

Democratic Services

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Date: 2 November 2011

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To: All Members of the Council

Chief Executive and other appropriate officers

Press and Public

Dear Member

Council: Thursday, 10th November, 2011

You are invited to attend a meeting of the **Council**, to be held on **Thursday, 10th November, 2011 at 6.30 pm** in the **Council Chamber - Guildhall, Bath.**

The agenda is set out overleaf.

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

Yours sincerely

Jo Morrison

Democratic Services Manager

for Chief Executive

Please note the following arrangements for pre-group meetings:

Conservative

Liberal Democrat

Labour

Independent

Brunswick Room, Ground Floor

Kaposvar Room, Floor 1

Small Meeting Room, Floor 1

Performance and Improvement Team Office, Floor 1

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

1. **Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Jo Morrison who is available by telephoning Bath 01225 394358.
2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above. Papers are available for inspection as follows:

Public Access points – Guildhall – Bath, Riverside – Keynsham, Hollies – Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton Public Libraries.

For Councillors and officers, papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Libraries.

3. **Spokespersons:** The Political Group Spokespersons for the Council are the Group Leaders, who are Councillors Paul Crossley (Liberal Democrat Group), Francine Haeberling (Conservative Group), John Bull (Labour Group) and Doug Deacon (Independent Group).
4. **Attendance Register:** Members should sign the Register, which will be circulated at the meeting.
5. **Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. They may also ask a question to which a written answer will be given. **Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday.** Further details of the scheme can be obtained by contacting Jo Morrison as above.
6. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.

7. Emergency Evacuation Procedure

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

8. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **personal and prejudicial** or **personal**.

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

4. MINUTES - 15TH SEPTEMBER 2011 (Pages 7 - 16)

To be confirmed as a correct record and signed by the Chairman.

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.

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

The Democratic Services Manager will announce any submissions received under the arrangements set out in note 5 above. The Council will be invited to decide what action

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

8. GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD): ISSUES AND OPTIONS CONSULTATION PAPER AND 'CALL FOR SITES' (Pages 17 - 42)

The Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) is a formal planning document prepared by the Council which allocates land for the development of authorised Gypsy and Traveller pitches across the District. The Issues and Options paper, which is due to be agreed by Cabinet on 9th November 2011, seeks public comment on how sites should be allocated for development as Gypsy and Traveller pitches or Travelling Showpeople yards. The Call for Sites seeks information on potential land for allocation.

The purpose of this report is to inform the Council of the Issues and Options Paper and request its views as part of the consultation process.

9. HEALTH & WELLBEING BOARD GOVERNANCE (Pages 43 - 56)

Bath and North East Somerset (B&NES) is part of the early implementer network of Shadow Health and Wellbeing Boards. This means that we are expected to transition from the current arrangement (Partnership Board) to the Shadow Board by April 2012.

To enable this transition the Council is being consulted on the draft Terms of Reference for the Health and Wellbeing Board (shadow until April 2013).

10. POLICY DEVELOPMENT & SCRUTINY PANELS - ROLE OF VICE-CHAIRS (Pages 57 - 60)

This report puts forward proposals concerning the role of Vice-Chairs of Policy Development and Scrutiny Panels.

11. TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2011 (Pages 61 - 70)

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, review performance during the year, and approve an annual report after the end of each financial year.

This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2011/12 for the first six months of 2011/12.

12. COUNCILLOR AGENDA MOTION - MOTION FROM COUNCILLOR NIGEL ROBERTS (Pages 71 - 72)

The motion set out on the attached paper will be moved by Councillor Nigel Roberts. It

asks the Council to write to the Secretary of State for Transport expressing this Council's concerns regarding a ten-year trial of longer lorries and asks officers to investigate the effect and any mitigation measures.

13. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

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

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

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 15th September, 2011

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: Councillors Bryan Chalker, David Dixon, Steve Hedges and Bryan Organ

27 EMERGENCY EVACUATION PROCEDURE

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

28 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Brian Chalker, Dave Dixon, Steve Hedges and Bryan Organ.

29 DECLARATIONS OF INTEREST

Councillor Malcolm Hanney declared a personal, non-prejudicial interest in agenda items 9 and 10 as Chair of NHS Bath & North East Somerset.

Councillor Eleanor Jackson declared a personal, non-prejudicial interest in agenda item 12 as a Member of the Standards Committee.

30 MINUTES 14TH JULY 2011

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

RESOLVED that the minutes of 14th July 2011 be confirmed as a correct record and signed by the Chairman.

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

The Chairman;

1. Congratulated Councillor Manda Rigby on her appointment as Chairman of Bath City Football club.
2. Explained the reason for the meeting taking place in the Banqueting room due to the Council Chamber refurbishment.
3. Informed the meeting that item 13 "Policy Development & Scrutiny Panels – Role of Vice-Chair" had been withdrawn from this agenda to allow for further discussion.
4. Indicated that he proposed to waive Council Rule 37 so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished to speak, to do so when they seconded the motion or amendment. The Council indicated its agreement.
5. Informed Council that he proposed to announce a 10 minute comfort break at an appropriate point if the meeting continued beyond 8.00pm.

32 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

33 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The following statements were made at this item:

Amanda Leon from Radstock Action Group made a statement regarding the Cabinet deferral of the decision on the TROs for Radstock – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting. In response to a question from Councillor Eleanor Jackson regarding how the TROs relate to the planning application, Amanda responded that it was unclear. The slippage in the planning application has meant that the highway works were extracted from the full application which came with the 106 agreements and so the TROs should fall as they are outside of what was agreed.

John Spratley made a statement regarding the proposed diversion of the A362 in Radstock and the effect it would have on Radstock. He spoke as a long-standing resident and lorry driver and set out reasons for his opinion that the scheme would have a negative impact on local businesses and lead to job losses. He also queried where the money for Norton Radstock Regeneration scheme had gone over the last 11 years. In response to a question from Eleanor Jackson regarding the relationship between the TROs and the 2009 traffic data which may or may not have been analysed, John said that it was 'not understandable'.

The following statements were made at item 8:

Jill Britten from Whitchurch Village made a statement in support of preserving the green belt at Whitchurch and setting out reasons why the area was inappropriate for development; – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Jo Tinworth from Newton St Loe Parish Council made a statement seeking to protect the unique setting of Bath, prioritise housing development on brownfield sites, make more use of empty properties and protect the green belt for food production; – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

Gwen Edwards made a statement regarding the Core Strategy. She queried the forecasting for additional housing and whether it was accurate with the impact of the global economic situation on housing need. She also stressed the importance of keeping Keynsham distinct from Bristol, and pointed out that there was not the appropriate infrastructure to support large development at Hicks Gate.

Martin Farrell made a statement regarding the Hicks Gate part of the Core Strategy raising issues regarding the ridge development, the impact of the A4 and the large volume of traffic it carried, and querying the how the 'principle of the green belt gap' could be maintained if housing was built there.

Roger Busby made a statement against including a housing contingency within the Core Strategy and set out his reasons to support this view; - a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting

The following statement was made at item 12:

Terry Reakes had registered to make a statement regarding the proposed changes to the Standards regime which was read on his behalf by Councillor Eleanor Jackson; – a copy of which is held on the Minute book and published on the Council's website with the draft minutes of the meeting.

34 CORE STRATEGY - POST SUBMISSION CHANGES

The Council considered a report regarding the post-submission changes to the Core Strategy which is now under examination. The Inspector had raised a number of concerns requiring a response from the Council – some of which might require an amendment to the Strategy and subsequent community engagement.

The Chief Executive was absent for the duration of this item.

An addendum to Annex A had been circulated in advance of the meeting and copies were available at the meeting. This document replaced pages 13 and 14 which had featured the wrong Site Assessment table for Contingency Option 3 (Whitchurch).

Following statements from members of the public (as set out at minute number 33) and debate, an adjournment was called at 8.10pm; the meeting re-convened at 8.38pm.

The Monitoring Officer then advised that the vote on recommendation 2.1 be taken in two parts so that the meeting would not fail to come to a decision on this item. The first vote would be on approving the changes to the Core Strategy as shown in Annex G with the exception of item 1.36, and the second vote on the identification of a Contingency Housing allocation at Hick's Gate. [Part 1 of the vote became the successful resolution, part 2 of the split motion is shown at Note 3 below.]

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was then

RESOLVED

1. to agree;
 - a. that changes are made to the Core Strategy as outlined in the composite schedule of changes attached as Annex G, with the exception of paragraph 1.36 regarding a contingency allocation and any other reference thereto;
 - b. that these changes are published for community engagement;
 - c. that public consultation is undertaken on the technical investigations into potential sites for the proposed upstream compensatory flood storage needed to facilitate the redevelopment of the Bath river corridor sites; and
2. to note the potential changes to the Core Strategy arising from the Government's Draft National Planning Policy Framework (set out in Annex F to the report), agree that they should be subject to community engagement and sent to the Examination Inspector for consideration as part of the Core Strategy examination process.

[Notes;

- 1) *The above motion was carried unanimously following a proposal, moved by Councillor Gerry Curran, seconded by Councillor Nigel Roberts, that the matter should be dealt with by way of two votes, the first of which was successful.*
- 2) *An amendment was moved on behalf of the Conservative Group by Councillor Tim Warren, seconded by Councillor Charles Gerrish, to move the recommendations as printed subject to the deletion of paragraph 1.36 of Annex G together with any references to a contingency location, and the deletion of the words 'including the identification of a Housing contingency location' in paragraph 2.1 'a' of the recommendations. A named vote was taken on the amendment which was lost by 27 in favour and 34 voting against and no absentions: **For** - Councillors Patrick Anketell-Jones, Colin Barrett,*

Gabriel Batt, Matthew Blankley, Tony Clarke, Sally Davis, Peter Edwards, Michael Evans, Charles Gerrish, Francine Haerberling, Alan Hale, Malcolm Hanney, Lew Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, Paul Myers, Vic Pritchard, Brian Simmons, Kate Simmons, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt, Brian Webber.
Against – Councillors Simon Allen, Rob Appleyard, Sharon Ball, Tim Ball, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, John Bull, Neil Butters, Nicholas Coombes, Paul Crossley, Gerry Curran, Doug Deacon, Paul Fox, Andrew Furse, Ian Gilchrist, Katie Hall, Liz Hardman, Nathan Hartley, Eleanor Jackson, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Doug Nicol, June Player, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Jeremy Sparks, Ben Stevens, Roger Symonds.

- 3) *The second part of the split motion was to approve the identification of a Housing Contingency location as set out in paragraph 1.36 of Annex G. A named vote was taken on the proposal which was lost by 27 voting in favour, and 34 against and no abstentions.* **For** – Councillors Simon Allen, Sharon Ball, Tim Ball, Cherry Beath, David Bellotti, Sarah Bevan, Lisa Brett, Neil Butters, Nicholas Coombes, Paul Crossley, Gerry Curran, Paul Fox, Andrew Furse, Ian Gilchrist, Katie Hall, Nathan Hartley, David Martin, Loraine Morgan-Brinkhurst MBE, Doug Nicol, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Jeremy Sparks, Ben Stevens, Roger Symonds.
Against – Patrick Anketell-Jones, Rob Appleyard, Colin Barrett, Gabriel Batt, Matthew Blankley, John Bull, Tony Clarke, Sally Davis, Doug Deacon, Peter Edwards, Michael Evans, Charles Gerrish, Francine Haerberling, Alan Hale, Malcolm Hanney, Liz Hardman, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, Robin Moss, Paul Myers, June Player, Vic Pritchard, Brian Simmons, Kate Simmons, Martin Veal, David Veale, Geoff Ward, Tim Warren, Chris Watt, Brian Webber.]

35 YOUTH JUSTICE PLAN

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

On a motion from Councillor Nathan Hartley, seconded by Councillor Dine Romero, it was

RESOLVED to agree that;

1. the Youth Justice Plan fulfils the requirement of the Crime and Disorder Act 1998 and can be submitted to the Youth Justice Board; and
2. the Youth Justice Plan is adopted as part of the Council's Policy and Budget framework.

