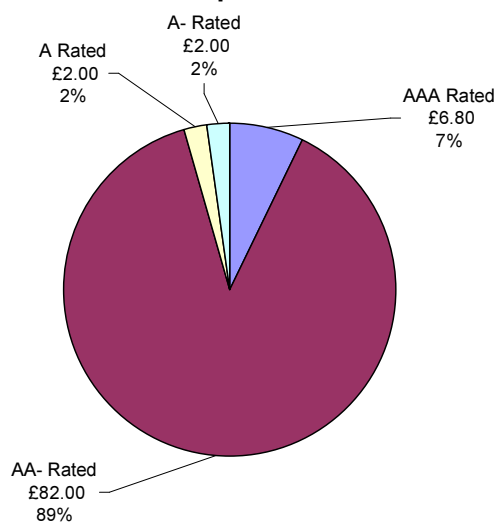


Chart 4: Investments per Fitch Long-Term Credit Ratings (£92.8m) - 30th September 2010



APPENDIX 3

Average rate of return on investments for 2010/11

	Apr %	May %	Jun %	Jul %	Aug %	Sep %	Average for Period
Average rate of interest earned	0.97%	0.94%	0.98%	1.01%	1.03%	1.03%	0.99%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Sterling)	0.47%	0.48%	0.48%	0.48%	0.48%	0.48%	0.47%
Performance against Benchmark %	+0.50%	+0.46%	+0.50%	+0.53%	+0.55%	+0.55%	0.52%

APPENDIX 4

Councils External Borrowing at 30th September 2010

LONG TERM	Amount	Fixed Term	Interest Rate	Variable Term	Interest Rate
PWLB	10,000,000	30 yrs	4.75%	n/a	n/a
PWLB	20,000,000	48 yrs	4.10%	n/a	n/a
PWLB	10,000,000	46 yrs	4.25%	n/a	n/a
PWLB	10,000,000	50 yrs	3.85%	n/a	n/a
PWLB	10,000,000	47 yrs	4.25%	n/a	n/a
PWLB	5,000,000	25 yrs	4.55%	n/a	n/a
PWLB	5,000,000	50 yrs	4.53%	n/a	n/a
KBC Bank N.V*	5,000,000	2 yrs	3.15%	48 yrs	4.5%
KBC Bank N.V*	5,000,000	3 yrs	3.72%	47 yrs	4.5%
Eurohypo Bank*	10,000,000	3 yrs	3.49%	47yrs	4.5%
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

Economic and market review for the six months to September 2010 (Sterling Consultancy Services)

The UK economy continued along the road to recovery during the first half of 2010/11, despite two shocks to consumer and business confidence. The near default of Greece prompted extreme financial market volatility, while the coalition government's emergency Budget outlined significant cuts in public spending.

GDP expanded 0.3% in Q1 and 1.2% in Q2. Manufacturers in particular benefited from the recovery in the global economy by increasing export volumes. The recovery was less impressive in the service sector due to depressed business and consumer confidence. Improved economic conditions did however help financial institutions repair some of the damage the recession caused to their balance sheets, alleviating credit risk concerns and to some extent re-opening frozen financial markets.

Inflation has remained above the Bank of England's target rate of 2% since late 2009. The CPI rate peaked in April at 3.7% and eased back over the past few months as the effects of a number of temporary factors waned. Despite inflation remaining over target, the Bank of England maintained Bank Rate at 0.5% to avoid the risk of a further downturn in economic growth, with just one MPC member voting for a rise in July and August.

Looking ahead, the economic recovery is expected to slow as government spending cuts and tax rises dampen demand. The Bank of England expects lower demand to weigh on inflation, eventually causing the CPI rate to fall below target in the medium term. The most recent Bank of England forecasts for GDP growth and inflation suggest little need for monetary tightening for some time.

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2010/11 (April to September)

April to September 2010	YEAR END FORECAST			ADV/FAV
	Budgeted Spend or (Income) £'000	Forecast Spend or (Income) £'000	Forecast over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	1,897	1,764	(133)	FAV
- Ex Avon Debt Costs	1,610	1,610		
- Minimum Revenue Provision (MRP)	2,270	2,270		
- Interest on Balances	(560)	(660)	(100)	FAV
Sub Total - Capital Financing	5,217	4,984	(233)	FAV

Schools

Liberal Democrat Motion to be moved by Councillor Dine Romero Full Council meeting, 16th November 2010

1. Council believes that, as part of the consultation process on reorganisation of secondary education in Bath, the view of the Council itself should be considered
2. Having considered the published material and comments made, Council supports the retention of two schools in Keynsham; the transformation of Oldfield to a co-educational school; the federation of St Marks and St Gregory's; and the retention and transformation into a co-educational school of Culverhay.
3. Council recommends to Cabinet, when it considers the Culverhay consultation on November 25, that it takes into account the views of Council and endorses the wishes of the community to retain Culverhay and transform it into a community co-educational school.

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Bath Transportation Package

Liberal Democrat motion to be moved by Councillor Caroline Roberts
Full Council meeting, 16th November 2010

Council welcomes the opportunity that the new Coalition Government is offering for a reconsideration of the currently proposed Bath Transportation Package.

Council welcomes the Secretary of State's assurance to Bath MP Don Foster that *"Where there are ideas about how a scheme might be differently presented and how costs might be taken out in order to make a scheme more attractive and thus significantly more likely to secure funding, the Department will be interested to hear about them in the course of the process"*.

Council considers that its objective should be to promote the economic development of the city through measures to relieve congestion and enable more effective and sustainable access to the city centre and the Bath Western Riverside site in particular.

Council believes that this would be best achieved following further local consultation on a basis which is genuinely open to new proposals, and listens to local views, rather than one which insists that the currently proposed Bath Transportation Package must be pursued on a "take it or leave it" basis.

Recognising the success of cross party working at national level, the Council therefore calls on the Cabinet to work together with the leadership of the Liberal Democrat and other political Groups, with full officer support, and taking full account of local opinion, to develop cross party proposals for resubmission to the Department for Transport, in consultation with neighbouring authorities where appropriate, as a matter of urgency.

The Cabinet, following discussions as referred to in the previous paragraph should consider whether and if so what changes need or can to be made to the scope and costs of the package, including the balance between government and local contributions and the inclusion or deletion of the higher cost elements of the package, in order to make the best case for funding to the government.

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Full Council - 16th November 2010

Agenda Motion

Allocation of Top-up Transitory Funds for Youth Service Projects

CLlr David Speirs to move the following on behalf of The Labour Group:

This Council Notes:

- 1) That the B&NES administration currently proposes that the Youth Service will have its spending reduced by £350,000 in the 2011/12 budget.
- 2) That the Radstock Youth Centre will have the number of sessions it runs reduced to a few hours a week and Keynsham Youth Centre (known as Time Out) will only receive funding from B&NES for the costs of maintaining its premises
- 3) That the B&NES administration currently proposes to end the £60,000 Council Grant to 'Off The Record' to run a youth counselling service.
- 4) That Parish and Town Councils are being encouraged to put aside funding to help finance youth activities within their areas.
- 5) That two priorities of the Council are a commitment to: "Improving the life chances of disadvantaged children and young people" and "Building communities where people feel safe and secure"¹
- 6) That the B&NES Sustainable Community Strategy 2009-2026 states that by 2012-15 "Young People's Centres [will] have been rolled to more areas where there are highest levels of deprivation"² and "Children and young people will have access to services within their community"³

This Council Believes:

- 1) That youth centres continue to play an important role in the provision of services for young people, along with detached and mobile youth workers and third sector organisations.
- 2) That it is reasonable to ask parish and town councils to make a contribution to youth services or activities within their area.
- 3) That in order to ensure stability and consistency of youth service provision in areas such as Radstock and Keynsham one-off top-up transitory funding should be made available for 2011/12.

¹ Bath and North East Somerset Council's 'Visions and Priorities' accessed at: <http://www.bathnes.gov.uk/councilanddemocracy/VisionandPriorities/Pages/default.aspx>

² Bath and North East Somerset 'Sustainable Community Strategy 2009-2026' at p.25 accessed from: <http://www.bathnes.gov.uk/SiteCollectionDocuments/Community%20and%20Living/Sustainable%20Community%20Strategy.pdf>

³ *ibid*, p.26

- 4) That a funding should be made available for a volunteer counselling service, to ensure the young people of Bath & North East Somerset have continued access to such a resource.

This Council Resolves:

- 1) To ask the Cabinet to allocate an additional **£53,000** of top-up transitory funding as part of the 2011/12 Council budget to be divided between services at Radstock Youth Centre, Keynsham Youth Centre (known as Time Out), and to provide bridging funding to support the 'Off The Record' Counselling Service.⁴
- 2) That the remaining **£53,000** from the **£80,000** identified in the 2010/11 budget to be spent at the discretion of the Council Leader and Deputy Council Leader, should be reallocated to the Youth Service for the purpose outlined above.
- 3) That the authority should work with the Primary Care Trust to supply match funding for a volunteer Counselling Service for young people, as part of a new integrated Primary Mental Health Service.
- 4) That the authority should continue to encourage Parish and Town Councils to set aside funding within their budgets for youth work in their respective areas.⁵

⁴ The one-off bridging funding will enable 'Off The Record' to continue their counselling service for another twelve months, during which time it will seek finances from other sources. This funding will be a grant, not a loan.

⁵ This includes Keynsham Town Council and the successor council's to Norton-Radstock Town Council.

Houses in Multiple Occupation

**Liberal Democrat motion to be moved by Councillor Will Sandry
Full Council meeting, 16th November 2010**

1. Council believes that there are a high level of Homes in Multiple Occupation in the City of Bath, particularly in the South and South West of the City.
2. Council resolves to request that the Cabinet Member for Customer Services should ensure that there are sufficient resources in the Cabinet's proposed 2011/2012 budget to enable Planning Services to:
 - Investigate the practicalities of introducing an "Article 4 direction";
 - Introduce an article 4 direction under the Local Development Scheme programme of work.
3. Council notes that, if implemented, this "direction" would mean that planning permission would be required for any further homes to be converted to Homes in Multiple Occupation in specified areas of the city.

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Briefing Note in respect of Council Motion relating to Houses in Multiple Occupation 16 November 2010 Prepared by Strategic Director, Service Delivery

Background to Current legislation

The previous Government amended the legislation to require planning permission for a change of use from dwelling houses to houses in multiple occupation (HMOs).

These changes were carried out in response to representations that it had received regarding the impact that concentrations of HMOs were having on certain areas. The issue of student accommodation was suggested to be part of the reasoning.

The current Government have reversed this decision by amending the General Permitted Development Order and changes that came into effect in October 2010 effectively take the situation back to where it was before. That is planning permission is not required for a change from dwelling to a HMO (with certain conditions).

The recent amendments were adopted following representations the Government received regarding the impact of the legislation. It was also concerned that the previous changes would generate additional planning application workloads for Local Authorities.

Some Practical implications of using Article 4 Directions

Implications of Article 4 Directions are considerable, and where made they represent a significant extension of the powers of local authorities to control development.

Ministerial guidance is strongly against the ad lib use of Directions.

Traditionally Article 4 Directions are used for previously defined areas such as a Conservation Area or an Area of Outstanding Natural Beauty.

Additional work would be needed to ascertain the true extent within the city where HMOs have proliferated and seek to control them in those areas. However that may tend to encourage the expansion of HMOs into areas at the edges of the controlled areas.

We could seek to not control the areas which already have high concentrations and control the areas around such areas to prevent the spread. It could be anticipated that there would be high levels of complaint from the residents in the areas where high concentrations of HMOs exist already with this approach.