36 UPDATE ON THE ESTABLISHMENT OF THE COMMUNITY INTEREST

COMPANY FOR THE PROVISION OF COMMUNITY HEALTH & SOCIAL CARE SERVICES

The Council considered a report which updated Councillors on progress in establishing a Social Enterprise to provide integrated community health and social care services and to commission health, social care and housing for the benefit of patients, clients and taxpayers on behalf of the Council and NHS Bath & North East Somerset.

On a motion from Councillor Simon Allen, seconded by Councillor Vic Pritchard, it was

RESOLVED

1. To note the progress against the conditions set out by the Council and the NHS B&NES Board in approving the transfer of community health & social care services as set out in Appendix 1 of the report;
2. To confirm the extent of the authority delegated to the Chief executive as outlined in paragraphs 5.1-5.2 as amended in paragraph 5.6 of the report;
3. To confirm the funding for Non-Delegated Statutory Functions be agreed as a priority commitment for the purposes of the 2012/2013 Budget Planning process;
4. To agree to provide a guarantee to the Avon Pension Fund in respect of pension liabilities for Council TUPE transferred staff;
5. To confirm the intent, from October 1st, to transfer the provision of adult social care services to Sirona Care & Health Community Interest Company ("Sirona"/ "the CIC"), subject to agreement of recommendations at 2.3 of the report and signing of both the Business Transfer Agreement and the Community Services Contract by the Chief Executive under delegated authority as outlined in paragraphs 5.1-2 as amended in paragraph 5.6 of the report; and
6. To note the intention of NHS B&NES to enter simultaneously into the same agreement, to transfer the provision of community health services to Sirona Care & Health, and to sign both the Business Transfer Agreement and the Community Services Contract.

[Note; The above resolution was agreed with 3 Councillors voting against and 2 abstentions.]

37 FUTURE COUNCIL - STATUTORY RESPONSIBILITIES

Council considered a report seeking approval to a number of specific recommendations of the Restructuring Implementation Committee regarding implementing the proposals for the future organisational model of the Council – specifically, the strategic leadership role and senior management structure.

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

RESOLVED that

1. The post of Director of People and Communities is designated as the Council's Director of Adult Social Services and Director of Children's Services in accordance with section 6 of the Local Authority Social Services Act 1970 and section 18 of the Children's Act 2004 respectively with immediate effect;
2. The post of Head of Paid Service/Chief Executive is retained within the new senior management structure;
3. When the Chief Executive exercises his option to retire, all necessary steps be taken to appoint a successor in accordance with the decision at resolution 2. Above, and Council Standing Orders; and
4. One-off costs associated with the recruitment and selection of the post of Head of Paid Service/Chief Executive of up to £50k is met from the Revenue Budget Contingency.

38 PROPOSED CHANGES TO THE STANDARDS REGIME

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

On a motion from Councillor Nigel Roberts, seconded by Councillor Sally Davis, it was

RESOLVED to agree that:

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

- i. The Monitoring Officer or his/her deputy should assess complaints to decide whether the alleged conduct breaches the Code in consultation with the Chair of the Standards Committee;
- ii. Subject councillors should be given details of the complaint, including the name of the complainant and which parts of the Code they are alleged to have breached. They would be invited to submit comments before the allegation is considered by the Committee;
- iii. If the Committee considers that there has been a breach which is trivial or has been corrected, it would be dealt with at the meeting. Only serious breaches would be referred for investigation;
- iv. The complainant should also have the right to address the Committee concerning their grievance in order to respond to the investigating officer's report;
- v. The pre-hearing meeting should be abandoned;
- vi. The notice could be posted in the complainant's local free newspaper or other local media, or in the case of a Town Council complaint, the Town Council's noticeboard; and
- vii. The Standards Committee should agree with the Monitoring Officer a time line for responses since it is unacceptable to have cases drag on for over a year, as at present. A decision should normally be made within 13 weeks of the initial complaint.

[Note; 1) The above resolution was agreed unanimously. The underlined wording was suggested by Councillor Eleanor Jackson and accepted by the mover and seconder of the original motion.]

39 POLICY DEVELOPMENT AND SCRUTINY PANELS - ROLE OF VICE CHAIRS

This item was withdrawn from the agenda for further discussion.

40 DRAFT SCHEME FOR THE APPOINTMENT OF HONORARY ALDERMEN AND HONORARY ALDERWOMEN OF BATH & NORTH EAST SOMERSET

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

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

RESOLVED that a scheme for the appointment of Honorary Aldermen and Honorary Alderwomen be approved with the following criteria for qualifying;

1. the number of years qualifying service should be 12;
2. that cumulative, rather than continuous, service should be counted;
3. service be counted on Bath & North East Somerset Council and its predecessor principal authorities, provided the Councillor had served a full 4 year term on Bath & North East Somerset Council;
4. that the scheme should apply to all former Councillors with some service on Bath & North East Somerset Council, irrespective of the date on which they left office; and
5. that the scheme be approved as set out in Appendix 1 to the report.

41 TREASURY MANAGEMENT OUTTURN REPORT

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment plan for 2010/11.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED

1. To note the 2010/11 Treasury Management Annual report to 31st March 2011, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the 2010/11 actual Treasury Management Indicators.

[Note; 1) The above resolution was carried with 32 Councillors voting in favour, none against and 24 abstentions.]

42 ANNUAL REPORT OF AUDIT COMMITTEE

The Council considered the Annual report of the Corporate Audit Committee which is required to report annually to Council under its Terms of Reference.

On a motion from Councillor Andy Furse, seconded by Councillor Brian Simmons, it was

RESOLVED to note the annual report of the Corporate Audit Committee.

[Note 1) – The above resolution was carried with 2 abstentions and no Councillors voting against.]

43 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

One Councillor question had been received from Councillor John Bull. The Chair drew attention to the question and response which had been circulated to Councillors and at the meeting. [A copy of which is available on the Council's Minute book and on the website.]

The meeting ended at 9.55 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	10 November 2010
TITLE:	Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD): Issues and Options consultation paper and 'Call for Sites'
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1: Draft Consultation Document	

1 THE ISSUE

- 1.1 As Local Housing Authority, the Council has a duty to assess the housing needs of the district. The Housing Act 2004 extended this duty to the specific requirements of gypsy and traveller communities. The assessment undertaken in 2007 determined that the district by 2016 required 22 permanent and 20 transit pitches, and for travelling showpeople one yard. The draft Core Strategy Policy CP11 has been framed with regard to this assessed need of the district and to assist effective delivery a DPD is now proposed, as follows.
- 1.2 The Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) is a formal planning document prepared by the Council which allocates land for the development of authorised Gypsy and Traveller pitches across the District. The Issues and Options paper, which is due to be agreed by Cabinet on 9th November 2011, seeks public comment on how sites should be allocated for development as Gypsy and Traveller pitches or Travelling Showpeople yards. The Call for Sites seeks information on potential land for allocation.
- 1.3 The purpose of this report is to inform the Council of the Issues and Options Paper and request its views as part of the consultation process.

2 RECOMMENDATION

Council is asked to:

- 2.1 Consider the Issues and Options Paper as agreed by Cabinet on 9th November 2011 and give its comments as part of the consultation process

3 FINANCIAL IMPLICATIONS

- 3.1 The Gypsies, Travellers and Travelling Showpeople Site Allocations DPD is being prepared within the agreed budget for 2011/2012. This budget enables the DPD to progress in line with the work programme in the adopted Local Development Scheme.
- 3.2 The progression and eventual adoption of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD will demonstrate the Council's commitment to the provision of sites to meet local need. The allocation and development of sufficient sites will also enable the Council to redirect households travelling through the District to legal transit sites. This will reduce the need for enforcement action by the Council and its associated costs.
- 3.3 Identification of suitable allocation site(s) will have longer term financial implications because there is a cost to the establishment of sites.

4 CORPORATE PRIORITIES

- 4.1 Allocating land for the travelling communities to develop authorised sites will meet the Council's requirements to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. The development of authorised sites should improve the life chances of the travelling community as well as improving community cohesion.

5 THE REPORT

- 5.1 The purpose of the Site Allocations Development Plan Document is to allocate sufficient land to develop authorised sites for accommodation by Gypsies, Travellers and Travelling Showpeople. Bath and North East Somerset District does not currently contain any permanent authorised sites, although a site has been granted temporary planning permission in Whitchurch. The Council is currently working towards producing a new Corporate Policy on Gypsies and Travellers and the Site Allocations document will relate to that policy's aims to oversee the process of site allocation and development.
- 5.2 The Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD) is currently at Issues and Options stage. This is the first stage of public consultation seeking to agree the way and form in which sites should be provided, and to ask the public to identify potential land for allocation.
- 5.3 The content of the Issues paper follows the Draft Core Strategy Policy CP11 which sets out the criteria against which land will be assessed for development. From these criteria the consultation paper asks a series of questions about the form of development, including site tenure and mixed-use site provision.
- 5.4 The Council has committed through the Draft Core Strategy to provide **22 permanent pitches** and **20 transit pitches** for Gypsies and Travellers, and **1 yard** for Travelling Showpeople. These figures are derived from the Council's evidence base, the Gypsy and Traveller Accommodation Assessment carried out in 2007, which sets out local need including projected family growth.

- 5.5 The scoring matrix (as included at Appendix A of this note) weighs each of the issues relevant to site allocation in order to objectively identify the most suitable, sustainable sites. The matrix was developed based on national planning guidance, weighting particular matters, for example protection of the Green Belt, more heavily to reflect their relative importance.
- 5.6 The period of consultation will also include a 'Call for Sites' which asks the public to put forward any land they consider suitable for allocation as Gypsy, Traveller or Travelling Showpeople sites. Any land coming forward as part of this process will be considered for allocation against the site criteria, and assessed against the scoring matrix. A review of Council-owned land is also underway to assess local assets for their potential allocation as part of this process. The results of that review will be taken into account alongside any land coming forward from the public.
- 5.7 There will be subsequent public consultations later in 2012 on the proposed sites to be allocated.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 The statutory duties of the Council include the Single Equality Duty to eliminate discrimination, advance equality of opportunity and foster good relations between different groups in the course of developing policies and delivering services. Gypsies and Travellers are recognised as distinct ethnic groups and are protected from discrimination by the Equality Act 2010.
- 7.2 An Equalities Impact Assessment of the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD Issues and Options consultation paper was carried out using corporate guidelines and in consultation with an Equalities Officer. The overall impact on equality strands was considered to be positive, however, opportunities for improvement were raised as actions. The actions arising from this have been considered and will be incorporated into the next consultation document, the Options Paper. The Equalities Officer was also consulted on a draft version of the consultation paper and comments arising from this were incorporated into the current draft version.

8 CONSULTATION

- 8.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Youth Council; Stakeholders/Partners; Other Public Sector Bodies; Charter Trustees of Bath; Section 151 Finance Officer; Chief Executive; Monitoring Officer*
- 8.2 It is recommended that the consultation period run for an 8 week period from late November 2011. A series of staffed drop-in events will be held to encourage

public participation and to draw together local aspirations, opportunities and concerns. These events will be geared towards gathering contacts and evidence to inform future drafts of the document. Particular emphasis is placed on engaging on a face to face basis with the local travelling community and representatives of the Gypsy and Traveller community through direct on-site contact by the Council officers.

8.3 Consultation will also include:

- Local press and media coverage
- Feature article in Connect (sent to all households)
- E-consultation
- Email to all consultees listed on the Local Development Framework (LDF) consultation database and known interest groups
- Newsletter / leaflet / poster distribution and advertisement
- Display boards
- One to one meetings with key stakeholders

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 Social Inclusion; Customer Focus; Sustainability; Property; Young People; Human Rights; Corporate; Health & Safety; Other Legal Considerations

10 ADVICE SOUGHT

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

Contact person	David Trigwell: Divisional Director - Planning and Transport 01225 394125
Sponsoring Cabinet Member	Councillor Tim Ball, Cabinet Member for Homes and Planning
Background papers	West of England Gypsy Traveller Accommodation (and Other Needs) Assessment (GTAA) (2007)
Please contact the report author if you need to access this report in an alternative format	

**Gypsies, Travellers and Travelling Showpeople Site Allocations
Development Plan Document (DPD): Issues and Options Paper**

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**Gypsies, Travellers and Travelling Showpeople Site Allocations
Development Plan Document (DPD): Issues and Options Paper**

Appendices

- A Glossary**
- B Draft Site Selection Scoring Matrix**

Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD): Issues and Options Paper

1 Introduction

- 1.1 This document seeks your views on the issues and options for the allocation of sites for Gypsies, Travellers and Travelling Showpeople. Bath and North East Somerset Council is committed to meeting current and future needs of these communities and the information contained within this document offers a starting point for discussion. This consultation will inform the development of a methodology for assessing sites for allocation as well as inviting land to be put forward to be considered for allocations.
- 1.2 This Issues and Options Paper does not make any statement of intent and readers should note that the Council has made no decision in favour of any possible sites at this stage. Once the criteria for site selection have been finalised following the results of this first consultation, a second public consultation will take place specifically to look at preferred site options for Gypsy, Traveller and Travelling Showpeople sites that meet those identified criteria.
- 1.3 We have set out a number of questions relating to each of the issues raised in the document which we are seeking responses to. We are inviting comments on these questions between **17 November 2011 and 12 January 2012**.

How to Make Comments and Submit Site Information

- 1.4 Hard copies of this document and response forms are available online at www.bathnes.gov.uk/planningfortravellers, in all local libraries and at The Guildhall, Bath, The Hollies, Midsomer Norton, and Riverside, Keynsham. To find out more about the Site Allocations Development Plan Document (DPD) you can visit our webpage or call on 01225 477548. Please contact us if you have particular access needs or would like help completing the comments form.
- 1.5 Early community involvement will help to ensure this document better reflects the views of all those with an interest in it. If you would like to discuss the issues outlined in the document in more detail, drop in events are being held between Xpm and Xpm at:
 - Place, time
- 1.6 Two response forms accompany this document. If you would like to respond our preferred method of communication is for comments to be submitted online at www.bathnes.gov.uk/planningfortravellers. Alternatively, comments can be sent by email to planning_policy@bathnes.gov.uk, or in writing using the general response form to:

Gypsy and Traveller DPD
Planning Services
PO Box 5006
Bath
BA1 1JG

- 1.6 Please send your response to us by **5pm on 12 January 2012**. This will enable us to consider responses in preparation for the next consultation document.

2 Planning Policy Framework

- 2.1 The Planning and Compulsory Purchase Act 2004 introduced the requirement for local authorities to replace their Local Plans with Local Development Frameworks (LDFs). One of the most important policy documents in the LDF is the Core Strategy, which will provide the framework for more detailed policies and site allocations to be set out in Local Development Documents, including the Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD).

What has been done so far?

- 2.2 The Core Strategy has been through several stages of consultation and was submitted for Examination on 3 May 2011. The Core Strategy is the principal Development Plan Document within the LDF as it sets the long term vision, spatial strategy and core policies for shaping the future development of the District to 2026. As such, all other documents have to be in conformity with it.

National Planning Policy Framework

- 2.3 The national planning policy framework relating to Gypsies, Travellers and Travelling Showpeople is currently set out in Circulars 01/2006 and 04/2007. Draft Planning Policy Statement (PPS) *Planning for Traveller Sites*, the proposed replacement for both Circulars was consulted on in 2011 but is not yet adopted policy.
- 2.4 The draft National Planning Policy Framework (NPPF) released for consultation in July 2011 makes no reference to the travelling community but places emphasis on a presumption in favour of sustainable development. The draft PPS is due to be incorporated into the NPPF which is a material consideration in determining planning matters, including this Development Plan Document.

Definitions

- 2.5 For planning purposes Government guidance defines Gypsies and Travellers within Circular 01/2006 as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

- 2.6 Travelling Showpeople are defined within Circular 04/2007 as:

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and travellers as defined in ODPM Circular 01/2006.”

These definitions will be used for the purposes of this document.

Local Planning Policy Context

- 2.7 Until such time as the Core Strategy is adopted Policy HG.16 of the Local Plan (2007) is the main policy against which applications for development will be assessed. It states the following:

“Proposals to provide sites, including mixed-use sites, for use by Gypsies who reside in or resort to Bath & North East Somerset will be permitted on land outside the scope of Policies GDS.1 and HG.4 and 6 provided that:

- i) the site has good access to local services, facilities and public transport;*
- ii) it has safe and convenient access to the road network;*
- iii) it is capable of being landscaped to ensure that it blends in with its surroundings;*
- iv) adequate services including foul and surface water drainage and waste disposal can be provided;*
- v) there would be no harmful impact on the amenities of local residents by reason of noise or fumes from business activities”*

- 2.8 Policy CP11 of the Bath and North East Somerset Draft Core Strategy relating to the development of Gypsy and Traveller sites sets out the criteria against which planning applications will be considered once the Core Strategy has been adopted.

Core Strategy Policy CP11

The following criteria will be used to guide the identification of suitable sites to meet the established accommodation needs of gypsies, travellers and travelling showpeople to 2011 and their accommodation needs beyond 2011 once assessed.

Proposals for sites for gypsies, travellers and travelling showpeople accommodation will be considered against the following criteria:

- a local community services and facilities, including shops, schools and health facilities, should be accessible by foot, cycle and public transport
- b satisfactory means of access can be provided and the existing highway network is adequate to service the site
- c the site is large enough to allow for adequate space for on-site facilities and amenity, parking and manoeuvring, as well as any commercial activity if required
- d the site does not harm the character and appearance of the surrounding area
- e adequate services including utilities, foul and surface water and waste disposal can be provided as well as any necessary pollution control measures
- f use of the site must have no harmful impact on the amenities of neighbouring occupiers
- g the site should avoid areas at high risk of flooding and have no adverse impact on protected habitats and species, nationally recognised designations and natural resources

Delivery:

Delivery will be through the Development Management process.

Sites will be identified through the Gypsies and Travellers DPD to meet identified accommodation needs up to 2011 and beyond once assessed.

Why do we need a Site Allocations DPD?

- 2.9 The need for authorised Gypsy and Traveller accommodation is confirmed through a Gypsy and Traveller Accommodation Assessment (GTAA) undertaken for the West of England local authorities in 2007. The outcomes of this study are set out in more detail in Section 3 (Issues).
- 2.10 The statutory duties of the Council include the Single Equality Duty to eliminate discrimination, advance equality of opportunity and foster good relations between different groups in the course of developing policies and delivering services. Gypsies and Travellers are recognised as distinct ethnic groups and are protected from discrimination by the Equality Act 2010. New Travellers are recognised as part of the travelling community and are included in the biannual Caravan Count.
- 2.11 Estimates suggest a population of approximately 200,000 Gypsies and Travellers in England. Whilst much of this population reside in bricks and mortar accommodation, around 18,000 caravans are sited across England, with about 20% of this number (under 4,000) on unauthorised sites. Until 1994 local authorities were required under previous legislation to provide Gypsy and Traveller sites. There is no permanent authorised pitch provision in Bath and North East Somerset and the current planning policy framework (the Bath and North East Somerset Local Plan 2007) has failed to provide pitches, resulting in the current level of unauthorised encampments and developments.
- 2.12 The failure to allocate sufficient land to meet the need for permanent and transit pitches across the District has a number of impacts including:
 - Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
 - Increasing the difficulty of ensuring stable access to all the support and services that the Gypsy, Traveller and Travelling Showpeople communities need;
 - Reinforcing the cycle of nomadism and homelessness for those Gypsies and Travellers who may prefer or need a more settled way of life, but cannot find a permanent site;
 - Applications for development being decided on appeal, which can result in sites being permitted that may not be the most suitable or sustainable locations for development;
 - Failure of the Council to meet the accommodation needs of Gypsies and Travellers in contravention of its duty under the Housing Act 2004; and
 - Restricting the Council's ability to enforce against unauthorised development as our ability to enforce is related to our activity in meeting the need for new provision.
- 2.13 The Gypsies, Travellers and Travelling Showpeople Site Allocations DPD will therefore seek to address these issues by identifying sites to meet the

accommodation needs of Gypsies, Travellers and Travelling Showpeople in Bath and North East Somerset up to 2016.

Sustainability Appraisal

- 2.14 As part of the production of the Gypsies, Travellers and Travelling Showpeople Site Allocation DPD, the Council is required to undertake a Sustainability Appraisal (SA). This will assess the likely social, economic and environmental effects of a plan. In doing so it will aim to promote sustainable development which seeks a better quality of life for everyone, now and in the future. This will ensure the final version is sound and conforms to sustainability principles set out by the Government.
- 2.15 A Sustainability Appraisal Scoping Report was produced in July 2010 in order to set a framework against which the Gypsies, Travellers and Travelling Showpeople Site Allocation DPD will be assessed. A Sustainability Appraisal of the Issues and Options document has also been undertaken. The results of this appraisal will be taken into account in preparing the next stage of the Site Allocations Development Plan Document.

Health Impact / Needs Assessment

- 2.16 Bath and North East Somerset Primary Care Trust are currently undertaking a Health Needs Assessment of Gypsies and Travellers across the District. The results of this will be taken into account in developing the Site Allocations Development Plan Document, as well as informing a Health Impacts Assessment that will be carried out on preferred site(s) at Options stage.

Equalities Impact Assessment

- 2.17 An Equalities Impact Assessment was carried out on the draft of this Issues and Options consultation paper. This assessment will be reviewed when the next stage of the document, on preferred site(s) is developed.
- 2.18 Each of the above documents, including the Sustainability Appraisal Scoping Report and the Council's response to comments received on the that document can be accessed on the Council's website www.bathnes.gov.uk/planningfortravellers and hard copies are available at the main Council offices.

What Happens Next?

- 2.19 This marks the start of a process that will lead to the Council formally adopting the final version of the document that will allocate specific sites for Gypsies, Travellers and Travelling Showpeople use.
- 2.20 At the end of the consultation period, a Consultation Statement will be produced. This will contain all the comments that have been received, the Council's response to the issues raised through the consultation and details of how, where appropriate, these issues will be addressed in the next version of the document. Work will then start on identifying all sites in the District that are considered suitable for Gypsy and Traveller pitch provision and producing an Options report for further public consultation, with information on the Council's preferred site(s). This is expected to take place in June 2012. The key stages that the document will be consulted on are detailed below.

Key Stage	Date
Project commencement Evidence gathering and drafting of document.	March 2010
Consultation on the Issues and Options document and Call for Sites Comments can be made on the issues that the document will address and the possible options for responding to them. Land considered suitable for allocation can also be put forward.	November 2011 CURRENT STAGE
Consultation on the Options document A second stage of consultation to be held on preferred options arising from earlier consultation, including preferred sites.	June 2012
Consultation on the Pre-Submission document This document will identify all the sites that are considered suitable for Gypsy, Traveller and Travelling Showpeople use. Comments can be made on these sites.	November 2012
Submission of the document to the Secretary of State	March 2013
Examination The document will be examined by an independent Inspector appointed by the Secretary of State. The purpose of this is to ensure it is in line with the law and sound.	June 2013
Adoption The final version of the document will be adopted by the Council.	December 2013

3. Context and Monitoring

History

- 3.1 Romani Gypsies have lived in Britain for around 600 years and people have travelled from community to community for even longer. Irish Travellers also have a long tradition of visiting Britain having travelled and lived here for generations. Wherever they have gone, Gypsies and Travellers have fiercely maintained a separate identity – indeed this pride in their difference is an integral part of their culture. More recently, other people identified as New Travellers have also pursued a nomadic lifestyle.
- 3.2 Despite the tradition of nomadism, the degree to which Gypsies and Travellers now actively travel varies greatly. Traditional patterns of work are changing and although a minority still regularly travel (predominantly for work and cultural reasons), the majority of Gypsies and Travellers now lead a settled life. Indeed, research indicates that the majority prefer to live among family and friends, often in caravans.

- 3.3 The tradition of Travelling Showpeople in the UK dates back centuries, with the Showmen's Guild being formed in 1889. Most Showpeople are members of the Guild and travel the UK, holding fairs in accordance with a strict code of practice. Whilst travelling remains a key feature of their traditional way of life, the community has generally become more settled, with more groups requiring a permanent base from which to travel locally.