The use of a city wide Direction could be considered but this type of Article 4 Direction requires the agreement of the Secretary of State and given the current guidance on the use of Article 4 Directions it is unlikely that a SofS would agree to a city wide approach.

Conclusion

More work is required to properly assess the practicality of using an Article 4 Direction to control HMO's. It is recommended that Officers undertake a review and report their findings back to Council.

Explanatory Note Prepared by Councillor Will Sandry		
MEETING:	Council	
MEETING DATE:	16 th November 2010	AGENDA ITEM NUMBER 15
TITLE:	HOUSES IN MULTIPLE OCCUPATION	
WARD:	BATH CITY WARDS	

1. THE ISSUE

1.1 A comparison of the 2000 Register of Electors and the 2010 Register of Electors shows that there has been a significant increase in the number of Homes in Multiple Occupation in the City.

1.2 The number of Houses in Multiple Occupation have increased all over the City but the increase has been concentrated in Wards predominantly in the south of the City.

1.3 A predominance of Houses in Multiple Occupation can lead to community issues and tensions. These range from a lack of available parking spaces to a lack of affordable (rented or purchased) housing for young local families.

2. RECOMENDATION

Council is asked to support the following motion:

1. Council believes that there are a high level of Homes in Multiple Occupation in the City of Bath, particularly in the South and South West of the City.
2. Council resolves to request that the Cabinet Member for Customer Services should ensure that there are sufficient resources in the Cabinet's proposed 2011/2012 budget to enable Planning Services to:
 - Investigate the practicalities of introducing an "Article 4 direction";
 - Introduce an article 4 direction under the Local Development Scheme programme of work.
3. Council notes that, if implemented, this "direction" would mean that planning permission would be required for any further homes to be converted to Homes in Multiple Occupation in specified areas of the city.

3. REPORT

3.1 Over the last decade the National HMO Lobby has lobbied Government to tackle the expansion of Houses in Multiple Occupation by using Planning Policy to limit their expansion.

3.2 Following a national public consultation, this was successful. In April 2010 the previous Government introduced an amendment to Planning Policy and through a "Use Class Order" which required the conversion of a property with more than 6 lettable rooms to be subject to planning permission. This was repealed by the incoming Government so conversion of small Houses to Houses in Multiple Occupation is currently Permitted Development.

3.3 It could be argued that the previous Government's actions were flawed because they applied to the whole country rather than allowing Local Authorities to target their resources to specific areas where there is a predominance of Houses in Multiple Occupation. Additionally, the housing stock in the South and South West of Bath lends itself to conversion to four or five individually lettable rooms, not six or more.

3.4 In the south of Bath it is reported that some letting agents and private landlords actively discriminate against young couples and families wanting to rent property. Letting agents and private landlords favour letting a property to a group of unrelated people because the rental income from a home in multiple occupation can be twice as much as when the property is let to an individual or couple.

3.5 The current Government has an agenda of localism which will promote Local Communities setting their own priorities.

3.6 Article 4 Directions can be issued by the Council in circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened. Such Directions are usually applied over an area rather than an individual property and are registered as a Local Land Charge. The effect of such a Direction is to remove permitted development rights, thereby necessitating a planning application to be made.

3.7 Locally, Bath & North East Somerset Council has been proactive in introducing an Accreditation scheme for Houses in multiple occupation to ensure the quality of the housing provided, however not all properties have joined the scheme, and the Accreditation Scheme in no way seeks to limit the number of HMO's in the City.

4. FINANCIAL IMPLICATIONS

4.1 The motion requires that Cabinet provides appropriate resources (to be defined by the Cabinet Member and Strategic Director) to enable the motion to be implemented.

5. CORPORATE PRIORITIES

5.1 The motion has bearing in the following corporate priorities:

- Building Communities where people feels safe and secure
- Improving life chances of disadvantaged teenagers and young people
- Sustainable growth
- Improving the availability of Affordable Housing
- Improving Transport and the urban realm

6. RISK MANAGEMENT

6.1 No Corporate risks have been identified.

7. EQUALITIES

7.1 An equalities impact has not been carried out however the proposal seeks to promote balanced communities.

Contact Person	Cllr Will Sandry, Member (Oldfield Ward) 01225 314793 / 07786 830900
Background Information	Communities and Local Government Circular 08/2010: http://www.communities.gov.uk/documents/planningandbuilding/pdf/1759707.pdf Copies of Electoral Registers available through Electoral Services.

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COUNCIL MEETING 16TH NOVEMBER

AGENDA NOTE ON POLITICAL PROPORTIONALITY

There have been two recent events (a by-election and a change in political group membership) that have triggered a request for a review of political proportionality – the number of seats on various Council Committees and their allocation to political groups.

The review has concluded that an additional seat should be provided to the Conservative group on the Safer and Stronger Communities Overview and Scrutiny panel – making its membership 4 Conservatives, 3 Liberal Democrats rather than 3:3 (with one seat allocated to an unaligned councillor).

Council is asked to agree:

- 2.1 The allocation of seats on all relevant Committees be amended from 34:28:5:2 with one unaligned seat to 35:28:5:2
- 2.2 The membership of Safer and Stronger Communities Overview and Scrutiny panel be 4:3 rather than 3:3:1

Vernon Hitchman
Divisional Director, Legal and Democratic Services

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	16 th November 2010	AGENDA ITEM NUMBER
TITLE:	Review of the Council's Statement of Licensing Policy	
WARD:	ALL	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Annex A: Summary of Consultation Responses		
Annex B: Revised Statement of Licensing Policy		

1 THE ISSUE

1.1 At the meeting on the 22nd November 2007, Full Council adopted a Statement of Licensing Policy, which is required by section 5 of the Licensing Act 2003 ("the Act"). In accordance with statutory requirements, the Policy has to be reviewed every three years. This report presents the proposed revised Policy following extensive consultation.

2 RECOMMENDATION

Council is asked to agree that:

2.1 The Council adopts the Policy provided in Annex B, having had regard to the responses received following the consultation exercise (set out in Annex A),

3 FINANCIAL IMPLICATIONS

- 3.1 It is anticipated that, for Licensing, Legal Services and Democratic Services, there will be some additional capacity issues as a result of the cumulative impact policy contained within the main Policy. Based on current experience each application, which is appealed, costs in the region of £5,000 - £10,000 and, it is predicted, that there will be an additional one to two appeals a year due to the cumulative impact policy. The additional cost relates to officer time and this extra demand on resources will be managed by diverting officers from carrying out licensing enforcement.
- 3.2 The Divisional Director, Environmental Services, will monitor the impact of the revised Policy and will report any increase in workload or expenditure, as a result to the Cabinet Member for Service Delivery.

4 CORPORATE PRIORITIES

- *Building communities where people feel safe and secure*
- *Improving life chances of disadvantaged teenagers and young people*
- *Sustainable growth*
- *Improving transport and the public realm*

5 THE REPORT

- 5.1 Section 5 of the Act requires a licensing authority to prepare and publish a statement of licensing policy every three years. Such a policy must be published before a licensing authority carries out any function in respect of individual applications made under the terms of the Act. During the three year period, the policy must be kept under review and a licensing authority may make any revisions to it, as it considers appropriate.
- 5.2 The first, three year period began on 7 January 2005, and at the meeting on the 22 November 2007, Council adopted the current Statement of Licensing Policy, which was then advertised and in place for the 7 January 2008. The current Policy now needs to be formally reviewed, adopted and published before the 7 January 2011. The current Policy will remain valid until that date.
- 5.3 Before determining its policy for any three year period the licensing authority must consult the persons listed in section 5(3) of the Act. These are:
- The chief officer of police for the area;
 - The fire and rescue authority for the area;
 - Persons/bodies representative of local holders of premises licences.
 - Persons/bodies representative of local holders of club premises certificates;
 - Persons/bodies representative of local holders of personal licences;
 - Persons/bodies representative of businesses and residents in the area.

5.4 The Government has issued Guidance (“the Guidance”), under s. 182 of the Act, which states that the authority must have regard to it when making and publishing its policy.

5.5 The Guidance states fundamental principles which apply to statements of policy. These are:-

- All statements should begin by stating the four licensing objectives which the licensing policy should promote.
- While statements may set out a general approach to making licensing decisions they must not ignore, or be inconsistent with, provisions in the Act.
- No statement should override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- Statements should make it clear that;
 - licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act; and
 - the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees, and others with relevant authorisations, i.e. the premises and its vicinity. Whether or not incidents can be regarded as “being in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, this question will ultimately be decided by the courts.
 - when addressing this matter, the licensing authority should primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.
- The statement should also make it clear that licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals, once they are away from the licensed premises, and therefore beyond the direct control of the premises licence holder.
- Statements should include a firm commitment to avoid attaching conditions that duplicate other regulatory regimes as far as possible.
- Where a special policy relating to cumulative impact has been adopted this must be reviewed regularly, and again at least every three years, to assess whether it is needed any longer or indeed needs expanding.

Further information of what should be contained in a Statement of Licensing Policy can be found in the Government’s “Guidance issued under section 182 of the Licensing Act 2003”. The guidance can be seen at the following website address:

[www.culture.gov.uk/what we do/alcohol and entertainment/default.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/default.aspx)

- 5.6 At the meeting of Full Council on the 13th September 2007, it was resolved that the Policy should include a cumulative impact policy. The section of the proposed policy, relating to cumulative impact, (section 16 of the Policy) has been circulated for comment as part of the full draft Policy.
- 5.7 The proposed revised Policy was presented to the Council's Licensing Committee, on 5 October 2010; for comment and the Committee have recommended that the revised document is adopted by Council.
- 5.8 A copy of the proposed revision of the Statement of Licensing Policy is provided in Annex B, which contains the amendments from the draft sent out for consultation, having had regard to the responses received following the consultation exercise (Annex A).
- 5.9 Following the conclusion of the consultation exercise, the Equality Act 2010 came into force on 1 October 2010, which meant that paragraph 8 of the Policy needed to be amended.

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 A proportionate equalities impact assessment has been carried out using corporate guidelines and no equality issues have been raised.

8 CONSULTATION

- 8.1 In addition to the people/organisations, listed in paragraph 5.3, the following were also included in the consultation exercise: All Ward Councillors; Cabinet Members; Parish Councils; Town Councils; Development Control; Environmental Health; Trading Standards; Local Residents; Section 151 Finance Officer; Chief Executive; Monitoring Officer. The consultation documents were also made available on the Council's web site.
- 8.2 The consultation was carried out by writing, to all of the people listed in paragraphs 5.3 and 8.1, informing them of the review, and providing them with a link to the Council's web site, where the documents were available. Where people did not have access to a computer then paper copies of the documents were provided.
- 8.3 A copy of the Consultation Responses, and officer comments, are contained in Annex A.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 In reaching its decision Council need to consider the issues of:- Social Inclusion; Customer Focus; Sustainability; Property; Young People; Human Rights; Corporate; Impact on Staff; Other Legal Considerations.