Identified Need in Bath & North East Somerset

- 3.4 A biannual caravan count is carried out across England. The last published count from January 2011 identified 39 caravans on unauthorised sites across the District. A single authorised site exists in Bath and North East Somerset. This site benefits from a temporary planning permission that is due to expire in 2015.
- 3.5 The baseline data informing this DPD will be updated as each successive Count is completed and published.
- 3.6 In accordance with the Housing Act 2004, all local authorities are required to carry out an assessment of the accommodation needs of Gypsies and Travellers in their area. These assessments are known as Gypsy and Traveller Accommodation Assessments (GTAA). A West of England GTAA was carried out in October 2007 for the four partner authorities of Bath and North East Somerset, Bristol City, North Somerset and South Gloucestershire. 188 face-to-face interviews with the Gypsy and Traveller population in these areas were carried out.
- 3.7 The results of the West of England GTAA revealed that 127 permanent pitches are needed in the period up to 2011 in the study area and, based on an indicative forecast of need, that a further 44 pitches are required in the period up to 2016 due to projected family growth. These accommodation requirements can be seen in the table below:

Local Authority	Permanent Pitches 2006 to 2011	Permanent Pitches 2011 to 2016
Bath & North East Somerset	19	3
Bristol City	24	6
North Somerset	36	13
South Gloucestershire	48	22
Total	127	44
Total 2006- 2016		171

- 3.8 A total of 22 permanent pitches are required in the period to 2016 in Bath & North East Somerset.

Local Authority	Transit Pitches 2006 to 2016	Travelling Showpeople Yards	
		to 2011	to 2016
Bath & North East Somerset	20	1	0

Bristol City	0	11	3
North Somerset	10	0	0
South Gloucestershire	25	42	15
Total	55	51	18
Total 2006-2016		69	

3.9 A total of 20 transit pitches and 1 yard are required in the period to 2016 in Bath & North East Somerset.

3.10 The results of the GTAA were reviewed in 2008 in a study commissioned by the South West Regional Assembly¹. This concluded that the West of England GTAA is both comprehensive and robust. As no permanent pitch provision has been made to date in the Bath and North East Somerset district and the caravan count data shows continued camping on unauthorised sites, the GTAA pitch requirements remain outstanding. The number of pitches and yards that will be allocated in the Gypsies, Travellers and Travelling Showpeople Site Allocations DPD will therefore be in accordance with the recommendations of the West of England GTAA.

3.11 Although the Planning Policy Statement *Planning for Traveller Sites* advises that provision should be projected forward for the 15 years following adoption of a document identifying allocated sites, the guidance on undertaking Gypsy and Traveller Accommodation Needs Assessments (DCLG, 2007) recognises that whilst it is possible to identify current need accurate projections of future needs are likely to be more difficult. At this stage no provision is recommended for post-2016.

Questions

1. Should the evidence base be updated to identify the accommodation needs of Gypsies, Travellers and Travelling Showpeople in Bath and North East Somerset beyond 2016? If so, in what ways does it need updating?

Monitoring

3.12 The Council's adopted planning policies are monitored through the Annual Monitoring Report which assesses and reviews the extent to which the policies in local development documents are being implemented. The Draft Core Strategy Policy CP11 sets out target delivery figures of 22 permanent and 20 transit pitches, for which the following monitoring indicator is set:

"Net additional gypsy & traveller pitches provided annually and since 2006"

3.13 One of the key objectives of this DPD is to reduce the level of unauthorised development within Bath and North East Somerset. To ensure that the achievement of this objective is monitored, an additional indicator is proposed to be added to the annual monitoring framework:

- Number and size of unauthorised developments

¹ Advice on RSS Review of Additional Pitch Requirements for Gypsies and Travellers in the South West (South West Regional Assembly, 2008)

- 3.14 If the DPD develops planning policies additional to Policy CP11 in the Core Strategy it may be appropriate to define further monitoring indicators to ensure that the performance of those policies is measured.

Question

2. Is the proposed additional indicator sufficient to assess the effectiveness of the DPD in meeting its objective of reducing the number of unauthorised sites across Bath and North East Somerset?

3. Are there any further monitoring indicators that may be suitable for inclusion in the DPD?

4. Issues

- 4.1 The issues and options set out below are those that the Council considers most relevant in providing sites for Gypsies, Travellers and Travelling Showpeople. They do not represent statements of intent, but are starting points for discussion and debate.
- 4.2 A pitch is defined as an area of land where a single Gypsy or Traveller household lives. There is no one-size fits-all measurement of a pitch as, similar to bricks and mortar housebuilding, this depends on the size of individual families and their particular needs. As Gypsy and Traveller households often include several generations travelling together the GTAA recommends using an average of 3 caravans per pitch.
- 4.3 Government guidance² sets out the general facilities an average family pitch must be capable of accommodating:
- large trailer and touring caravan;
 - amenity / day building;
 - drying space for clothes;
 - lockable shed
 - parking space for two vehicles; and
 - a small garden area.
- 4.4 Similar site selection criteria should be used to identify and allocate land for a single Travelling Showpeople yard, in accordance with national policy and the findings of the GTAA. Travelling Showpeople yards have slightly different requirements³ to those set out for Gypsy and Travelling pitches, due to the need to provide land for the storage, maintenance and repair of equipment.

Issue 1: Site Size

- 4.5 Circular 01/2006 does not consider it appropriate to specify how many pitches there should be on a site. Government guidance², however, states that “a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage” and that “smaller sites of 3-4 pitches can be successful, particularly where designed for one extended family”. The size of a

² Designing Gypsy and Traveller Sites: Good Practice Guide (DCLG, 2008)

³ The Showmen's Guild of Great Britain: Travelling Showpeople Sites – A Planning Focus, Model Standard Package (2007)

pitch may also vary depending on whether land is needed for grazing animals or business activities.

- 4.6 The need for smaller sites in Bath and North East Somerset District is supported by the West of England GTAA which found that most survey respondents expressed a preference to live in smaller family sized sites of no more than 5 pitches.
- 4.7 In determining site sizes, consideration needs to be given to the need to provide sufficient sites to allow those who wish to live separately from other groups to do so. Site size will take account of site specific circumstances, including the surrounding population and density. Site size should also take account of the potential for family growth to prevent overcrowding, displacement to other sites, or homelessness.

Question

4. Should the preferred approach be to allocate sufficient land to allow groups to live separately from each other?

5. Should sites make allowance for future family growth to prevent overcrowding?

Issue 2: Site Tenure

- 4.8 It is important to recognise that not all members of the travelling community may be able to provide their own site. Though the majority of those households surveyed through the GTAA stated that they would prefer to own their own sites, different forms of tenure on sites in Bath and North East Somerset may be suitable to meet other needs. The forms of tenure that may be provided include:

- Privately owned for owner-occupation by a single or extended family
- Privately owned and managed to be rented by Gypsies and Travellers
- Publicly owned and managed by a Registered Social Landlord or local authority

Question

6. What form of tenure do you consider would best suit the needs of the Gypsy and Traveller community in Bath and North East Somerset? Please give reasons.

Issue 3: Rural Exception Site

- 4.9 Current Government guidance in Circular 01/2006 and the draft PPS on *Planning for Traveller Sites* states that in areas where there is a lack of affordable land to meet local Traveller needs, authorities should consider allocating and releasing sites solely for affordable Traveller sites through a Rural Exception Site Policy.

Question

7. In order to cater for a range of needs, do you consider a rural

exception site policy is required?

Issue 4: Mixed Use Sites

- 4.10 Guidance suggests that mixed use sites should be provided to accommodate some business use on Gypsy and Traveller sites where appropriate. When considering the suitability of a site for mixed use, it is important to have regard to the safety and amenity of residents and neighbours, as well as compatibility with surrounding land uses.
- 4.11 If mixed use sites are not practical in a particular location, Circular 01/2006 recommends that separate sites for residential and business purposes should be provided.

Question

- 8. Do you agree that mixed residential and business uses should only be permitted where appropriate to the location and where the safety and amenity of residents and neighbours will not be compromised?**

Issue 5: Location of Sites

- 4.12 Selecting the best locations for Gypsy, Traveller and Travelling Showpeople sites is a key element in supporting sustainability and good community relations. The following criteria form the background to the site selection scoring matrix which will be used in the identification of preferred sites. The site selection scoring matrix and methodology will be finalised as a result of this consultation and be used to identify the preferred site(s) for allocation.

Locations In or Near Existing Settlements

- Locations in or near existing settlements are prioritised in Circulars 01/2006 and 04/2007. Such locations are generally more sustainable than those in remote areas, with better access to health and education services, shopping facilities, transport networks and employment opportunities. They are also more likely to reduce the need for car travel.
- Building Research Establishment (BRE) guidance⁴ on sustainable residential development encourages developers to locate new housing within close proximity to local services and amenities. An optimum distance of no more than 1,000m from key amenities via a safe walking route is recommended. This has been extended to 1,500m in the scoring matrix to reflect the rurality of Bath and North East Somerset and guidance on locating Traveller sites in rural areas in Circular 01/2006.

Visual Impact

- Developments should respect the scale of the environment and not dominate the nearest settled community whilst offering visual and acoustic privacy.
- National policy notes that landscaping and planting can help sites “blend into their surroundings, give structure and privacy, and maintain visual

⁴ Ecohomes 2006 – The Environmental Rating for Homes (BRE, 2006)

amenity.” Where screening is considered appropriate, sites that are well screened, or have the ability to be screened through landscaping, will be considered more favourably.

Green Belt

- The fundamental aim of Green Belt policy is to prevent the uncontrolled spread of urban areas into surrounding open countryside. There are 21,440 hectares of Green Belt land within Bath and North East Somerset, equating to approximately 61% of the total land area (see figure x below).
- There is a general presumption against development that would be harmful to the Green Belt. As with housing provision for the settled community, in accordance with national planning policy⁵, Gypsy and Traveller sites are normally considered inappropriate development on Green Belt land.
- Draft Policy Statement *Planning for Traveller Sites* removes the word ‘normally’ from the above policy. As the Statement is not yet adopted policy sites located in the Green Belt proposed for allocation will continue to be considered under existing policy, as set out in Circular 01/2006 and the Draft Core Strategy.
- The importance of protecting the Green Belt is reflected in the positive weighting given to sites not in the Green Belt in the site selection scoring matrix. Any sites in the Green Belt will be considered less favourably than those outside the Green Belt under this scoring.

National and Local Land Designations

- The quality and character of the District should be protected and enhanced where possible. Proper regard must therefore be given to areas that have been designated for their landscape, wildlife or historic qualities and the site selection methodology will reflect their importance.
- National and local landscape designations within Bath and North East Somerset will be summarised and the potential impact of any site allocations considered in the Sustainability Appraisal.
- Developments should have no adverse impact on protected habitats and species, and natural resources. The importance of protected land will be recognised through the site selection criteria.

Flood Risk

- Caravans and mobile homes intended for permanent residential use are classified as ‘highly vulnerable’ development that should not be located in areas at high risk of flooding (Flood Zone 3)⁶.

Health and Safety Considerations

- It is essential to ensure that Gypsy and Traveller sites provide a healthy and safe environment for residents. Sites should therefore not be located on

⁵ Planning Policy Guidance 2: Green Belts (DCLG, 2001) and Circular 01/2006 (ODPM, 2006)

⁶ Planning Policy Statement 25: Development and Flood Risk (DCLG, 2010)

contaminated land and avoid being near to industrial processes, refuse sites and other hazardous places.

Previously Developed (Brownfield) Land

- National planning policy⁷ currently encourages the use of previously developed (brownfield) land wherever appropriate. Circular 01/2006 recommends that the development of previously developed, untidy or derelict land for Gypsy and Traveller sites can positively enhance the environment and increase openness.

Vehicular Considerations

- Where possible the location of Gypsy and Traveller sites should seek to reduce reliance on the car. Sites are required to have safe and convenient vehicular access and adequate parking space.
- The potential for noise and other disturbance should also be considered in site selection though site development which would give rise to only modest additional daily vehicle movements is considered acceptable.

Question

- 9. Are there any additional criteria that should be considered in selecting the best locations for Gypsy, Traveller and Travelling Showpeople sites?**

Summary of Criteria and Methodology for Assessing Sites

- 4.13 It is proposed that all possible sites will be assessed against the criteria set out in the Issues section above. A draft **scoring matrix is set out at Appendix B**. This will use a sequential approach to indicate the most suitable and sustainable sites. High scoring sites will be put forward as preferred options for allocation in the next consultation document, the Options Paper. These will be subject to a rigorous assessment process, including being subject to Sustainability Appraisal and, where appropriate, Habitats Regulation Assessment.

Question

- 10. Does the proposed site selection methodology and the range of factors to be considered provide a reasonable and robust means of assessing potential site suitability?**
- 11. Are there any other criteria that should be considered in site assessment?**
- 12. Are the scores and weighting set out in the scoring matrix appropriate? Should any of the criteria be scored differently?**

Other Issues

⁷ Planning Policy Statement 1: Delivering Sustainable Development (ODPM, 2005)

- 4.14 The Council considers that all of the key issues associated with the allocation of Gypsy, Traveller and Travelling Showpeople sites have been raised in this document.

Question

13. Are there any other issues that the Council should take into account when preparing this DPD?

14. Do you have any other general comments on the Issues and Options Report? Please focus your comments on planning issues, national and local policies, government guidance and best practice for Gypsy and Traveller sites.

5. Options

Method of Identifying Sites – Call for Sites

- 5.1 There are a number of ways in which land for development of Gypsies, Travellers and Travelling Showpeople sites can be identified. Each method is to be appraised using the same criteria; no order of preference is to be used. The methods of identification include:
- Existing Gypsy and Traveller sites with temporary planning permission;
 - Existing Gypsy and Traveller sites with no planning permission;
 - Appraising unused and surplus public sector land; and
 - Identifying land in private ownership that may be suitable through a Call for Sites.
- 5.2 An initial appraisal of unused and surplus land owned by the Council was carried out in 2010. This will be updated and the results of this appraisal and discussions with other public bodies to establish if any additional surplus land exists that may be suitable for allocation will be published as part of the evidence base at the next consultation.
- 5.3 As part of the current consultation we are seeking information on any sites in private ownership that may be considered suitable for allocation as a Gypsy, Traveller or Travelling Showpeople site.

Do you know of any land in the District that, based on the criteria set out above, may be suitable, available and deliverable to provide Gypsy and Traveller pitches or a Travelling Showpeople yard? If so, please complete the accompanying form as fully as possible.

Appendix A

Glossary of Terms

Allocation

Land identified as appropriate for a specific land use and safeguarded for that purpose through a Development Plan Document.

Amenity Building

There is no single definition of an amenity building but Government guidance states that they should include a minimum of: hot and cold running water; electricity supply; separate toilet; a bath/shower room; and a kitchen and dining area.

Authorised Site

A site which has planning permission for use as a Gypsy and Traveller site.

Brownfield

Also described as previously developed land. Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.

Caravan

Any structure designed or adapted for human habitation that is capable of being moved from one place to another. Twin-unit caravans shall not be treated as not being (or not having been) a caravan by reason only that it cannot lawfully be moved on a highway when assembled.

Core Strategy

The principal Development Plan Document (DPD) within the Local Development Framework which sets the long term vision, spatial strategy and core policies for shaping the future development of the District to 2026. All other DPDs have to be in conformity with it.

Development Plan Document (DPD)

The key statutory documents within the Local Development Framework. These have to go through rigorous procedures of community involvement, consultation and independent examination being adopted.

Emergency Stopping Place

A licensed short-term Gypsy and Traveller site (or sometimes a 'tolerated' but unauthorised location) to which Gypsies and Travellers can be directed when in need. Fewer facilities are available than on transit sites and usually residents would only be able to remain at such a site for a few days.

Equality Impact Assessment

The process of appraising the equalities effects of plans, strategies and policies on different groups within the community. The primary concern is to identify any discriminatory or negative consequences.

Green Belt

Areas of land where development is particularly tightly controlled with the purpose to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns coalescence; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Gypsy and Traveller

For the purposes of this document, the term is used to refer to all ethnic Gypsies and Irish Travellers, as well as other groups that adopt a nomadic way of life. It does not include Travelling Showpeople.

Habitats Regulations Assessment

The process of reviewing the potential adverse impacts arising from development on nature conservation interests of European protected areas, including those areas designated under the Habitats Directive.

Health Impact / Needs Assessment

The process of reviewing the health issues facing a population, leading to agreed priorities and resource allocation that will improve health and reduce inequalities.

Household

The typical housing need and census category of 'household unit' is defined as people who share either living space or at least one meal a day together.

Local Development Framework (LDF)

A series of planning documents that, when adopted, will set the long term spatial planning strategy for an area. This will replace the Local Plan.

Local Development Scheme (LDS)

A document that sets out the timetable for the production of planning documents in the Local Development Framework.

Local Plan

Sets out policies which guide how and where development should take place up to 2011. It will eventually be replaced by the Local Development Framework.

Mixed Use Sites

Sites that accommodate both residential and business uses. Business use may, for example, include the keeping of tools for employment in landscaping,

Mobile Home

Legally a **caravan**, but not usually capable of being moved by towing. Residential mobile homes are usually of a large size and may resemble either static holiday caravans or chalets.

Permanent / Residential Site

Authorised site intended for long-stay use by residents. No maximum length of stay is set unless planning permission is on a temporary basis.

Pitch

Area of a Gypsy / Traveller site where a single household live in their caravans. Pitches may vary between those large enough for one residential trailer (or mobile home) and one touring (small) trailer to those spacious enough to hold one or two large mobile homes and several 'tourers' as well as working vehicles. On public (socially provided) sites rented pitches tend to be smaller and are easily delineated by fencing. On private family sites where several related households may own the site it may be less easy to identify separate pitches / plots.

As pitch sizes vary considerably between public (socially provided) and private sites, pitch requirements are described in terms of one pitch per **household** rather than specifying how many caravans / mobile homes should be accommodated on a pitch. Accordingly, a large household with a number of children may require more than one pitch if living on a public (or private rented) site with limited pitch size.

Plot

Used with reference to Travelling Showpeople sites. A piece of ground large enough to accommodate a single accommodation unit, and may include space for the storage and maintenance of equipment. A group of plots may be referred to as a yard.

Registered Social Landlords (RSL)

Independent not-for-profit bodies that provide low cost accommodation for people in need. Can bid for funding to establish and run Gypsy and Traveller sites.

Site

An area of land laid out and used for Gypsy and Traveller caravans. Sites vary in type and size and can range from one-caravan private family sites on Gypsy and Traveller's own land to large scale private and local authority sites.

Statement of Community Involvement (SCI)

Sets out how members of the community can get involved in the preparation of the Local Development Framework.

Sustainability Appraisal

The process of appraising the social, economic and environmental effects of plans, strategies and policies.

Tolerated Site

An **unauthorised development** or **encampment** may be 'tolerated' for a period of time during which no enforcement action is taken.

Trailer

Gypsies and Travellers generally use the term 'trailer' for caravans.

Transit Site

Authorised site intended for short-term use by those in transit to other areas. The site is permanent but people who stay on it may only do so for a temporary period (normally for up to three months). Normally these sites have fewer facilities than permanent/residential sites.

(New) Traveller

Term used here to refer to people who have adopted a nomadic or semi-nomadic lifestyle living in moveable dwellings who are not ethnic Gypsies or Travellers. The neutral term 'Traveller' is preferred.

Travelling Showpeople

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). Most Travelling Showpeople are members of the Showmen's Guild of Great Britain.

Unauthorised Development

A Gypsy and Traveller site established on Gypsy- and Traveller-owned land without appropriate planning permission or site licence.

Unauthorised Encampment

A piece of land where Gypsies and Travellers reside without planning permission. The land is not in the ownership of those involved in the encampment.

World Heritage Site

A cultural or natural site of outstanding value inscribed on the UNESCO (United National Educational, Scientific and Cultural Organisation) List. The City of Bath was inscribed on the List in 1987.

Yard

Term used for a **pitch** or **site** occupied by Travelling Showpeople. Gypsies and Travellers may also use the term for a small **site** or a house with land which can accommodate trailers.

Appendix B

Draft Site Selection Scoring Matrix

CRITERIA		SCORE	COMMENT
Site location	Within existing settlement boundary	+2	Sites not adjacent to a settlement boundary may still be considered suitable if in close proximity to key local services and facilities.
	Within 500m of existing settlement boundary	+1	
	Not within 500m of existing settlement boundary	0	
Proximity of site to a food shop via a safe walking route	Within 500m	+3	This will ensure sites are in close proximity to key local services (in accordance with Circular 01/2006).
	Within 1,000m	+2	
	Within 1,500m	+1	
	More than 1,500m	0	
Proximity of site to a primary school via a safe walking route	Within 500m	+3	
	Within 1,000m	+2	
	Within 1,500m	+1	
	More than 1,500m	0	
Proximity of site to a doctor's surgery via a safe walking route	Within 500m	+3	
	Within 1,000m	+2	
	Within 1,500m	+1	
	More than 1,500m	0	
Proximity of site to a public transport node via a safe walking route	Within 500m	+3	Reducing reliance on car travel is an important objective of local and national policy. A public transport node can be a bus stop, train station or community share service.
	Within 1,000m	+2	
	Within 1,500m	+1	
	More than 1,500m	0	
Site screening	Site is screened or has the ability to be screened	+1	Appropriate screening where necessary should be through landscaping or the planting of trees and shrubs.
	Site is visually exposed with no possibility of screening	0	
Within Green Belt?	Yes	0	Sites outside the Green Belt are prioritised.
	No	+10	
On land covered by a national or local landscape or wildlife designation?	National	-10	Sites covered by national or local level designations should only be considered where they do not compromise the objectives of the designation.
	Local	-5	
	No designation	0	
On land affecting European protected	Yes	-	To be subject to a Habitats Regulation Assessment to assess full impact after
	No	-	

APPENDIX 1

species?			scoring matrix is applied.
Flood risk	Flood Zone 1 (low) Flood Zone 2 (medium) Flood Zone 3 (high)	0 -5 -10	Sites in Flood Zone 1 are prioritised above Zones 2 and 3. Sites in Flood Zone 3 will not be permitted.
On contaminated land?	No history Low Medium High	+5 0 -5 -10	Sites should not be located on significantly contaminated land.
Near to a hazardous place?	Yes (within 1000m) No (more than 1000m away)	0 +5	Hazardous sites include heavy industry, refuse sites and electricity pylons.
On brownfield land?	Yes No	+5 0	Brownfield site locations are prioritised.
Safe vehicular access from the public highway?	Yes No	+5 0	Unsafe or inadequate vehicular access are less desirable.
Adequate space on-site for the parking, turning and servicing of vehicles?	Yes No	+1 0	Sites with inadequate space for the parking, turning and servicing of vehicles are less desirable.
Existing road network can accommodate additional traffic movements?	Yes No	+1 0	Sites should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant.
Potential noise issues?	Yes No	-5 0	Noise issues affecting proposed or neighbouring residents are a health issue that may require mitigation.

Note: This scoring system is for comparative purposes and will not be decisive in selecting preferred sites. Each site will be weighed in the planning balance; the matrix is a method of applying a consistent and objective methodology to site selection suitable for Bath and North East Somerset. Its application will be via a comparison chart which will be made publicly available during consultation at the Options stage. The results of this scoring system will be used to rank potential sites which will then be subject to further assessment. This includes producing a Habitats Regulation Assessment where sites are found to significantly impact upon European protected species or habitats.

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	10 November 2011
TITLE:	Health and Wellbeing Board Governance
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: Appendix 1: Health and Wellbeing Board (shadow) Terms of Reference	

1 THE ISSUE

- 1.1 Bath and North East Somerset (B&NES) is part of the early implementer network of Shadow Health and Wellbeing Boards. This means that we are expected to transition from the current arrangement (Partnership Board) to the Shadow Board by April 2012.
- 1.2 To enable this transition the Council is being consulted on the draft Terms of Reference for the Health and Wellbeing Board (shadow until April 2013).

2 RECOMMENDATION

Council is asked to:

- 2.1 Consider the composition, draft terms of reference and procedure for the Health and Wellbeing Board as contained in the report and,
- 2.2 Offer any comments it wishes to make to Cabinet.