10 ADVICE SOUGHT

10.1 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	Andrew Jones, Environmental Monitoring and Licensing Manager, Tel: 01225 477557.
Background papers	Licensing Act 2003 Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.
Please contact the report author if you need to access this report in an alternative format	

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Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
1.	Ian Perkins Federation of Bath Residents Associations	1.2	We are pleased to see that improving the quality of life for residents and increasing the attractiveness of the area to visitors is recognised as a purpose of the policy. The document needs to indicate how improvements in respect of these two groups will be monitored. If the policy is not to monitor that should be made clear.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. The licensing authority already facilitates the improvement of the quality of life to residents and the attractiveness of the area by ensuring that it makes balanced decisions on applications. It also works in partnership with the Police in enforcing conditions and giving advice and assistance both to residents and to licence holders. Para 21 contains details on enforcement.	No change
		1.3 and 1.4	We note the Council objective in 1.3 of increasing the number of establishments open in the evening, but see no evidence for the hope you express in 1.4 that this will encourage greater use of licensed premises in the evening by people of all ages and groups, and reduce crime. The nature and quality of the offer is more relevant to the objective and these considerations are broader than the 4 paramount objectives of licensing set out in the legislation but we believe they should be covered in this policy document, to give the implementation of policy a local context. In themselves the 4 objectives are about avoiding negative outcomes. They should be seen explicitly in a context of promoting quality of provision in a World Heritage city.	The Act is clear on the licensing objectives and that it is only these which Licensing authorities should take into account when determining applications. The licensing objectives are not related to the quality of provision. Refer also to the above.	No change
		6.7	The quality of resident and visitor experience depends on effective enforcement of the full range of statutory conditions. The document should explain how this is to be achieved. It is the customer experience, and that of neighbours, that counts and that justifies the range and cost of statutory interventions.	The Licensing Act 2003 and case law is clear that, where other statutory controls exist, then there should not be any regulatory duplication. Para 6.7 is clear in that it is not necessary to impose the same or similar statutory controls.	No change
		13.1	It has been repeatedly suggested that the authorities in Bath should put together a vision for the night-time economy, which licensing policy could then seek to implement. We understand that the Council is now looking at this and it should be mentioned here, whether the vision is complete by the time of publication or not.	The Council is currently considering a vision for the night time economy in Bath and, if implemented, will complement its Statement of Licensing Policy but will form no part of it.	No change
		14.1	The document needs to explain what integration has been achieved between these various strategies and note successes and indicate outstanding issues. Otherwise it tells us nothing.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003, or how strategies, unconnected with Licensing, are evaluated.	No change

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
		16.17	These examples could also include a restriction of the area within the premises in which alcoholic drinks may be consumed, and a requirement that drinks should be served by waiter/waitress service, rather than to customers standing at a bar.	The list is not exhaustive and each application is taken on its own merits.	No change
		17	A new section should be inserted. Applicants for premises licences should be encouraged by the Licensing Department to discuss their proposals with local residents before any application is made. In many cases, residents' concerns can be met by some modification of the proposal, and the delay and cost of a hearing thereby avoided. Even if this cannot be made a statutory requirement, we think the licensing policy should encourage applicants and licensing agents, who have much influence on applicants, to follow this approach.	There is no statutory requirement that Licensing Authorities facilitate such discussions. See also para 17.4 and 17.5/.	No change
		18.2	Whilst staggered closing times can help to reduce friction in the evening, we doubt whether anyone outside the licensed trade still believes that later hours are a positive way of managing the night-time economy. This paragraph needs to recognise that later closing inevitably leads to later noise and disturbance on the streets, which increases problems for residents.	Flexible hours allow for a more gradual dispersal of customers from premises and therefore reduce the impact of anti social behaviour and disorder. There is no general presumption in favour of lengthening licensing hours and this Policy states, at Paragraph 18.4, that zoning is to be avoided on the grounds that it could lead to significant numbers of people moving across boundaries and causing problems.	No change
		36.6	To have any practical impact this paragraph needs to indicate what criteria the licensing authority will use in judging balance.	Each application is determined on its own merits (Para 6.3) and the licensing objectives are paramount. In this regard the Licensing Authority will consider the evidence put forward by the parties.	No change
		37.11	We believe it should be explained that the Portman Group is a group of large drinks companies, and speaks on their behalf.	It is understood that the Portman Group provide independent advice on best practice. The Portman Group is funded by several drinks companies as is Drinkaware, another independent advisory body.	It is recommended that Drinkaware is included in this paragraph and the removal of the last sentence.

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
2.	John Barnes Strategic Planning Manager Children Services	Section 7.1	Children services	The list can be amended to show that responsible authorities have been consulted which would include Children's Services.	Amend the list to show that all responsible authorities have been consulted. Delete references to the Police and Fire Service as this is superfluous
		Section 8.1	Children Act 1989- This is the main legislation which governs services to children including children in need , children in care and children at risk of harm	There is no general duty imposed by the Children Act 1989 to consider the welfare of the child unlike the other statues in this paragraph.	No change
		Section 12.1	Every Child Matters – This the overall programme of the development of services to children .It is based on the Five Outcomes which are identified by children as being the most important for their lives Being Healthy Staying Safe Making a positive contribution Economic well being Enjoying and achieving	The list in the paragraph 12.1 relates to licensing and the welfare of children is implicit in these strategies.	No change
		Section 13.	The Children and Young People's plan .This is the basis of the services that are provided to children locally and sets out the objectives and principles for children locally. They are guided by the Department of Education's five outcomes for children in which staying safe and being healthy are the most relevant to the Licensing objectives.	This is the Council's policy dealing with the provision of services to children and their families and is outside the scope of this policy.	No change
		Section 14.3	The action plan of the Local safeguarding Children's board which plans for all of the areas where children's safety is needed to be improved.	As above	No change
		Section 16.19	The cumulative approach and measures that could be taken to control cumulative impact. Measures to control the alcohol sold to young people .There should be one person who should hold the responsibility for the protection of children on the premises and who would take responsibility for children and young people's welfare while they are on the premises	The cumulative impact (CI) policy is concerned with the potential impact of a number on the licensing objectives of a significant number of licenced premises concentrated in a given area. The suggested condition would not address the broad matters with which the CI policy is designed to deal with.	No change
		Section 23.17	These may include Processes to ensure that alcohol is not sold or provided to children or young people	This examples can be included.	Amend the paragraph to include the two examples

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
		Section 37.4	Not marketing alcohol so that it is attractive to young people Not allowing adult entertainment when children or young people are present Ensuring that staff are aware of the safety, health and welfare of children while they are on licensed premises. (Please see advice for applicants regarding the safeguarding of children).	This is a national issue and would also be difficult to enforce, so will not be included. This example can be included.	
		Section 37.7	Clearly this relaxation places additional responsibilities upon licence holders to safeguard the welfare of children while they are on their premises .However it is also If there were a member of staff who had convictions against children and children were known to be visiting the premises.	This is covered by Health and Safety legislation and would also be difficult to enforce, so will not be included. This issue is beyond the scope of the Act.	No change
		Section 38	This section deals with the admission of children and young people to cinemas .Is there also a need to ensure that the sale of DVD's and games which are restricted by age are also controlled ?	As above	No change
3.	Councillor N Coombes Bathwick Ward	Section 16	Regarding the draft statement of licensing policy, I have the following observations: I feel that the cumulative impact policy is unnecessary and ineffective. The methods outlined in 16.19 are sufficient and as such the cumulative impact policy should be revoked.	The cumulative impact policy (CIP) was adopted by Council following evidence provided by the Police and Primary Care Trust. Government guidance requires that where a CIP is in place the authority must continually review its impact and to date no evidence has been provided to justify the removal of the policy.	No change
		Section 42.3 b + e	I support the addition of these provisions	Noted.	No change

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
		The Purple Flag	How will the quality of life of residents be measured? Reference is made to the Purple Flag but no explanation is offered as to how this policy will support the ongoing achievement of Purple Flag standards.	The policy is designed to facilitate the continued improvement and attractiveness of Bath in terms of entertainment and hospitality in order to retain its Purple Flag status.	No change
		Southgate	The reference to the Southgate fails to explain how the Licensing Authority will operate in relation to this development going forward.	The Southgate development is part of Bath to which the policy applies.	No change
		Relationship with Planning Policy	No attempt has been made to resolve this inherent conflict between licensing policy and planning policy or indeed other strategic policy processes. We are not aware of any legal barrier preventing the Licensing Authorities attempting to do this within its policy statement. This is of particular significance in relation to the Cumulative Impact Policy and to assist with this we attach an opinion we have receive from leading counsel on the de facto relationship.	It is beyond the scope of this policy to address planning and other policies. It is not clear why the CI is referred to here.	No change
		Licensing Objectives	This policy document does not explain how the licensing objectives will be measured nor how well the old policy succeeded in achieving them and therefore how this policy might have been shaped by that performance. The policy document does not explain how the licensing authority interprets these objectives, set nationally, in the local context.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. It is a matter for the Court to interpret statutory provisions.	No change
		General Principles	The quality of resident and visitor experience depends on effective enforcement of the full range of statutory conditions. The document should explain how this is to be achieved. It is the customer experience, and that of neighbours, that counts and that justifies the range and cost of statutory interventions.	It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. The licensing authority already facilitates the improvement of the quality of life to residents and the attractiveness of the area by ensuring that it makes balanced decisions on applications. It also works in partnership with the Police in enforcing conditions and giving advice and assistance both to residents and to licence holders. Para 21 contains details on enforcement.	No change
			Where the licensing authority seeks to rely on other legislation or statutory obligations it should give due consideration to how onerous enforcement of that legislation is particularly when the most likely to be affected by any breaches are individuals. Noise nuisance is a good example, since Environmental Protection	The imposition of conditions is unnecessary and disproportionate where there are duplications of other statutory regimes.	No change

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
			<p>officers cannot or will not be proactive in enforcement, individuals affected by noise nuisance face a lengthy, onerous and bureaucratic procedure to get the nuisance addressed. This burden would be lifted if proper noise control conditions were attached to the premises licence.</p>		
		Relationship with the planning process	<p>Many applicants, rightly or wrongly, seem to operate under a belief that planning permission particularly as it relates to hours can be used to pressure the licensing process and visa versa and we think this policy should make it clear that this is not the case</p>	<p>The relationship between planning and licensing is dealt with fully in paragraph 9 of the policy.</p>	No change
		Integrating Strategies	<p>The document needs to explain what integration has been achieved between these various strategies and note successes and indicate outstanding issues. Otherwise it tells us nothing</p>	<p>It is a Statement of policy not a means to evaluate the impact of the Licensing Act 2003. The Licensing Authority has regard to integrating strategies as set out in paragraph 14 when determining applications.</p>	No change
		Cumulative Impact Policy	<p>We are pleased see 'needs of local community' added to the list of 'matters the licensing authority will have regard to'.</p> <p>Why do the Council's findings on Cumulative Impact, arrived at after thorough and exhaustive review, play no part at all in planning policy for the city centre and in decisions of the Local Planning Authority? There is no mention of cumulative impact in the Local Plan. Why not?</p>	<p>The Council's Local Plan is beyond the scope of this policy.</p>	No change
		Suggested additions to operating schedules	<p>The list of standard conditions for Cumulative Impact Areas is welcome. Conditions 2 and 10 could usefully be amended to read: 'SIA registered door staff (numbers to be stated) shall be on duty at (times to be stated) to supervise entry to and exit from the premises at busy times. Among their duties will be to ensure that customers gathering at or near the premises entrance are not excessive in number, do not litter or obstruct the pavement or highway and do not make such noise as is likely to disturb residents and others in the neighbourhood'.</p>	<p>The list in the policy contains suggestions only and is not exhaustive.</p>	No change
			<p>'The Licensing Authority will expect all licensed premises to take a socially responsible approach by participating in schemes such as Bath Night Watch or similar...' This is an empty expectation as it cannot be consistently enforced by the Licensing Authority unless there is an</p>	<p>As above.</p>	No change

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
		<p>Other mechanisms for controlling cumulative impact</p> <p>Local Amenity</p> <p>The Portman Group</p>	<p>application for a new licence or a licence variation or through review of all the seventy-odd licenses that have been granted in the city centre.</p> <p>The use of “other mechanisms” includes</p> <ul style="list-style-type: none"> * Planning controls * Police enforcement of the 'general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices for relevant offences.' * The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to persons who are drunk'. We would be interested to know how often has this happened? * Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.' How often has this happened? <p>All these appear unenforced or unenforceable or both.</p> <p>To have any practical impact this policy needs to indicate what criteria the licensing authority will use in judging the balance between “the legitimate aspirations of the entertainment industry and the needs of the Residents”.</p> <p>We believe it should be explained how the Portman Group is funded and whom it seeks to represent</p>	<p>A number of the mechanisms are beyond the control of the licensing authority who work in partnership with the Police to enforce conditions and giving advice and assistance both to residents and to licence holders. Para 21 contains details on enforcement.</p> <p>Each application is determined on its own merits (Para 6.3) and the licensing objectives are paramount. In this regard the Licensing Authority will consider the evidence put forward by the parties.</p> <p>It is understood that the Portman Group provide independent advice on best practice. The Portman Group is funded by several drinks companies as is Drinkaware, another independent advisory body.</p>	<p>No change</p> <p>No change</p> <p>It is recommended that Drinkaware is included in this paragraph and the removal of the last sentence.</p>
5.	David Batho Chair Claverton Parish Council	Claverton Parish Council is broadly in agreement with the amended Statement of Licensing Policy but wish to	We share B&NESs aspiration for development of a healthier economy which feels safe and offers diverse activities to all. However, the above paragraphs appear to suggest that development of the area, by increasing the number of establishments, will reduce <i>fear</i> of alcohol	The licensing authority works in partnership with the Police in enforcing conditions and giving advice and assistance both to residents and to licence holders with a view to reducing the fear and incidents of alcohol related crime and disorder.	No change

Number	Person making representation	Paragraph of policy	Comment	Officer response	Recommendation
		comment on paragraphs 1.2, 1.3 and 1.4 of the Introduction.	<p>related crime and anti-social behaviour.</p> <p>We feel that increasing the number of establishments will reduce neither the <i>fear</i>, nor the <i>incidence</i> of, alcohol related crime and anti-social behaviour.</p> <p>It is one thing to promote development of the area. However, we feel that it is imprudent to suggest or, as is stated at 1.4, <i>hope</i> that realisation of such a goal will bring about a safer environment.</p>		
6.	<p>Martin Purchase</p> <p>Liquor Licensing Officer</p> <p>Bath Police Station.</p>		<p>The Police view is that the policy remains effective and serves the needs of promoting the management of the licensing regime and strikes a balance alongside other policies designed to achieve the same agenda.</p> <p>The cumulative impact policy as outlined within the BANES Licensing Policy has proved itself to be an effective measure that has ensured that controls and balances on new and variation applications within the stress area are placed within operating schedules, providing measures that seek to negate the impact of the proposed application. Applicants and their legal representatives contact responsible authorities and interested parties as a direct result of the policy to ensure that the measures they are proposing are considered to be effective measures to negate the impact, this has the desired effect of furthering the licensing objectives. This is a very effective tool in the management of the application process.</p>		<p>No change</p> <p>No change</p>
7.	Comments from the Licensing Committee		Councillor Hedges asked whether the Equalities Act 2010 needed to be referred to in paragraph 8.1 and whether any duties arising from it needed to be mentioned in paragraph 14.3. It was agreed that the Senior Legal Adviser would investigate and advise the Environmental Monitoring and Licensing Manager.		Paragraph 8.1 amended to include the Equalities Act 2010.

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STATEMENT OF LICENSING POLICY

1 Introduction

- 1.1 Bath and North East Somerset Council (the Council), is the Licensing Authority for Bath and North East Somerset under the Licensing Act 2003 (the Act). This means the Council is responsible for granting Premises Licences, Personal Licences, and Club Premises Certificates, in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. It is also responsible for receiving Temporary Event Notices.
- 1.2 The Licensing Authority aims to facilitate the development of a healthier economy in Bath and North East Somerset that feels both safe and offers diverse cultural activities to enable a broad age range of people to enjoy themselves whilst at the same time improving the quality of life of residents and increasing the attractiveness of the area to visitors.
- 1.3 In partnership with other agencies and interested parties, the Council as the Licensing Authority, seeks to develop the area with a view to increasing the number of establishments, including coffee shops and restaurants, which are open and available to the public in the evening.
- 1.4 It is hoped that realisation of this goal will reduce fear of crime including alcohol related crime and anti-social behaviour and consequently encourage greater use of facilities throughout the district and in the evening by people of all ages, all income groups and all social groups.
- 1.5 Bath and North East Somerset was the first Council in the South West to be awarded a Purple Flag in January 2010. The award was granted by the Association of Town Centre Management and is the new "gold standard" that recognises safer and more appealing town and city centres at night. The Purple Flag status also provides external recognition for cities that offer a great diversity of entertainment and hospitality to a wide range of age groups. This achievement highlights the effective multi-agency work in place to enhance the night time economy of Bath, and therefore the need to maintain these standards through sustained partnership working in the future.
- 1.6 The Council has worked in partnership to bring to Bath a modern shopping destination at Southgate, with classic Georgian-style open streets, and public spaces. Southgate Bath has over 55 new stores including a mix of retail, eating, entertainment, and residential properties.
- 1.7 The Act requires the Licensing Authority to publish a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act and having regard to the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act (the Guidance).

- 1.8 Licensing is about regulating the use of premises, including qualifying clubs, for licensable activities and temporary events within the terms of the Act.
- 1.9 Any conditions which are attached to the various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations on licensed premises. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.

2 Purpose

- 2.1 The purpose of this policy is to assist and inform those involved in the decision making process and those who may be affected by such decisions.
- This policy will provide the decision makers with parameters under which to make their decisions.
 - This policy will inform applicants of the parameters under which the Licensing Authority will make decisions, and therefore how a licensed premises is likely to be able to operate within Bath and North East Somerset. Each case will, however, be determined on an individual basis.
 - This policy will inform residents and businesses of the parameters under which the Licensing Authority will make licence decisions, and therefore how their needs will be addressed.
 - This policy will provide the courts with the basis upon which decisions were reached.
 - Where it is necessary to depart from the Guidance in considering a particular application the Licensing Authority will give reasons.
 - This policy will be regularly reviewed by the Licensing Authority in accordance with the requirements of the Act or as the Authority deems necessary.

3 Licensing objectives

- 3.1 Section 4 of the Act provides that it is the duty of all Licensing Authorities to carry out their various licensing functions with a view to promoting the four licensing objectives laid down in the Act. The licensing objectives are:
- 1 The prevention of crime and disorder;**
 - 2 Public safety;**
 - 3 The prevention of public nuisance;**
 - 4 The protection of children from harm.**

- 3.2 Each objective is of equal importance; there are no other licensing objectives so these four objectives are paramount considerations at all times.
- 3.3 When considering applications/representations the Licensing Authority will have regard to these licensing objectives. Where appropriate the Licensing Authority will make exceptions to its own policies and give reasons for doing so.

4 Types of Licence

- 4.1 This policy will be taken into account by the Licensing Authority when carrying out its licensing functions under the Act and in relation to:

Premises Licences;
Club Premises Certificates;
Personal Licences;

and when considering notifications made in respect of:

Temporary Event Notices.

5 Licensable Activities

- 5.1 The term “Licensable Activities” is defined by the Act.

Licensable Activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

6 General Principles

- 6.1 Decisions

Many minor or routine matters may be determined by the Licensing Officer; other decisions will be referred to the Licensing Committee for determination. These decisions are made in accordance with the table of delegated functions found at page 36 of this Policy.

- 6.2 The Licensing Committee is not a court of law and may seem informal in comparison with such proceedings. For example the rules of evidence do not normally apply and evidence is not taken on oath. Nevertheless, in determining licensing matters the Committee will follow judicial principles to ensure that a fair and orderly hearing is given to each application/representation.

- 6.3 Each case will be considered on its own merits and nothing in this Policy shall undermine this principle.
- 6.4 The review of a Premises Licence or a Club Premises Certificate can be requested by an Interested Party or a Responsible Authority subject to conditions as indicated in paragraph 45 (Reviews).
- 6.5 Applicants for Premises Licences and Club Premises Certificates will be expected to set out how they intend to promote the Licensing objectives and what measures they intend to employ to ensure compliance with them.
- 6.6 In order to avoid duplication with other statutory regimes the Licensing Authority will seek to use the most appropriate method of dealing with a particular issue. Subject to the provisions of paragraph 20 (Conditions) the only conditions which should be imposed on a Premises Licence or Club Premises Certificate are those which are necessary, proportionate and reasonable for the promotion of the licensing objectives.
- 6.7 Accordingly if other controls are available because the law already places certain statutory responsibilities on an employer or operator of premises (such as in relation to Health and Safety) it cannot be necessary to impose the same or similar duties on the Premises Licence holder or club. For example, conditions relating to noise nuisance would not normally be necessary where the provisions of byelaws or of other legislation such as the Environmental Protection Act 1990 protect those living in the vicinity of the premises in question. Where adequate protection is not available conditions subject to the provisions of paragraph 20 may be considered appropriate.
- 6.8 Applicants may suggest and are encouraged to suggest appropriate conditions in their operating schedules.
- 6.9 Where the Act provides for mandatory conditions to be included in a Premises Licence the Licensing Authority has a duty to include those conditions on the licence.
- 6.10 Subject to paragraph 43 (Relevant Representations) anyone wishing to make representations in respect of an application will be required to relate their objection to one or more of the licensing objectives before the Licensing Authority will be able to consider it.

7 Consultees

- 7.1 Before determining this policy the Licensing Authority has consulted with various bodies including:
- All Responsible Authorities;
 - Representatives of local holders of Premises Licences, Club Premises Certificates.
 - Representatives of businesses and residents of the area.
 - All Ward Councillors and Town and Parish Councils.

LEGISLATION, POLICIES AND STRATEGIES

8 Legislation

- 8.1 In undertaking its licensing function under the Act, the Licensing Authority is also bound by other legislation, including:
- Section 17 of the Crime and Disorder Act 1988;
 - Human Rights Act 1998.
 - Equalities Act 2010.
- 8.2 The impact of this policy will be monitored through the Council's equality policies.

9 Relationship with Planning Policies

- 9.1 The Licensing Authority recognizes that Licensing and Planning are separate regimes. Where an application is granted by the Licensing Authority which would require planning permission this would not relieve the applicant of the need to obtain that permission. It will still be necessary, for the applicant to ensure that he/she has all the necessary permissions in place to enable them to run the business within the law.
- 9.2 There will, however, be a clear separation of the Planning and Licensing regimes to avoid duplication and inefficiency. Therefore, any decision made under the Licensing Act will not take into consideration the need for planning permission.
- 9.3 The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process as different considerations will apply.
- 9.4 In addition, if an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to apply for planning permission.

10 Relationship with Building Control

- 10.1 The Licensing Authority recognizes that Licensing and Building Control are separate regimes. Where an application is granted by the Licensing Authority which involves a material alteration to a building, this would not relieve the applicant of the need to obtain building control approval.

11 Provisional Statements (and the relationship with planning policies and building control).

- 11.1 Further guidance is given below and in paragraph 25 regarding Provisional Statements generally.

- 11.2 In relation to planning and building control it should be noted that any decision of the Licensing Authority on an application for a provisional statement would not relieve an applicant of the need to obtain any necessary planning permission, listed building consent or building control approval before any development takes place.

12 National Strategies

- 12.1 The Licensing Authority will also seek to discharge its responsibilities identified by other Government strategies, so far as they impact on the objectives of the Licensing function. These will include:

- Action Plan for Tackling Alcohol Related Crime, Disorder and Nuisance;
- Safer Clubbing;
- Professional Guidance as to best practice on test purchasing;
- Alcohol Harm Reduction Strategy.

13 Local Strategies and Policies

- 13.1 Where appropriate, the Committee will take into account local strategies and policies. These will include:

- Sustainable Community Strategy
- Community Safety Plan

14 Integrating Strategies

- 14.1 The Licensing Authority has endeavoured to secure proper integration with local strategies such as local crime prevention, planning, transport, tourism, race equality schemes and cultural strategies.