3 FINANCIAL IMPLICATIONS

3.1 There are no financial implications.

4 CORPORATE PRIORITIES

4.1 The Health and Wellbeing Board will become a statutory requirement of the Council under the new Health and Social Care Bill if the Bill becomes law in its current form. The Board will contribute to the following corporate priorities:

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

5 THE REPORT

5.1 Bath and North East Somerset (B&NES) is part of the early implementer network of shadow Health and Wellbeing Boards. This means that we are expected to transition from the current arrangement (Partnership Board) to the shadow Board by April 2012. Fully fledged Boards will be up and running in April 2013 at the same time the Clinical Commissioning Groups (CCGs) take on responsibility for the local NHS budget.

5.2 The official transition from Partnership Board to the Health and Wellbeing Board (shadow until April 2013) needs to be approved by Cabinet, in consultation with Council. The proposed terms of reference for the Board are attached at appendix 1. The principles for these terms of reference have been agreed by both the PCT Board and Partnership Board for Health and Wellbeing in June 2011.

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. The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance

7 EQUALITIES

7.1 The Terms of Reference will ensure that Board meetings comply with equalities standards for public meeting; this will include ensuring meeting venues are accessible.

7.2 Equalities will form a central part of the Joint Strategic Needs Assessment and Health and Wellbeing Strategy process – statutory responsibilities of the Board.

8 CONSULTATION

8.1 The following have been consulted:

Cabinet members (through the Partnership Board for Health and Wellbeing); Staff; Other B&NES Services; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive.

- 8.2 The proposed Terms of Reference were developed in partnership with the PCT, Democratic Services and colleagues in the People and Communities Directorate. The Terms of Reference have been agreed in principle by the Partnership Board for Health and Wellbeing and the PCT Board.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 The Health and Wellbeing Board (shadow until April 13) will contribute to improving the follow: *Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights;*

10 ADVICE SOUGHT

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

Contact person	<i>Helen Edelstyn (x7951)</i>
Background papers	NA
Please contact the report author if you need to access this report in an alternative format	

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HEALTH AND WELLBEING BOARD (Shadow) TERMS OF REFERENCE

Annexes;

Annex 1 – Scope of Services

Annex 2 – Substitution arrangements

Annex 3 – Public Speaking scheme

Annex 4 – Urgency procedures

1. *Statement of purpose*

1.1 By working together the Board will aim to:

- prevent ill health
- promote equality, health and wellbeing
- improve service quality
- deliver best value
- provide leadership and champion health and wellbeing in B&NES

1.2 The Board will work to understand what makes a difference by responding to identified need and by listening to and learning from people. Joint strategic planning will be informed by this need and form the foundations of the health and wellbeing strategy.

1.3 The Board will work to ensure that health and wellbeing services in B&NES:

- use resources effectively
- develop innovative joint responses

1.4 To achieve these aims the Board will work collaboratively with partners to join up areas of commissioning across the NHS, social care, public health and other areas related to health and wellbeing.

2 *Roles and responsibilities*

2.1 The Board will be responsible for:

- developing a joint strategic needs assessment (JSNA)
- preparing the health and wellbeing strategy
- considering whether the commissioning arrangements for social care, public health and the NHS are in line with the health and wellbeing strategy
- considering whether the Clinical Commissioning Groups' commissioning plan has given due regard to the health and wellbeing strategy
- reporting formally to the NHS Commissioning Board, Clinical Commissioning Group, council leadership if local commissioning plans have not had adequate regard to the health and wellbeing strategy

2.2 The Board will seek to influence the strategic planning of the NHS, social care, public health and other health and wellbeing agencies (including the voluntary sector) in B&NES through the promotion of the JSNA and health and wellbeing strategy.

- 2.3 The Board will promote joint working and the use of the NHS Act 2006 flexibilities to increase joint commissioning, pooled and aligned budgets (where appropriate), to support the effective delivery of key outcomes of the health and wellbeing strategy.
- 2.4 The Board will listen to and learn from people, service users and providers and it will ensure that they inform the JSNA, the health and wellbeing strategy and the on-going strategic performance management of key outcomes.
- 2.5 The Board will strategically performance manage against the key outcomes of the health and wellbeing strategy.
- 2.6 Responsibility for the scrutiny of health and wellbeing will continue to lie with the Council's Scrutiny Panels.

3. Scope

- 3.1 The Boards' scope shall be:
- Adult services (commissioning and service delivery)
 - Children services (commissioning and service delivery)
 - Public health (commissioning and service delivery)

(Further detail on scope is attached in Annex 1)

4. Accountability

- 4.1 During the transitional period accountability for the discharge of statutory responsibilities remains with the Primary Care Trust and the Council.
- 4.2 The Board is responsible for ensuring that the Local Safeguarding Children Board and the Local Safeguarding Adult Board deliver their strategic commitments and outcomes. The Safeguarding Children Board and the Safeguarding Adult Board will report twice yearly to the board on their performance outcomes (this will include their Annual Reports).

4.4 Decision Making

4.4 (i) The Primary Care Trust (until April 2013)

Members of the Primary Care Trust Board who are members of the Board will constitute the Health and Social Services Committee of the Primary Care Trust Board under the PCT Standing Orders 4 & 5. The Committee will have delegated responsibility to take decisions contemporaneously with the recommendation of the health and wellbeing board as determined by the PCT Board through a scheme of delegation.

4.4 (ii) The Council

Where formal decisions by the Council's Cabinet Members are required, they will be taken through the Council's executive processes (advance publication in the Executive Forward Plan, report through the Weekly list, subsequent decision register completed) and adhering to the statutory deadlines involved in those processes to allow an executive decision to be taken contemporaneously with the recommendation of the Board and the PCT Board Committee decision.

Decisions of the Health and Wellbeing Board which need to be dealt with as an executive decision under the Council's procedures will be subject to the call-in arrangements of the Council. This will not apply to any decisions which just apply to the NHS/PCT which will be made by the PCT Sub-Committee only subject to its delegated powers and control arrangements determined by the PCT Board. [This does not prevent the normal review function of the Council's Wellbeing Policy Development and Scrutiny Panel for issues within its remit.]

In the event that formal decisions are required of the Council that are not within the process of the Cabinet, an ordinary or urgent decision of full Council will be made in accordance with the Council's Constitution.

5. Membership

Membership of the Board is:

- B&NES Primary Care Trust (PCT) x 3 (Chief Executive, Chair of PCT Board, Non-Executive Director)
- B&NES Council (Chief Executive, Director of Public Health, Director of People and Communities Services, Leader, Councillor x 2)
- Clinical Commissioning Group x 2
- Healthwatch x 2
- Finance advisor (nature of membership to be agreed)

- 5.1 'Providers' will not be represented on the Health and Wellbeing Board.
- 5.2 The role of Chair alternates annually between a Cabinet Member of the Council and Chair of B&NES PCT (until April 2013).
- 5.3 Membership of the Health and Wellbeing Board is not fixed and will be reviewed as the health and social care changes develop.
- 5.4 The quorum for the meeting will be six members of the Board with at least three members drawn from representatives of the Primary Care Trust, and three members drawn from the representatives of the Council.

Substitution arrangements

- 5.5 B&NES Cabinet Members may be substituted by other Council Cabinet Members.
- 5.6 B&NES and Wiltshire PCT Non-Executives may be substituted by other PCT Non Executives.
- 5.7 The Chief Executive of the Council may be substituted by a member of the Council's Directors Group.
- 5.8 The Chief Executive of the PCT may be substituted by an Executive Director of the PCT
- 5.9 The Strategic Director of People and Communities Services, the Director of Public Health may be substituted by a member of their management teams

- 5.10 The representative from the Clinical Commissioning Group may be substituted by another representative from the Clinical Commissioning Group.

6. *Wider engagement*

- 6.1 By working together the Health and Wellbeing Board will:
- Listen to and learn from people, service users and providers
 - Engage with communities and networks including the Health and Wellbeing Network
 - Engage with and listen to service users and other interested parties through Healthwatch
- 6.2 The Board will support a twice yearly meeting of the Health and Wellbeing Network; members will be encouraged to attend.
- 6.3 The Council's overview and scrutiny function offers an opportunity for broader engagement on key issues.

7. *Business management*

- 7.1 Board meetings will alternate between business management meetings and less formal workshops. The workshops will be focused on priorities (as identified in the health and wellbeing strategy) and other key issues as they arise. The Board may invite external speakers to the workshops to inform discussion and decision-making.
- 7.2 Board meetings shall generally be held in public. Closed sessions of the Board may take place to allow for more informal developmental discussion.
- 7.3 The Board will develop a forward plan, which will be regularly reviewed.
- 7.4 The Board will meet 6 times per year (bi-monthly).
- 7.5 The Board may establish sub-groups or time-limited project groups to lead on issues such as the joint strategic needs assessment, joint commissioning and health inequalities.
- 7.6 Items to be discussed at any meeting of the Board will be set down in the agenda and sent to every member of the Board at least 5 working days before the meeting.
- 7.7 There are no formal rules of debate set down for the Board meetings; the Chair has wide discretion to rule on conduct, process and procedural matters.

Scope of Services

1. Adult Services

a) Commissioning

The strategic planning, commissioning and procurement of health, social care and housing services for adults, including the support and performance management of practice based commissioning, across the following range of services:

- Health services for the whole population including acute care, primary health care and other community services
- Older people services
- Mental health services for adults of working age
- Services for adults with physical and sensory impairments
- Services for adults with learning difficulties
- Strategic housing services for the whole population including Supporting People Services

b) Service delivery

- Intermediate care, community based and other services through the integrated locality teams for older people and people with physical and sensory impairments, including social work and care management services
- Primary Health Care services not included in the above
- Mental health services for older people and people of working age in partnership with the Avon & Wiltshire Partnership NHS Trust
- Community based and other services for people with learning difficulties
- Acute services for adults
- A range of health services including diatetics, continence services, maternity services, dentistry, opticians and pharmacy services
- A range of housing services, including homelessness and housing advice, and housing private sector renewal services.

2. Children Services

a) Commissioning

The strategic planning, commissioning and procurement of strategic education, health, and social care services for children, across the following range of services:

- Early Years, Schools, inclusion support and extended services
- Health services for children including acute services and therapy services
- Mental health services for children
- Social care services for children and families
- Youth services

b) Service delivery

- Locality based services for children and families, including extended services and a range of support services listed below
- Early Years and education services for children, including school improvement services, educational psychology and other inclusion support services
- Health services for children and families (including those provided by health visitors and school nurses) and child health administration services and therapy services
- Social care services, including social work and care management services, fostering and adoption services, disabled children services, child protection, Looked After children and Leaving Care services
- Youth Services and the Youth Offending Service

3. Public Health

a) Commissioning

Assessing the health needs of the local population; strategic planning, commissioning and procurement of services which will help to promote the health and well-being of the population and reduce health inequalities including:

- Services and initiatives to deliver priority health improvement objectives including those in the Local Area Agreements and 'Choosing Health'
- Drugs and alcohol services through the Responsible Authorities Group's pooled budget
- A range of health improvement services in partnership with Children's Services

b) Service delivery

- Public Health advice to health and care services
- Health Promotion services
- Smoking Cessation services
- Health visiting (public health component)
- Health protection services in association with the Health Protection Agency

Public Speaking Scheme

1. Both the Council and the PCT encourage public engagement and want to ensure the public have the opportunity to inform members of the board about things that concern them. This scheme sets out how this can happen.

What the scheme does not cover

2. Some matters fall outside the scheme and will not therefore be accepted. These are:
 - a) Matters that would require exempt or confidential information to be divulged in an answer;
 - b) Matters which are already lodged with the Council, the Primary Care Trust, or with another statutory body (for example an Ombudsman) as a complaint;
 - c) Allegations against, or comments about, the conduct of individual members of the board, Bath & North East Somerset councillors, members of the Primary Care Trust Board, members of the Avon and Wiltshire Mental Health Care Partnership NHS Trust Board, or officers of any of those organisations.