- 14.2 There are a number of wider issues which may need to be given due consideration when dealing with applications. These may not directly relate to the four licensing objectives, but may impact upon them. However, on any application under the Licensing Act the four licensing objectives will remain paramount in the application of this policy.

- 14.3 Where appropriate, the Licensing Authority will have regard to:

- local crime prevention strategies;
- needs of the local tourist economy;
- cultural strategy for the area;
- employment situation in the area and the need for new investment and employment where appropriate;
- planning considerations that might affect licensed premises;
- needs of the local community

- the duty on Public Authorities to eliminate unlawful discrimination; and to promote equality of opportunity and good relations between persons of different racial groups.
- the Economic Strategy
- the policy on cumulative impact.

15 Regulated Entertainment

- 15.1 In its role of implementing Council cultural strategies, the Licensing Authority recognises the need to encourage regulated entertainment such as live music, dance and theatre for the wider cultural benefit of the community.
- 15.2 When considering applications for such events and the imposition of conditions on licences or certificates, the Licensing Authority will carefully balance cultural needs with the necessity of achieving the promotion of the licensing objectives.
- 15.3 The Licensing Authority monitors the impact of licensing on the provision or lack of provision of regulated entertainment, and particularly live music and dancing.
- 15.4 The Licensing Authority will ensure that only necessary, proportionate and reasonable licensing conditions are imposed on such events.
- 15.5 As a matter of general policy the Council intends to continue to seek Premises Licences from the Licensing Authority for public spaces, within the local community, in their own name. This may include for example; village greens, markets, promenades, community halls, parks, Council owned art centres and similar public spaces. In this instance performers and entertainers would require the permission of the Council as the Premises Licence holder rather than a premises licence.

16 Cumulative Impact Policy

- 16.1 Cumulative impact is not mentioned specifically in the Act but the Guidance to the Act states that cumulative impact is the potential impact, on the promotion of the licensing objectives, of a significant number of licensed premises concentrated in one area. This collective effect is known as “cumulative impact”. The Guidance further states that the cumulative impact of licensed premises, on the promotion of the licensing objectives, is a proper matter for a licensing authority to consider in developing its statement of licensing policy.
- 16.2 Where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder can arise in the vicinity of those premises. Where a number of licensed premises are grouped together, and particularly where they may be situated near residential areas, the problem can be compounded. The distribution of late night premises may be such as to warrant special action by the licensing authority to combat exceptional problems of crime and disorder and public nuisance over and above the impact of individual premises.

Steps taken in considering a cumulative impact policy

16.3 The steps that this Licensing Authority has taken in considering whether to adopt a cumulative impact policy within the statement of licensing policy are summarised below:-

- Identification of the concern about public nuisance and crime and disorder
- Consideration as to whether there is good evidence that public nuisance and crime and disorder is occurring, and is caused by the customers of licensed premises, or that the risk of cumulative impact is imminent
- Identification of the boundaries of the area where problems are occurring
- Consultation with those specified in section 5(3) of the 2003 Act and, subject to the outcome of the consultation,
- Inclusion and publication of the details of a cumulative impact policy to be included in the Statement of Licensing Policy

Evidence of cumulative impact

16.4 The Bath and North East Somerset Community Safety and Drugs Partnership (CSDP) collated information which demonstrated that, in Bath City Centre, “a defined temporal and geographic area experiences a significantly greater degree of alcohol related crime and disorder than the remainder of the authority area” and that Bath City Centre can be defined as experiencing a significant amount of alcohol related crime.

16.5 At the meeting on the 18th January 2007 Council considered the report from the CSDP. After considering the available evidence Council resolved to consult on the proposed area outlined in Appendix 1 of the CSDP’s report. Having consulted with those individuals and organisations listed in section 5(3) of the 2003 Act, the Council resolved, on 13th September 2007, that the evidence contained within the report was sufficient to justify the preparation of a cumulative impact policy for inclusion in the Council’s Statement of Licensing Policy. At a meeting on the 20th April 2009 the Licensing Committee considered a report on the review of the cumulative impact policy and resolved to continue with the policy. A copy of the reports, together with the Minutes of the meetings, can be seen at any of the Council’s libraries or on the Council’s web site at the following address:-

www.bathnes.gov.uk

16.6 The area identified for the cumulative impact policy is outlined on the map in Appendix A of this document (the Cumulative Impact Policy Area).

The effect of a cumulative impact policy

- 16.7 The effect of adopting a cumulative impact policy is to create a rebuttable presumption that applications for new premises licences, club premises certificates or variations will be refused if relevant representations are received. If the application is not to be refused then the applicant will have to demonstrate that the operation of the premises will not add to the cumulative impact already being experienced.
- 16.8 The licensing authority will expect the applicant to address the issues surrounding cumulative impact in their operating schedule in order to rebut such a presumption. See paragraph 16.17 below for suggested conditions.
- 16.9 However, this presumption does not relieve Responsible Authorities or Interested Parties of the need to make a relevant representation before the licensing authority may lawfully consider giving effect to its cumulative impact policy in a particular case.
- 16.10 After receiving representations in relation to a new application or a variation of a licence or certificate, the licensing authority will consider whether it would be justified in granting a licence or variation in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not.
- 16.11 The licensing authority will consider the individual merits of any application, together with the relevant representations made and, where it considers that, to grant the application would be unlikely to add significantly to the cumulative impact having regard to the licensing objectives, the authority will grant the application.
- 16.12 If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.
- 16.13 If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.
- 16.14 Where an application for a review is received by the licensing authority, the cumulative impact policy will not be used as a ground for revoking an existing licence or certificate. The cumulative impact on the promotion of the licensing objectives of a concentration of licensed premises should only give rise to relevant representations where an application for the grant or material variation of a premises licence or certificate is being considered. A review must relate to individual premises and by its nature, cumulative impact is related to the concentration of many licensed premises in one area.

- 16.15 The licensing authority will regularly monitor the impact of this cumulative impact policy to assess whether it is no longer needed or needs to be modified or expanded.

Suggested additions to operating schedules

- 16.16 If an application for a licence is made for a premises within the defined area of the cumulative impact policy the licensing authority will expect the applicant to demonstrate, in their operating schedule, the steps that they will take to prevent problems relating to nuisance and public safety and the steps to be taken to promote the reduction of crime and disorder.

- 16.17 A range of measures that the licensing authority would wish to be included on a premises licence application within the cumulative impact area would depend on the nature and type of premises within the application and would need to be individual to that premises, examples are:-

- CCTV at the premises to be properly maintained.
- Security Industry Authority (SIA) door staff.
- Toughened or plastic glass, no bottles.
- Free calls to taxi firms for departing customers at the end of the night.
- Outside areas to be cleared at a reasonable time (time to be stated)
- Signs to be displayed at each exit to encourage patrons to minimise noise and not to congregate in the street at close
- To contribute to the street marshal scheme.
- To be a member of the local Pub watch.
- No open containers of alcohol to leave the premises.
- To supervise entry and exit of the customers from the premises at busy times.
- Facilities for people to dispose of cigarette ends and provisions for reducing noise from people smoking outside the premises.
- A limit on the number of customers permitted on the premises at one time.
- A requirement that the public spaces in the premises should be predominately seated.

This list is not exhaustive, and is only intended to provide a brief description and guide to applicants.

- 16.18 The Bath Night Watch scheme is a culmination of Bath and North East Somerset Council, Bath Pub Watch and the Police working together to promote the four licensing objectives as one co-ordinated stakeholder group.

The Licensing Authority will expect all licensed premises within the Cumulative Impact Area to take a socially responsible approach by participating in schemes like 'Bath Night Watch', or similar, which improve issues of alcohol-associated anti-social behaviour in and around city centre licensed premises at night.

The Licensing Authority also encourages all premises, outside the cumulative impact area, to take a similar approach, which would improve the issue of alcohol-associated anti-social behaviour outside the city centre at night.

Other mechanisms for controlling cumulative impact

- 16.19 The licensing authority will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:-
- Planning controls.
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
 - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
 - The Council has a Designated Public Places Order for Bath as a place where alcohol may not be consumed publicly except where permission has been granted i.e. tables and chairs permit.
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - The confiscation of alcohol from adults and children in designated areas.
 - Police powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

ADMINISTRATION OF LICENSING FUNCTIONS

17 Applications

- 17.1 Incomplete applications will not be accepted. Applications will only be considered where the relevant documentation and the fee accompany them.
- 17.2 The operating schedule will form part of the completed application form for a Premises Licence and should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote the licensing objectives are satisfactory.
- 17.3 In preparing an operating schedule, the Secretary of State recommends that applicants should be aware of the expectations of the Licensing Authority and the responsible authorities about the steps that are necessary for the promotion of the licensing objectives.
- 17.4 Liaising with interested parties prior to submitting applications is good practice. The Licensing Authority recommends applicants discuss any new proposals with neighbours or any relevant community group such as a local residents'

association, or where the application is in Bath city centre Pubwatch or other such groups, as may be appropriate.

- 17.5 The Licensing Authority encourages applicants to liaise with the relevant authorities prior to submitting their applications, e.g. police or fire authority, when compiling their operating schedules.

18 Licensing Hours

- 18.1 With regard to licensing hours the Licensing Authority will consider each case on its individual merits.
- 18.2 The Licensing Authority recognises that fixed closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport in areas where there have already been incidents of disorder and disturbance.
- 18.3 The Licensing Authority will give due regard to the Guidance in relation to terminal hours and would not wish to inhibit the development of safe evening and night-time local economies.
- 18.4 It is not intended that the Licensing Authority's overall approach to licensing hours will include any form of zoning. Experience in other areas shows that this can lead to the significant movement of people across boundaries in search of premises opening later, and puts greater pressure on communities than is necessary.
- 18.5 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, where relevant representations are substantiated in respect of individual shops, a limitation on licensing hours may be appropriate.

19 Vicinity

- 19.1 The term "vicinity" is used in this document, the Act and the Guidance on a number of occasions, but its meaning is not defined in the Act. Whether incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend upon the particular circumstances of the case. In cases of dispute the question will ultimately be decided by the Courts.
- 19.2 In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living or working in the vicinity.
- 19.3 It should be noted that Licensing functions under the Act are only one means of promoting the delivery of the licensing objectives.

- 19.4 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and therefore beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless it is a key aspect of such control and will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres.
- 19.5 The Licensing Authority will endeavour to work in partnership with others to promote common objectives.

20 Conditions

- 20.1 The Licensing Authority **may not** impose conditions on or refuse to grant/vary a Premises Licence or Club Premises Certificate **unless** it has received a relevant representation in respect of the application. There will be no standard conditions.
- 20.2 If no relevant representations are received, the application must be granted on the terms sought, i.e. on terms that are consistent with the operating schedule submitted, and no additional conditions can be imposed.
- 20.3 Conditions may only be imposed on licences and certificates where they are necessary for the promotion of one or more of the four licensing objectives. Conditions may not be imposed on licences and certificates for other purposes.
- 20.4 One of the key concepts underscoring the Act is for conditions to be attached to licences and certificates which are tailored to the individual style and characteristics of the premises and events concerned.
- 20.5 Conditions will be applied to licences that are proportionate and appropriate to the business, organisation, or individual premises concerned. The Licensing Authority will principally draw upon the pool of model conditions issued by the Department of Culture, Media and Sport, and attach conditions relative to the given circumstances of each individual case and which are necessary in order to promote one or more of the licensing objectives. The model conditions referred to can be found in the Annexes to the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act.

21 Enforcement

- 21.1 Enforcement will be in accordance with the Public Protection Service enforcement policy, which is based around the principles of consistency, transparency and proportionality, as set out in the Government's Enforcement Concordat.
- 21.2 The enforcement policy (available on request) proposes that a graduated response is taken where offences against legislation are found, or where licence conditions have been contravened. An isolated administrative offence such as

failing to maintain records may be dealt with purely by way of a written warning. More serious offences which have either been committed over a period of time, or which jeopardise public safety, such as keeping exit routes clear or failing to maintain fire extinguishers properly, may result in the issue of a Formal Caution, or a referral for prosecution.

- 21.3 The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation. The Licensing Authority expects the police to share information about licence holders and licensed premises, under the Crime and Disorder Act 1998 and its common law powers, and to consult closely with the Licensing Authority when any enforcement action may be required.
- 21.4 The Licensing Authority will employ Licensing Enforcement Officers to investigate allegations of unlicensed activities and ensure that licence conditions imposed by the Licensing Authority are met.

22 Drugs Policy

- 22.1 The Licensing Authority recognises that drug use by young people in a club environment is not something that is relevant to all licensed premises.
- 22.2 The Licensing Authority recognises the importance of guidance such as that contained in the document entitled “Safer Clubbing”. “Safer Clubbing” concerns drugs and nightclubs. The Home Office, in conjunction with the Department of Health and the Department for Culture, Media and Sport, produced the Safer Clubbing Guide to provide comprehensive advice for nightclub owners, dance event promoters and existing local authority licensing departments on how to ensure the health and safety of anyone attending dance events in England. The Guide can be viewed in full on www.drugs.gov.uk.
- 22.3 Although “Safer Clubbing” has been directly aimed at late night club venues which have been associated with drug misuse, the safety of people attending events at all licensed premises, which can now operate the type of events at which people are more likely to take drugs, must be ensured.
- 22.4 The Licensing Authority recommends this document to applicants wishing to provide the type of event at which people are more likely to take drugs. It is hoped that the document will be modified to refer to the provisions of the Licensing Act 2003.
- 22.5 Information regarding Safer Clubbing has been reproduced at Annex E of the Guidance issued under Section 182 of the Act.
- 22.6 Where relevant applicants for Premises Licences or Club Premises Certificates should be able to demonstrate that they have had regard to “Safer Clubbing” in preparing operating schedules.

23 Operating Schedules

- 23.1 Applicants for Premises Licences, Provisional Statements and Club Premises Certificates should be aware of the guidance issued by the Licensing Authority in relation to Operating Schedules when submitting their applications.
- 23.2 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training, and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, the Licensing Authority **recommends** that these elements should be specifically considered and addressed within an applicant's Operating Schedule.
- 23.3 The selection of control measures should be based upon a risk assessment of the premises, plus the events, activities and customers expected to attend (e.g. their age, number etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the management of the premises.
- 23.4 The operating schedule should be prepared by or on behalf of the applicant, in relation to the premises for which a licence is being sought, taking into account the individual style and characteristics of the premises/events.
- 23.5 **The Operating Schedule must include the following:**
- a. details of the relevant licensable activities to be conducted on the premises;
 - b. the times during which it is proposed that the relevant licensable activities are to take place (including any specific non standard timings or seasonal variations);
 - c. any other times when the premises are to be open to the public;
 - d. where the licence is required only for a limited period, that period;
 - e. where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the Designated Premises Supervisor;
 - f. where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises, or both;
 - g. the steps which the applicant proposes to take to promote the licensing objectives such as the provision of street marshals etc.
 - h. any other prescribed matters.

- 23.6 The Guidance produced by the Secretary of State under Section 182 of the Act recommends that applicants should be aware of the expectations of the Licensing Authority regarding the steps that are necessary for the promotion of the licensing objectives. The following information is provided by way of guidance only in order to assist applicants in the preparation of their Operating Schedules. Such steps should be both realistic and within the control of the applicant/management of the premises.
- 23.7 The Licensing Authority is committed to the **prevention of crime and disorder**.
- 23.8 To this end, applicants will be expected to demonstrate in their operating schedules that suitable and sufficient measures have been identified and will be implemented and maintained to ensure the prevention/reduction of crime and disorder relevant to the individual style and characteristics of their premises and events.
- 23.9 When addressing the issue of crime and disorder, an applicant should demonstrate that the factors that impact on crime and disorder have been considered, for example:
- adoption of best practice guidance (e.g. 'Safer Clubbing', the 'National Harm Reduction Strategy Toolkit', 'Security in Design', and 'Drugs and Pubs');
 - acceptance of proof of age cards e.g. PASS or locally approved schemes;
 - provision of effective CCTV in and around the premises and the availability to the Licensing Authority/Police for the purposes of enforcement of any recordings made;
 - employment of Security Industry Authority (SIA) staff;
 - provision of toughened or plastic drinking vessels;
 - provision of secure deposit boxes for confiscated items such as drugs;
 - provision/maintenance of litter bins;
 - the use of banning procedures where appropriate.
- 23.10 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.
- 23.11 To this end, applicants will be expected to demonstrate in their Operating Schedules that suitable and sufficient measures have been identified and will be implemented and maintained to ensure **public safety** relevant to the individual style and characteristics of their premises and events.
- 23.12 When addressing the issue of public safety, an applicant should demonstrate that the factors that impact on the standards of public safety have been considered.

These may include:

- the occupancy capacity of the premises
- the age, design and layout of the premises, including means of escape
- the nature of the licensable activities that are provided
- customer profile.

- 23.13 The following examples of control measures are given to assist applicants who may need to take account of them in their Operating Schedules:
- whether any risk assessment, management procedures and certificates relating to fire safety, public health and safety, and any other technical risk assessments are required/have been made available;
 - whether the premises have/require a licence specifying the maximum number of people that can attend it or be present;
 - whether there are procedures proposed to record and limit the number of people on the premises;
 - whether patrons can travel safely to and from the premises;
 - whether music and dance venues, and performance venues will use equipment or effects which may impact on public safety (e.g. strobe lights, smoke machines etc);
 - whether in applying for music and dance venues due account has been given to the measures outlined in 'Safer Clubbing'.
- 23.14 Applicants will be expected to demonstrate in their Operating Schedules that suitable and sufficient measures have been identified and will be implemented and maintained to prevent **public nuisance**, relevant to the individual style and characteristics of their premises and events.
- 23.15 When addressing the issue of prevention of public nuisance, the applicant should be able to demonstrate that those factors which impact on the likelihood of public nuisance have been considered. These may include:
- Whether Operating Schedules contain adequate measures to prevent noise, smells and vibration generated from within the premises or outside it causing disturbance to people in the surrounding area.
 - Whether applicants include measures in the Operating Schedule that make adequate provision to:
 - a) restrict the generation of noise and smell;
 - b) limit the escape of noise and smell;
 - c) minimise and control noise from customers arriving at the premises, outside it and departing from it.
 - In relation to eating and drinking outside the premises, consideration is given to:
 - a) whether the premises are under or near to residential accommodation;
 - b) whether the sales consist of open containers or drinking vessels;
 - c) whether there are measures in place to collect drinking vessels;
 - d) the areas proposed for the consumption of food and drink;

- e) whether there is a need for door supervisors.
- f) whether it is proposed to use toughened glass or plastic drinking vessels.
- g) the provision of suitable ashtrays and/or bins for people smoking outside premises.

23.16 The Operating Schedule should also consider other public nuisance issues including litter, street fouling, light pollution, queuing and the use of CCTV, door supervisors and/or street marshals.

23.17 Applicants will be expected to demonstrate in their Operating Schedules that suitable and sufficient measures have been identified and will be implemented and maintained to **protect children from harm**, relevant to the individual style and characteristics of their premises and events. These may include:-

- Processes to ensure that alcohol is not sold or provided to children or young people.
- Not allowing adult entertainment when children or young people are present.

24 Premises Licences

24.1 A Premises Licence will be required for the use of any premises, part of premises, or place for the following licensable activities:

- a) the sale of alcohol;
- b) the provision of regulated entertainment;
- c) the provision of late night refreshment

24.2 When making an application to the Licensing Authority, the applicant must also send copies of the application to all the responsible authorities, namely:

- a) Police
- b) Fire Brigade
- c) Trading Standards
- d) Local Safeguarding Children's Board
- e) Environmental Health Department
- f) Local Planning Authority

and where relevant

- g) Health and Safety Executive (e.g. for educational establishments)
- h) Maritime Agency (e.g. for boats)

24.3 In the case of online applications the requirement to send copies to the responsible authorities will pass to the Licensing Authority.

25 Provisional Statements

- 25.1 Where premises are being or are to be constructed for the purpose of being used for one or more licensable activities, or are being or about to be extended, or otherwise altered for that purpose, a person may apply for a Provisional Statement if they have an interest in the premises, and, if they are an individual, that they are aged 18 years or older.
- 25.2 An application for a Provisional Statement must be accompanied by a schedule of works that includes details of the licensable activities for which the premises will be used; a plan of the premises; and such other information as may be prescribed.
- 25.3 Applications for Provisional Statements will be dealt with in a similar manner as applications for a Premises Licence. See also paragraph 23 relating to Operating Schedules.
- 25.4 Where relevant representations are made in relation to an application for a provisional statement the Licensing Authority must decide whether, if the premises were constructed or altered in the way proposed in the schedule of works and if a Premises Licence was sought for those premises, it would consider it necessary for the promotion of the licensing objectives to attach conditions (subject to the provisions of paragraph 20), rule out any of the licensable activities applied for, or to reject the application.

26 Club Premises Certificates

- 26.1 Club Premises Certificates will be issued to qualifying Clubs as defined in the Act, which carry out the following recognized activities:
- a. the supply of alcohol by or on behalf of the Club to, or to the order of, a member of the Club,
 - b. the sale by retail of alcohol by, or on behalf of a Club to a guest, or a member of the Club, for consumption on the premises where the sale takes place, and,
 - c. the provision of regulated entertainment, where that provision is by, or on behalf of a Club; for members of the Club, or for members of the Club and their guests.
- 26.2 Besides making an application to the Licensing Authority, the applicant must also send copies of the application to all the responsible authorities, namely:
- a) Police
 - b) Fire Brigade
 - c) Trading Standards
 - d) Local Safeguarding Children's Board
 - e) Environmental Health Department
 - f) Local Planning Authority

and where relevant

- g) Health and Safety Executive (e.g. educational establishments)
- h) Maritime Agency (e.g. boats)

- 26.3 In the case of online applications the requirement to send copies to the responsible authorities will pass to the Licensing Authority.
- 26.4 A Club operating schedule should also be submitted with the application and also, a copy of the club rules must be included. See also paragraph 23 above relating to Operating Schedules.

27 Personal Licences

- 27.1 General Requirements - Personal Licences will be granted if the applicant can demonstrate each of the following:
- a. they are 18 years of age or over;
 - b. they possess an appropriate licensing qualification, or are a person of a prescribed description; i.e. a person of a description prescribed by Secretary of State by Regulations.
 - c. no Personal Licence held by the applicant has been forfeited in the period of five years ending with the day the application was made;
 - d. the applicant has not been convicted of any relevant offence, or any relevant foreign offence.
- 27.2 **The Authority will reject any application where points a, b or c above are not met.**
- 27.3 Applicants with unspent criminal convictions for relevant offences set out in Regulations made under the Act are encouraged to first discuss their intended application with the Council's Licensing Officer and/or Police Licensing Officers before making an application. Guidance in relation to unspent criminal convictions can be found in the Licensing Authority's Guidance Notes for Applicants

28 Designated Premises Supervisors

- 28.1 Because of its wider impact on the community the sale of alcohol carries with it greater responsibility than that associated with the provision of entertainment and late night refreshment. The main purpose of having a Designated Premises Supervisor is to ensure that there is a specified individual that can be readily identified at the premises. The Designated Premises Supervisor therefore will occupy a pivotal role in terms of management and supervision of the premises, and may be given day to day responsibility for running the premises.