Who may use the scheme

3. Members of the public are welcome to attend.
4. The scheme is also available to employees of the Bath and North East Somerset Primary Care NHS Trust, Bath & North East Somerset Council, and the Avon & Wiltshire Mental Health Care NHS Trust, provided the subject matter is related to their role as a private citizen. Representations about matters related to their employment are not permitted under this scheme as alternative consultative routes are available to them in that capacity.

At the meeting

5. Members of the public are welcome to attend Board meetings. Time will be set aside at the beginning of each meeting for observers to speak briefly on an issue, or to ask a question of the Board, for up to three minutes within a maximum of thirty minutes. In the case of questions, an immediate answer will be given wherever possible. However, if a detailed response is required this will be given in writing at a later date and recorded at a subsequent Board meeting.
6. Any other contribution from the public during the meeting will be at the invitation of the Chair.

General disturbances

7. The Chair or the person presiding over the meeting shall give such directions as he/she thinks fit with regard to the arrangements for meetings and accommodation of the public and representatives of the press such as to ensure that the board's business shall be conducted without interruption and disruption

Observers

9. The Board will decide what arrangements and terms and conditions it feels are appropriate to offer in extending an invitation to observers to attend and address the meeting and may change, alter or vary these terms and conditions as it deems fit.

Urgency Policy Procedure

1. General Principles

1.1 The Board needs to have regard to legal principles and good practice, which must underpin any urgency procedure, which it adopts. These are-

- Business should be conducted at meetings open to the public wherever possible, so as to ensure transparency in the working of the board.
- If it is not possible for the matter to be considered at a meeting, all the relevant advice must be obtained and consultation carried out where appropriate.
- Decisions to commit Bath and North East Somerset Council or the Primary Care Trust need to be made in accordance with the policies and legal requirements governing the two organisations.

In the case of Bath and North East Somerset Council, this means either an executive decision made by a Cabinet Member or an officer acting under delegated authority. To reflect the accountability and transparency of the Council's decision-making processes, if an urgent decision is to be made under this provision, the decision-maker will consult with the Chair of the Policy Development and Scrutiny Panel before committing the Council to the decision. The Policy Development and Scrutiny Chair's views will be recorded in the documentation published about the decision.

In the case of the Primary Care Trust, the PCT Chief Executive and the PCT Chair are empowered to make a decision after having consulted at least two Non Executive PCT Directors.

- The reasons for urgency must be made clear and the appropriate documentation made available for public inspection.

2. Procedure

2.1 There are occasions when an urgent decision is needed, or the matter cannot wait for the next ordinary meeting of the board.

2.2 When an urgent matter has arisen after the despatch of the agenda, the following procedure applies:

3. Chair's Right To Add Item To An Agenda

3.1 The Chair of the Board has the authority to agree to take urgent items, not on the agenda, at meetings of the board.

3.2 The general authority referred to above is qualified in that items of business should not be raised at meetings without prior notice being given on the agenda unless:-

- (a) the item has arisen between the compilation of the agenda and the date of the meeting.

- (b) the item requires an urgent decision in the public interest which cannot be dealt with by other means; and
- (c) by convention, the members of the board have been consulted on the matter and their views conveyed to the Chair before s/he makes a decision on the matter. The Chair will be guided by their views.

3.3 In all cases the reason for the urgency shall be clearly stated and recorded.

3.4 When there is a good reason why the decision cannot wait until the next meeting of the board, the following alternative procedures apply (see subsequent Rules) -

4 SPECIAL MEETING OF THE JOINT BOARD

4.1 A special meeting of the Board can be called.

5 DECISION TAKEN THROUGH DELEGATED AUTHORITY

5.1 Under this provision, the Chief Executive of the Primary Care Trust and the Strategic Director for People and Communities are given delegated power to take jointly a decision which would normally be taken by the Board, provided that:

- (i) the matter is urgent;
- (ii) the decision is within Primary Care Trust and Council policy;
- (iii) the action is taken after consultation with the Members of the Board;
- (iv) the action is reported for the information of the next available meeting of the Board.

6 ABSENCE PROCEDURE

6.1 In the absence of any of the Councillors or Officers referred to in any of the above Urgency Rules, the urgent or emergency action described may be taken by a nominated deputy Councillor or Officer.

6.2 Any such nominated deputy is hereby authorised to act fully in the role, subject to any specific statutory provision.

Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	10 th November 2011
TITLE:	Policy Development and Scrutiny Panels - Role of Vice Chairs
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
None	

1 THE ISSUE

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

2 RECOMMENDATION

Council is asked to:

- 2.1 Approve the principles of the role of Vice Chair of a Policy Development and Scrutiny Panel as set out in paragraphs 5.3 and 5.4 of the report and
- 2.2 Authorise the Monitoring Officer, in consultation with Group Leaders, to make consequential amendments to the Constitution.

3 FINANCIAL IMPLICATIONS

3.1 There are none.

4 CORPORATE PRIORITIES

4.1 None directly relevant

5 THE REPORT

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

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

5.2 Discussions have been held with Group Leaders and Chairs and Vice-Chairs of Panels in early September.

5.3 The principles that are proposed are as follows;

- (1) Vice Chairs will have the same rights of access to information and briefings as Chairs have and therefore can expect;
 - a) to attend meetings organised by the Lead director for their Panel or relevant Cabinet Member to discuss or plan agenda items, workloads, priorities and current/future issues or developments and receive information/briefing material relating thereto;
 - b) Where practicable, to be consulted on proposed comments to the media by the Chair, the timing and agenda content of meetings and proposed representations/comment by the Chair within the Council at meetings of Council, Cabinet and other Panels; and
 - c) to participate in meetings with all Chairs to discuss policy Development and Scrutiny Business.
- (2) Chairs will be solely responsible for the management of meetings once in session and the timing, number and agenda content of meetings in the run-up to them.

6 RISK MANAGEMENT

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

7 EQUALITIES

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

8 CONSULTATION

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

8.2 Consultation was carried out by email and at meetings.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 None applicable.

10 ADVICE SOUGHT

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

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

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Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	10 th November 2011	AGENDA ITEM NUMBER
TITLE:	Treasury Management Monitoring Report to 30 th September 2011	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 – Performance Against Prudential Indicators Appendix 2 – The Council's Investment Position at 30 th September 2011 Appendix 3 – Average monthly rate of return for 1 st 6months of 2011/12 Appendix 4 – The Council's External Borrowing Position at 30 th September 2011 Appendix 5 – Sterling Consultant's Economic & Market Review 1 st 6 months of 2011/12 Appendix 6 – Interest & Capital Financing Budget Monitoring 2011/12		

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, review performance during the year, and approve an annual report after the end of each financial year.
- 1.2 This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2011/12 for the first six months of 2011/12.

RECOMMENDATION

The Council agrees that:

- 1.3 the Treasury Management Report to 30th September 2011, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 1.4 the Treasury Management Indicators to 30th September 2011 are noted.

FINANCIAL IMPLICATIONS

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

CORPORATE PRIORITIES

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

THE REPORT

Summary

- 1.7 The average rate of investment return for the first six months of 2011/12 is 0.60% above the benchmark rate.
- 1.8 The Councils Prudential Indicators for 2011/12 were agreed by Council in February 2011 and performance against the key indicators is shown in **Appendix 1**. All indicators are within target levels.
- 1.9 The Council's Treasury Investments remain under constant review to ensure as a priority the protection of the capital sum invested, particularly in light of increasing concerns regarding Eurozone debt levels.

Summary of Returns

- 1.10 The Council's investment position as at 30th September 2011 is given in **Appendix 2**. The balance of deposits as at 30th September 2011 & 30th June 2011 is also set out in the pie charts in this appendix.
- 1.11 Gross interest earned on investments for the six months totalled £587k. Net interest, after deduction of amounts due to West of England Growth Points, PCT and schools, is £469k. **Appendix 3** details the investment performance, the average rate of interest earned over this period was 1.11%, which is 0.60% above the benchmark rate of average 7 day LIBID +0.05% (0.51%).

Summary of Borrowings

- 1.12 The Council undertook new borrowing totalling £30 million from the Public Works Loan Board during the quarter, taking total borrowing to £120 million. The decision was taken as borrowing rates moved below 5% due to concerns over the USA credit rating linked with delays in the Senate agreeing increases to the countries debt ceiling and continuing anxiety over Eurozone debt. The Council's Capital Financing Requirement (CFR) as at 31st March 2011 was £112.7 million with a projected total of £151 million by the end of 2011/12 based on the capital programme approved at February 2011 Council. The Capital Financing Requirement measures the Council's need to borrow to finance capital expenditure.
- 1.13 Following Local Government Reorganisation in 1996, Avon County Council's residual debt is administered by Bristol City Council. All successor Unitary Authorities make an annual contribution to principal and interest repayment, for which there is a provision in the Council's revenue budget. The amount of residual debt outstanding as at 31st March 2011 apportioned to Bath & North East Somerset Council is £16.43m. Since this borrowing is managed by Bristol City Council and

treated in the Council's Statement of Accounts as a deferred liability, it is not included in the borrowing figures referred to in paragraph 5.5.

1.14 The current borrowing portfolio is shown in **Appendix 4**.

Strategic & Tactical Decisions

1.15 As shown in the charts in **Appendix 2**, the Council continued to tighten its risk appetite related to investments during the quarter due to increasing concerns about Eurozone debt and the impacts this could have on the banking sector. The approach included increasing the amounts invested with other Local Authorities, reducing exposure to foreign banks and suspending investments with lower rated UK Building Societies. The core strategy continued to be focussed on the higher rated UK banks & Building Societies that have either already or are likely to receive support from the UK Government should they experience financial difficulties. The amount invested with the Debt Management Office continues to remain between 0-10% of total investments. This approach will be kept under review going forward and investments with the debt Management Office could increase if risk levels increase.

1.16 Due to concerns related to the current Eurozone debt situation, the Council does not currently hold any investments with banks in countries within the Eurozone. The Council's investment counterparty list does not include any banks from the countries most affected by the debt situation in the Eurozone (Portugal, Ireland, Greece, Spain and Italy).

Future Strategic & Tactical Issues

1.17 Our treasury management advisors economic and market review for the first quarter 2011/12 is included in **Appendix 5**.

1.18 The Bank of England base rate has remained constant at 0.50% since March 2009.

Budget Implications

1.19 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 is currently forecast to be £250,000 favourable by the end of 2011/12.

RISK MANAGEMENT

1.20 The Council's lending & borrowing list is 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.

1.21 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.

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

EQUALITIES

1.23 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.

RATIONALE

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

OTHER OPTIONS CONSIDERED

1.25 None.

CONSULTATION

1.26 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.

1.27 Consultation was carried out via e-mail.

ISSUES TO CONSIDER IN REACHING THE DECISION

1.28 This report deals with issues of a corporate nature.

ADVICE SOUGHT

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

Contact person	<i>Tim Richens - 01225 477468 ; Jamie Whittard - 01225 477213</i> Tim_Richens@bathnes.gov.uk Jamie_Whittard@bathnes.gov.uk
Sponsoring Cabinet Member	<i>Councillor David Bellotti</i>
Background papers	<i>2011/12 Treasury Management & Investment Strategy</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.

	2011/12 Prudential Indicator	2011/12 Actual as at 30th Sep. 2011
	£'000	£'000
Borrowing	201,000	120,000
Other long term liabilities	3,000	0
Cumulative Total	204,000	120,000

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.

	2011/12 Prudential Indicator	2011/12 Actual as at 30th Sep. 2011
	£'000	£'000
Borrowing	150,000	120,000
Other long term liabilities	2,000	0
Cumulative Total	152,000	120,000

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.

	2011/12 Prudential Indicator	2011/12 Actual as at 30th Sep. 2011
	£'000	£'000
Fixed interest rate exposure	204,000	100,000*

* 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).