- 28.2 The Designated Premises Supervisor can authorise another personal licence holder in his/her place and that this authority needs to be put in writing for there to be meaningful and proper authorisation.
- 28.3 A joint interview between the Licensing Authority, Police and applicant may be arranged where the police are minded to object to the transfer of a designated premises supervisor on the grounds that such transfer may undermine the Crime Prevention objective.
- 28.4 The exception to the above is to allow certain community premises which have, or are applying for a premises licence, that authorise the sale of alcohol, to apply the alternative licence condition instead of the usual mandatory conditions. The effect of the alternative licence condition is that the licence holder, i.e. the management committee which runs the community premises, is responsible for the supervision and authorisation of all alcohol sales.

29 Temporary Event Notices

- 29.1 Temporary Event Notices are subject to the following limitations:
- a. **duration** – they are limited to events lasting up to 96 hours;
 - b. **scale** – they cannot involve the presence of more than 499 people at any one time;
 - c. **use of the same premises** – the same premises cannot be used more than 12 times in a period of 12 months, or more than 15 days a calendar year (January – December);
 - d. **the number of notices given** – a Personal Licence holder is limited to 50 notices in one year and an ordinary person to five notices in a similar period.
- 29.2 In any other circumstances, a temporary event at which licensable activities are to take place would require a Premises Licence if the premises or place where the event is to take place is unlicensed.
- 29.3 Temporary Event Notices do not involve the Licensing Authority in giving permission for the event to take place. This is a notification procedure in which only the Police may intervene to prevent such an event, or to modify the arrangements for such an event. The Licensing Authority will only intervene if the limits on the number of notices given in the various circumstances outlined above are exceeded.
- 29.4 The Act requires an organiser of a temporary event to give the Licensing Authority a minimum of 10 working days' notice. This is the absolute legal minimum period of notification and in reality would not allow sufficient time for consultations with the Police.

- 29.5 Ten working days' notice means ten working days exclusive of the day on which the event is to start, and exclusive of the day on which the notice is given. A "working day" is defined as any day other than a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971 in England and Wales.
- 29.6 The Licensing Authority therefore recommends a minimum notice period of one calendar month before the date of the event taking place.
- 29.7 The Licensing Authority will not attach any terms or conditions to such events other than those set down in legislation. The Council will however, provide on request advice on health and safety matters, noise nuisance and the building of temporary structures.

OPERATIONAL MATTERS

30 Variation of Licences

- 30.1 Applications to vary a Premises Licence will be dealt with in a similar manner to applications for a new Premises Licence. When the Licensing Authority receives an application for a variation of a Premises Licence, it must determine whether the application has been properly made. Among other things the Licensing Authority will consider whether the application has been properly advertised.
- 30.2 Where an application has been lawfully made and provided that no relevant representation has been made by any responsible authority or interested party, then no hearing will be required and the application will be granted in the terms sought, subject only to conditions which are consistent with the Operating Schedule and any mandatory conditions required.
- 30.3 The Licensing Authority must consider whether any representations received are relevant. If relevant representations are made and not withdrawn, the Licensing Authority will hold a hearing, and at that hearing the Licensing Authority may:
- a) modify the conditions of the Licence; or
 - b) reject the whole, or part of the application.
- 30.4 If the Licensing Authority considers that the representations are not relevant then a hearing will not be required and the application will be granted. The aggrieved Interested Party may challenge the Licensing Authority's decision by way of judicial review.
- 30.5 The exception to the above procedure concerns applications for minor variations. Where applications for variations which generally amount to;
- a) a minor change to the structure or layout of a premises
 - b) small adjustments to licensing hours

- c) the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
- d) the additional of certain licensable activities

that will not impact adversely on the licensing objectives, they are subject to a simplified 'minor variations' process. Interested Parties may still make representations and the Licensing Authority is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing and officers have delegated powers to determine applications under this process.

31 Transfer of Premises Licences

- 31.1 In the vast majority of cases it is expected that a transfer will be a very simple administrative process. This is to ensure that there should be no interruption to normal business at the premises.
- 31.2 Notice of the application must be given to the Police. If the Police raise no objection about the application the Licensing Authority will transfer the licence in accordance with the application, amend the licence and return it to the new holder.
- 31.3 In exceptional circumstances the Police may consider that the granting of the application would undermine the crime prevention objective. In these circumstances the Licensing Authority must hold a hearing and consider the objection, they will not be able to consider any other matters. The Committee will give reasons for the decision made.

32 Interim Authority Notices

- 32.1 Generally a licence will remain in force for as long as the licence holder continues to operate the business, unless it is revoked, or it is specified that it has effect for a limited period and that period expires. However, if the holder of a Premises Licence dies, becomes mentally incapable or becomes insolvent, then the licence will lapse.
- 32.2 If, within a 7 day period of such circumstances, a person who had an interest in the premises concerned, or is connected to the person who held the Premises Licence immediately before it lapsed, gives the Licensing Authority an Interim Authority Notice, the licence will be reinstated for a two-month period.
- 32.3 At the end of the two months it will lapse unless an application for a transfer of the licence is made.
- 32.4 A person is connected to the former holder of a Premises Licence if, and only if:

- a. the person is the personal representative in the event of the holder's death;
 - b. in respect of someone who has become mentally incapable, the person is acting under section 6 of the Enduring Powers of Attorney Act 1985; or,
 - c. in the event of insolvency, the person is acting as an Insolvency Practitioner.
- 32.5 Interim Authority Notices must also be served on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective, the Licensing Authority will arrange a hearing to consider the Notice.

PREVENTION OF CRIME AND DISORDER OBJECTIVE

33 Applications

- 33.1 Under Section 17 of the Crime and Disorder Act 1998, the Council/Licensing Authority has a duty to do all that it reasonably can to prevent crime and disorder in the area. The fear of crime created by disorder, including drunkenness, is as damaging to public confidence and the quality of life as crime itself. The Council's Community Safety Plan aims to reduce crime, disorder, nuisance and the fear of crime, making Bath and North East Somerset a safer place to live, work and visit.
- 33.2 The Council has introduced measures to assist in this including the provision of community wardens and taxi rank marshals and the installation of CCTV cameras. Joint working with the police is ongoing, and the Council would expect this partnership approach to be embraced by the licensing trade. This would include participation in local radio link, Pubwatch, the street marshal scheme and other initiatives such as Bath Night Watch.
- 33.3 The Licensing Authority will consider whether the grant of an application will result in an increase in crime and disorder.
- 33.4 Applicants are encouraged to consider crime prevention procedures in their premises before making a formal application. Applicants are encouraged to work in partnership with other licence holders in order to reduce crime and disorder in their area.
- 33.5 The Licensing Authority will continue to play an active part in the development of Pubwatch and other such schemes.
- 33.6 The Licensing Authority recognises that no matter how well managed the premises are, crime and disorder can occur, particularly outside the premises. Therefore in considering whether the crime and disorder objective is met, the Licensing Authority will normally take into account the criteria set out below.

33.7 In considering licence applications, the following will be taken into account:

- whether the design, layout, lighting and fittings of the premises have been considered with a view to restricting conflict and minimising opportunities for crime and disorder;
- whether the applicant has included in the Operating Schedule appropriate management measures to prevent/reduce crime and disorder;
- the training given to staff in crime prevention measures appropriate to those premises;
- physical security features installed in the premises. This may include matters such as the position of cash registers; where alcohol is stored in 'off-licences', or the standard of CCTV installed, and the use of toughened drinking glasses in pubs and clubs;
- the likely exit times from the premises and the demands upon and the capacity of public transport at those times;
- any other such measures as may be appropriate, such as participation in Pubwatch or other such schemes, 'music wind-down policies', restrictions on 'happy hours' and the availability of seating to discourage vertical drinking;
- the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;
- where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- the likelihood of any violence, public order or policing problems if the licence is granted;
- the applicant's willingness to work in partnership with neighbouring licence holders in order to reduce crime and disorder.
- the policy on cumulative impact.

33.8 The Licensing Authority would also recommend that all Designated Premises Supervisors undergo additional training and have experience commensurate with the nature and style of entertainment provided and capacity of the premises.

PUBLIC SAFETY OBJECTIVE

34 Inspection of Premises

- 34.1 The Licensing Authority has established protocols with the local police on enforcement issues to enable a more efficient deployment of Licensing Authority staff and police officers who are engaged in enforcing licensing law and the inspection of licensed premises.
- 34.2 This protocol also provides for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run.
- 34.3 Inspections are not undertaken routinely but only when they are judged necessary. This ensures that resources are more effectively concentrated on problem premises. The Act enables the Licensing Authority through its officers to exercise discretion in relation to inspections and does not require annual inspections to take place. The Licensing Authority, therefore, does not intend to carry out annual inspections unless the assessed risks make such inspections necessary.
- 34.4 From time to time premises are inspected by Council Officers, the Police and/or the Fire Service for purposes of ascertaining compliance with the Act or associated Legislation or Regulations.
- 34.5 During the application period the Responsible Authorities might decide to carry out their own inspections.

35 Operational Considerations

- 35.1 Crime, disorder and anti-social behaviour threaten public safety and affect perceptions of public safety. The Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The Licensing Authority will need to satisfy itself that measures to protect the public including setting safe capacities, adequate means of escape, and the provision of fire fighting equipment and CCTV etc. are put in place and maintained if this is not adequately provided for by other regulatory regimes.
- 35.2 Licensed premises present a mixture of Health and Safety risks, some of which are common to many premises, and others unique to single premises. It is essential that premises are constructed, or adapted, so as to safeguard occupants against such risks.
- 35.3 Where relevant representations are made in relation to imposing a maximum number of persons resorting to premises at any one time for example, to ensure the safety of persons in the premises, and safe escape in the case of an emergency, the Licensing Authority will consider the imposition of occupancy limits by way of condition where it is considered necessary in relation to the promotion of one or more of the licensing objectives.

PREVENTION OF PUBLIC NUISANCE OBJECTIVE**36 Local Amenity**

- 36.1 The Licensing Authority is concerned to protect the amenity of residents and businesses in the vicinity of licensed premises.
- 36.2 Licensed premises have a significant potential to adversely impact on communities through public nuisances that arise from their operation. The Licensing Authority intends to maintain and protect the amenity of residents and other businesses from the potential adverse consequences of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.
- 36.3 In considering an application for a Premises Licence/Club Premises Certificate, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to the circumstances of the application.
- 36.4 The Licensing Authority will consider in particular:
- the proximity of noise sensitive residential and commercial premises, the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - the steps to be taken or proposed to be taken by the applicant to prevent litter and smell nuisance from the premises;
 - the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises;
 - the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable, then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
 - whether there is sufficient provision of public transport (including taxis and private hire vehicles) for patrons;
 - the installation of any special measures where licensed premises are, or are proposed to be, located near sensitive premises such as nursing homes, hospitals, hospices or places of worship;
 - the requirement of any interested party for a quieter Sunday evening and night;
 - the use of gardens and other open-air areas;

- the position or proposed position of external lighting, including security lighting that is installed inappropriately;
 - whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity;
 - The steps taken or proposed by the applicant with particular regard to the recycling of glasses, bottles and cans from their premises.
- 36.5 In certain areas the increased concentration of entertainment uses and longer hours may affect local residents. Commercial occupiers of premises have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 36.6 The role of the Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of the residents. The Licensing Authority will need to satisfy itself that adequate measures are in place to prevent public nuisance.

PROTECTION OF CHILDREN FROM HARM OBJECTIVE

37 Access to Licensed Premises

- 37.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 37.2 It is hoped that family friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.
- 37.3 Whilst the Act allows children access to licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 37.4 The general relaxation in the Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 37.5 The Licensing Authority recognises the Local Safeguarding Children's Board as the responsible authority to advise it on matters relating to the protection of children from harm.
- 37.6 The Licensing Authority will judge the merits of each application before deciding whether to impose conditions limiting the access of children to individual premises.

- 37.7 The following are examples of premises that will raise concern:
- where entertainment or services of an adult or sexual nature are commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or with a reputation for underage drinking;
 - where there is a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 37.8 The Licensing Authority may consider limiting the access of children where it is necessary for the prevention of harm to children. The following conditions may be considered appropriate:
- limitations on the hours when children may be present;
 - the exclusion of children under certain ages when particular activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - requirements for an accompanying adult;
 - full exclusion of people under 18 from the premises or parts of the premises when any licensable activities are taking place.
- 37.9 No conditions will be imposed requiring that children be admitted to any premises and where no limitation is imposed this will be left to the discretion of the individual licence holder.
- 37.10 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 37.11 The Licensing Authority recommends that where appropriate, applicants familiarise themselves with the Drinkwise and Portman Group Codes of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The codes seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older.

38 Access to Cinemas

- 38.1 Films cover a vast range of subjects, some of which deal with adult themes and/or contain for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 38.2 The Licensing Authority will expect licence holders or clubs to include in their Operating Schedules arrangements for restricting children from viewing age-restricted films classified according to recommendations of the British Board of Film Classification (or the Licensing Authority itself) to satisfactorily address safety issues including the supervision of children.
- 38.3 The Act also provides that it is mandatory for a condition to be included in all Premises Licences and Club Premises Certificates authorising the exhibition of films for the admission of children to the exhibition to be restricted in accordance with the recommendation given either by the British Board of Film Classification or the Licensing Authority itself.

39 Children and Public Entertainment

- 39.1 Many children go to see and/or take part in an entertainment arranged especially for them, for example, children's film shows and dance or drama school productions, and additional arrangements are required to safeguard them while at the premises.
- 39.2 The Licensing Authority will expect the Operating Schedule to satisfactorily address safety issues including the supervision of children.
- 39.3 The Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Pool of Model Conditions relating to the Protection of Children from Harm which can be found in Annex D to the Guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Act.

COMPLAINTS AGAINST LICENSED PREMISES

40 How complaints will be dealt with

- 40.1 The Licensing Authority will investigate complaints against licensed premises with regard to matters relating to the four licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 40.2 Where an interested party (such as a local resident or residents' association) has made:
- valid representations about licensed premises, or
 - a valid application for a licence to be reviewed

the Licensing Authority encourages parties to arrange a conciliation meeting to address and clarify the issues of concern where practicable.

- 40.3 Nothing in this Policy shall restrict the right of an interested party or responsible authority to call for a review of a licence or make relevant representations in accordance with the Act.

DECISION MAKING

41 Licensing Committee Terms of Reference

- 41.1 The Committee's terms of reference will be set out in the Council's Constitution. The terms of reference have been guided by Regulations issued under the Act.

42 Allocation of Decision making Responsibilities

- 42.1 These responsibilities will be set out in the Council's Constitution. The table on page 36 indicates how the delegation of functions has been allocated.

43 Relevant Representations

- 43.1 'Relevant representations' are the following;
- a) representations about the effect of the Premises Licence/Club Premises Certificate on the promotion of the licensing objectives;
 - b) representations made by an interested party or a responsible authority, which have not been withdrawn, and, in the case of representations made by an interested party, are not, in the opinion of the officer charged with this role, frivolous, repetitive or vexatious.
- 43.2 'Interested Party' means any of the following:
- a) a person living in the vicinity of the premises;
 - b) a body representing persons who live in that vicinity;
 - c) a person involved in a business in that vicinity; or
 - d) a body representing persons involved in such a business.
 - e) an elected Member in any Ward in the Council's area

43.3 'Responsible Authority' means any of the following:

- a) Police;
- b) Fire Brigade;
- c) Trading Standards;
- d) Local Safeguarding Children's Board;
- e) Environmental Health Department;
- f) Local Planning Authority;
- g) Health and Safety Executive;
- h) Maritime Agency;
- i) Any other authority as may be prescribed by Regulations.

44 Other Considerations

44.1 The Licensing Authority will give reasons for its decisions. The Licensing Authority will also address the extent to which the decision has been made with regard to the Act, its Statement of Licensing Policy, the Guidance issued by the Secretary of State under the Act and the Human Rights Act 1998.

45 Reviews

45.1 The process for reviewing Premises Licenses/Club Premises Certificates is seen as representing a key protection for the community where problems associated with any of the four licensing objectives are occurring. Licensing Authorities are encouraged to apply a 'light touch' to the grant and variation of Premises Licenses. The provision of the review mechanism to deal with concerns relating to the licensing objectives arising later in respect of individual premises is integral to this.

45.2 The Licensing Authority cannot itself initiate a review of the licence, but at any stage following the grant of a Premises Licence/Club Premises Certificate a responsible authority or an interested party may apply to the Licensing Authority to review a licence because of a matter arising at the premises in connection with one or more of the four licensing objectives.

45.3 Additionally a review of the licence will normally follow any action by the Police to close the premises on grounds of disorder or public nuisance.

45.4 The application must relate to particular premises for which a Premises Licence/Club Premises Certificate is in existence and must be relevant to one or more of the licensing objectives.

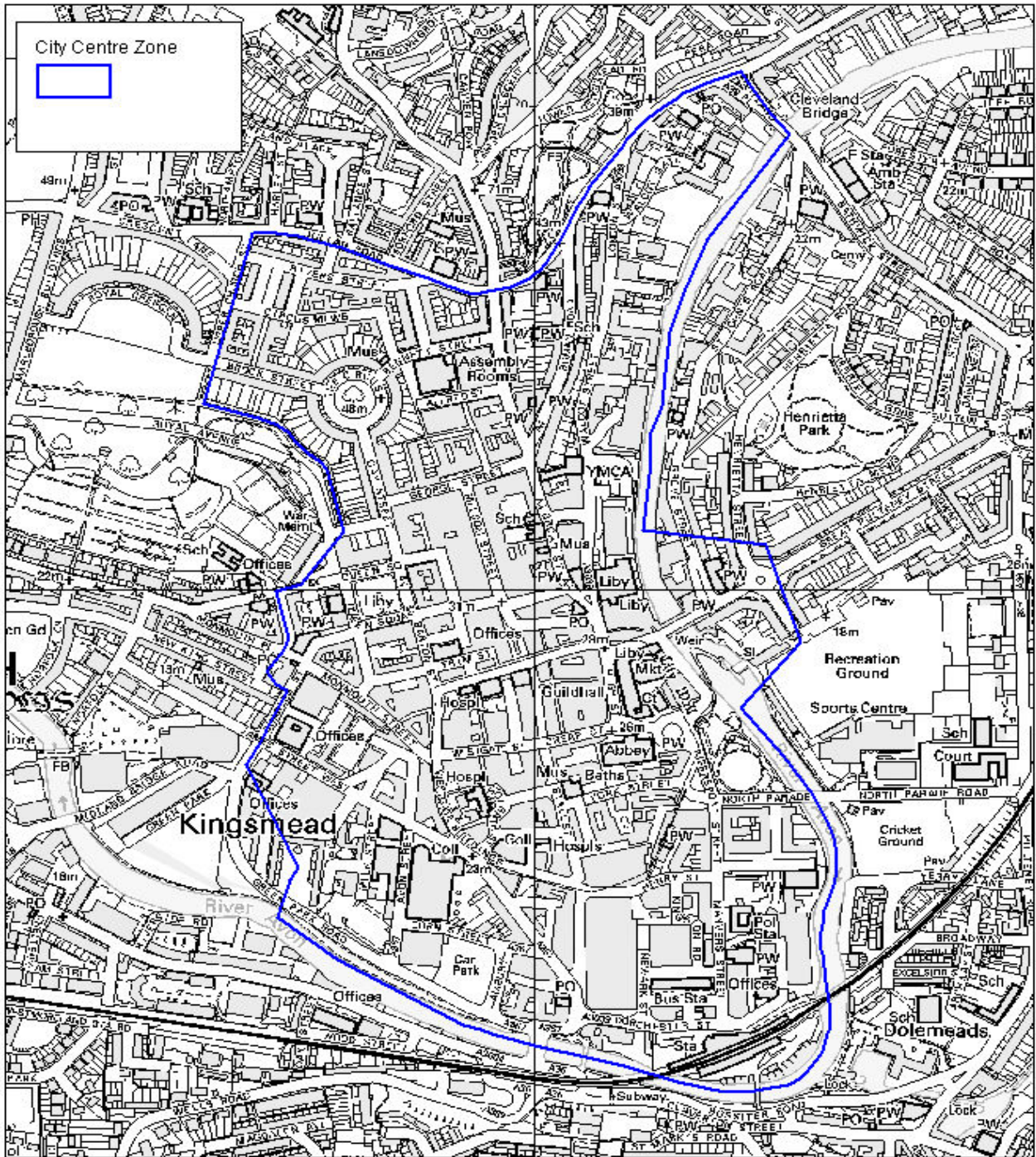
- 45.5 Sufficient information or evidence should be contained within the application to enable the holder of the Premises Licence/Club Premises Certificate or any representative of the holder of a Premises Licence/Club Premises Certificate to prepare a response.
- 45.6 Where the application for a review is from an interested party the Licensing Authority must consider whether it is irrelevant, vexatious, frivolous or repetitious.
- 45.7 Where a relevant application is received the Licensing Authority will then arrange a hearing.
- 45.8 The Licensing Act 2003 provides the Licensing Authority with a range of powers on determining a review that it may exercise where it considered necessary for the promotion of one or more of the licensing objectives.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB COMMITTEE	OFFICERS
Approval of Policy and annual review	All cases		
Application for Personal Licence		If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions		If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor		If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor			All cases
Application for transfer of Premises Licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a Temporary Event Notices		All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates.			All cases
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises.		If a relevant representation is made.	All other cases

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB COMMITTEE	OFFICERS
Applications for the classification of unclassified films		All cases	

OUTLINE OF CUMULATIVE IMPACT POLICY FOR BATH CITY CENTRE



FURTHER INFORMATION

Further information about the Act and this Statement of Licensing Policy can be obtained from:

Licensing
Bath and North East Somerset Council
9-10 Bath Street
BATH BA1 1SN

Tel: 01225 477536
Fax: 01225 477596
Email: licensing@bathnes.gov.uk
Website: www.bathnes.gov.uk

Department for Culture, Media and Sport
2-4 Cockspur Street
LONDON SW1Y 5DH

Tel: 020-7211 6200
Email: enquiries@culture.gov.uk
Website: www.culture.gov.uk

The Guidance issued under Section 182 of the Act can also be viewed on this site.

Information in relation to large events is available from the Council's Event Safety Co-ordinator:

Public Protection
Bath and North East Somerset Council
9-10 Bath Street
BATH BA1 1SN

Tel: 01225 477563
Fax: 01225 477596
Email: Public_Protection@bathnes.gov.uk
Website: www.bathnes.gov.uk

The Licensing Act 2003 can be viewed online at:

www.opsi.gov.uk/acts/acts2003/ukpga_20030017_en_1

National Pubwatch is an entirely voluntary organisation set up to support existing Pubwatches and encourage the creation of new Pubwatch schemes with the key aim of achieving a safe, secure social drinking environment in all licensed premises throughout the UK helping to reduce drink-related crime. Their website can be found at:

www.nationalpubwatch.org.uk/

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