	2011/12 Prudential Indicator	2011/12 Actual as at 30th Sep. 2011
	£'000	£'000
Variable interest rate exposure	0	-75,400

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

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

	2011/12 Prudential Indicator	2011/12 Actual as at 30th Sep. 2011
	%	%
Investments over 364 days	25	13

6. Maturity Structure of new fixed rate borrowing during 2011/12

	Upper Limit	Lower Limit	2011/12 Actual as at 30th Sep.2011
	%	%	%
Under 12 months	50	Nil	0
12 months and within 24 months	50	Nil	0
24 months and within 5 years	50	Nil	0
5 years and within 10 years	50	Nil	0
10 years and above	100	Nil	100

APPENDIX 2

The Council's Investment position at 30th September 2011

	Balance at 30th September 2011
	£'000's
Notice (instant access funds)	15,400
Up to 1 month	15,000
1 month to 3 months	10,000
Over 3 months	69,000
Total	109,400

The investment figure of £109.4 million is made up as follows :

	Balance at 30th September 2011
	£'000's
B&NES Council	93,673
West Of England Growth Points	4,848
Schools	10,879
Total	109,400

The Council had an average net positive balance of £105.0m (including Growth Points Funding) during the period April 2011 to September 2011.

Chart 1: Investments as at 30th September 2011 (£109.4m)

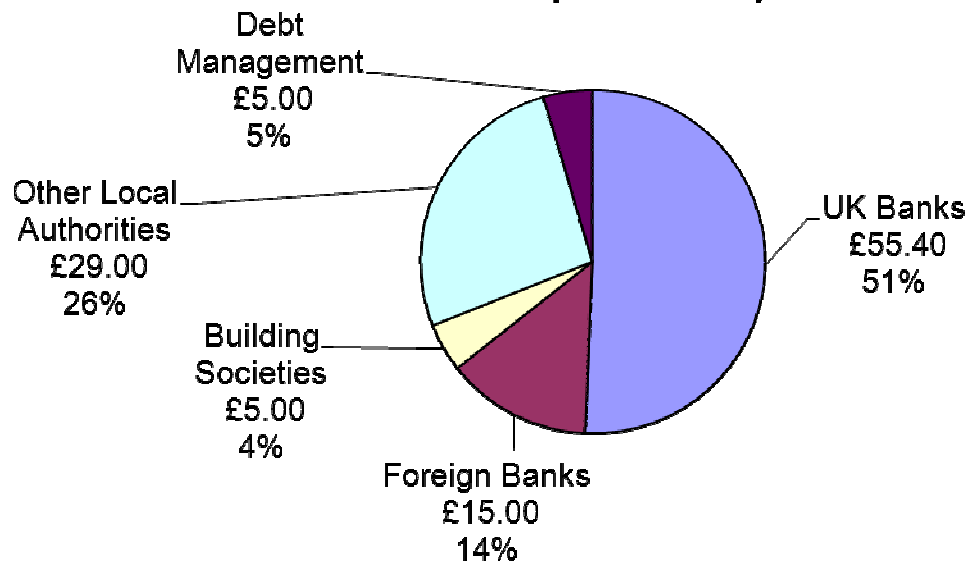
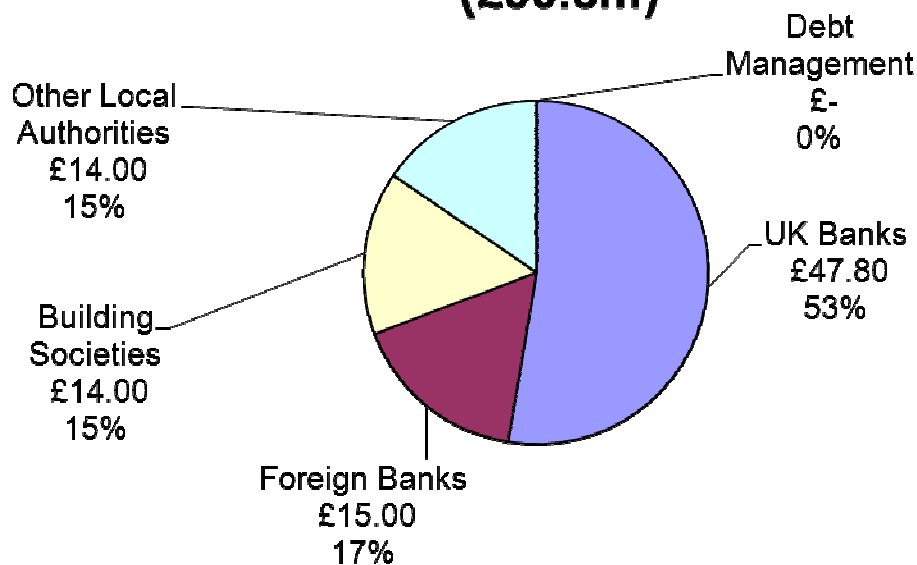
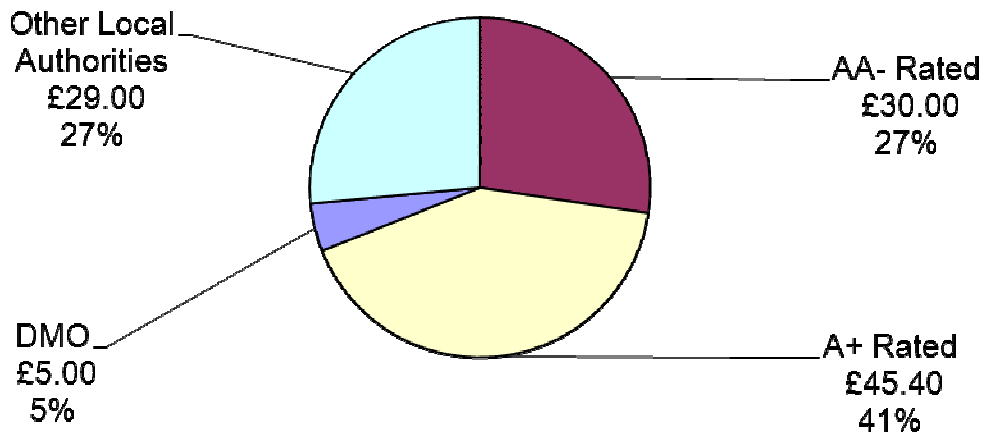


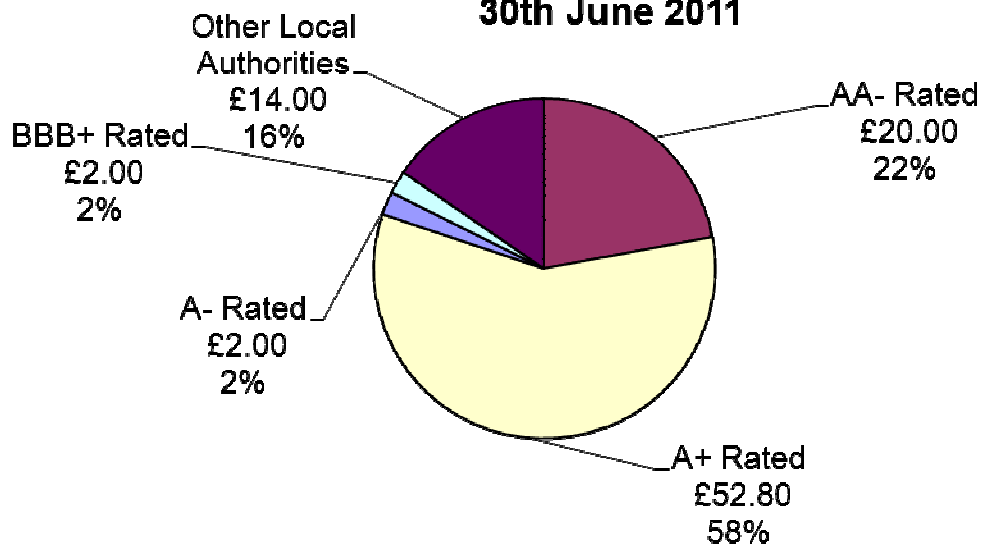
Chart 2: Investments as at 30th June 2011 (£90.8m)



**Chart 3: Investments per Lowest Equivalent Long-Term
Credit Ratings (£109.4m) -
30th September 2011**



**Chart 4: Investments per Lowest Equivalent Long-Term
Credit Ratings (£90.8m) -
30th June 2011**



APPENDIX 3

Average rate of return on investments for 2011/12

	April %	May %	June %	July %	August %	Sept. %	Average for Period
Average rate of interest earned	1.05%	1.13%	1.18%	1.10%	1.09%	1.14%	1.11%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Sterling)	0.50%	0.50%	0.50%	0.52%	0.49%	0.54%	0.51%
Performance against Benchmark %	+0.55%	+0.63%	+0.68%	+0.58%	+0.60%	+0.60%	+0.60%

APPENDIX 4

Councils External Borrowing at 30th September 2011

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
PWLB	5,000,000	20 yrs	4.86%	n/a	n/a
PWLB	10,000,000	18 yrs	4.80%	n/a	n/a
PWLB	15,000,000	50 yrs	4.96%	n/a	n/a
KBC Bank N.V*	5,000,000	2 yrs	3.15%	48 yrs	4.50%
KBC Bank N.V*	5,000,000	3 yrs	3.72%	47 yrs	4.50%
Eurohypo Bank*	10,000,000	3 yrs	3.49%	47yrs	4.50%
TOTAL	120,000,000				

*All LOBO's (Lender Option / Borrower Option) have reached the end of their fixed interest period and have reverted to the variable rate of 4.50%. 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 2011 (Sterling Consultancy Services)

The first half of the financial year was characterised by deteriorating expectations for global economic growth and continued concern about sovereign creditworthiness, causing financial market volatility in August and September, as investors fled riskier assets for safe havens. Long-term gilt yields fell by a full percentage point to around 3.50% since their high in February.

Many Western developed nations, including the UK, implemented fiscal tightening policies to reduce public budget deficits, which unsurprisingly curbed domestic demand. At the same time, many economies were suffering from high inflation due to stubbornly high commodity prices; this prompted the European Central Bank (ECB) to raise interest rates in April and July.

The eurozone sovereign debt crisis proved the most significant influence on financial markets, with investors fearing the consequences of a sovereign default on the financial system. Despite the bailouts of Greece, Ireland and Portugal, the crisis rumbled on due to political differences that prevented concerted and conclusive action by the authorities. With a lack of firm policy direction from the centre, first Spain, then Italy faced difficulties, forcing the ECB to intervene and buy those countries' bonds in an effort to apply downward pressure on their funding costs. It also became apparent that Greece would require a second bailout if it was to avoid defaulting in 2013.

Meanwhile, concerns about the exposure of the interlinked European banking system to government debt caused funding conditions in interbank money markets to tighten. Sterling 3 month LIBOR rose to 0.95%, nearly double Bank Rate, in a situation reminiscent of the 2008 financial crisis. To avert another liquidity crisis, the world's major central banks offered unlimited loans to banks in September.

In the UK, the coalition government implemented its fiscal consolidation plan in the face of protests and public sector strikes, arguing that its decisive action has prevented a Greek-style crisis affecting the UK. Despite the resulting low confidence and subdued domestic spending, inflation remains high due to the rise in VAT and higher food and petrol prices. The Bank of England, however, was more concerned about the deteriorating economic outlook, and maintained Bank Rate at 0.5%, resisting pressure to increase rates to bring inflation back to target more quickly.

APPENDIX 6

Interest & Capital Financing Costs – Budget Monitoring 2011/12 (April to September)

April to September 2011	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	4,840	4,840		
- Internal Repayment of Loan Charges	(3,188)	(3,188)		
- Ex Avon Debt Costs	1,491	1,491		
- Minimum Revenue Provision (MRP)	3,380	3,380		
- Interest of Balances	(460)	(710)	(250)	FAV
Sub Total - Capital Financing	6,063	5,813	(250)	FAV

COUNCIL 10TH NOVEMBER 2011

MOTION FROM COUNCILLOR NIGEL ROBERTS

The council expresses concern that the Department for Transport is pressing ahead with a ten-year trial of longer lorries, despite acknowledging the potential danger to vulnerable road users and the impact on road infrastructure, in heritage cities such as Bath.

During its first year, the trial could see 1,800 of the larger vehicles on the roads of the UK.

The Council asks;

- The Leader of the Council to write to the Secretary of State for Transport expressing this Council's concerns; and
- The Council's officers to look at the effect of these lorries on the roads through Bath, with a view to mitigating any risks, such as lorries getting stranded, and damage to Bath's vaults.

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