

Democratic Services

Riverside, Temple Street, Keynsham, Bristol BS31 1LA

Telephone: (01225) 477000 *main switchboard*

Direct Lines - Tel: 01225 394358 Fax: 01225 394439

Web-site - <http://www.bathnes.gov.uk>

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E-mail: Democratic_Services@bathnes.gov.uk

To: All Members of the Council

Chief Executive and other appropriate officers
Press and Public

Dear Member

Council: Thursday, 19th July, 2012

You are invited to attend a meeting of the **Council** to be held on **Thursday, 19th July, 2012** 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	Brunswick Room, Ground Floor
Liberal Democrat	Kaposvar Room, Floor 1
Labour	Small Meeting Room, Floor 1
Independent	Performance and Improvement Team Office, Floor 1

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

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

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

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

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

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

Arrangements are in place for the safe evacuation of disabled people.
8. **Presentation of reports:** Officers of the Council will not normally introduce their reports unless requested by the meeting to do so. Officers may need to advise the meeting of new information arising since the agenda was sent out.

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

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

2. 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.

3. APOLOGIES FOR ABSENCE

4. MINUTES - 10TH MAY 2012 & 18TH JUNE 2012 (SPECIAL 1PM) & 18TH JUNE 2012 (SPECIAL 6.30PM) (Pages 7 - 24)

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

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

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

6. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

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

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

The Democratic Services Manager will announce any submissions received under the arrangements set out in note 5 above. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions

received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

8. CORPORATE PLAN 2012 - 2015 (Pages 25 - 48)

This report introduces the Corporate Plan 2012 - 2015 for Council approval.

9. ADOPTION OF NEW POWERS UNDER SCHEDULE 3 TO THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (Pages 49 - 78)

This report invites Council to consider the written submissions and points raised by those involved in the consultation, the content of the Sexual Entertainment Venue policy and to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

10. NEW STANDARDS REGIME (Pages 79 - 92)

Following discussions with the Standards Committee Members, this report presents to Council a draft Code of Conduct for approval.

11. 2011/12 TREASURY OUTTURN (Pages 93 - 106)

In February 2012, the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, and to receive a mid year report and an annual report after the end of each financial year.

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

12. RESOURCES PDS PANEL REPORT ON REVIEW OF 2011 LOCAL ELECTIONS (Pages 107 - 122)

The Resources Policy Development and Scrutiny Panel held a facilitated workshop on the 14th December 2011 which provided the opportunity to review how the recent local government elections went and identify any issues that may have arisen from the operation or process. A mixture of Council/Parish Members, Officers and Election Agents were invited to the session.

The findings from the workshop were presented to the Resources Panel at its meeting on the 12th March 2012 and it was agreed that any recommendations would go to full Council during 2012. The key findings from the workshop session and recommendations are attached as Appendix 1 to the report.

13. FREE SHORT -STAY PARKING IN KEYNSHAM (Pages 123 - 124)

The motion set out in the attached paper will be moved by a member of the Conservative Group. It asks the Council to request that Cabinet investigate and seek to implement on a trial basis throughout the town centre redevelopment, two hours' free parking at Ashton Way car park. Such arrangement to be alongside the creation of a number of chargeable long-stay parking spaces at Ashton Way car park, so as to

reduce parking pressure on nearby residential roads and mitigate the cost of free short-stay parking.

14. 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, 10th May, 2012

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

Apologies for absence: **Councillor** Loraine Morgan-Brinkhurst MBE

1 EMERGENCY EVACUATION PROCEDURE

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

2 ELECTION OF CHAIRMAN

It was proposed by Councillor John Bull, seconded by Councillor Tim Ball, and supported by Councillors Les Kew and Doug Deacon and

RESOLVED that Councillor Rob Appleyard be elected Chairman of the Council for year 2012/13.

Councillor Appleyard made and signed his Declaration of Acceptance of Office and received the Chain of Office from Councillor Peter Edwards and presented the Consort's Badge to his wife, Alison.

Councillor Appleyard then addressed the Council. During his speech, Councillor Appleyard indicated that he did not have a preferred form of address but asked only that the office of Chairman be treated with respect.

FROM THIS STAGE OF THE PROCEEDINGS, COUNCILLOR ROB APPLEYARD, AS CHAIRMAN, PRESIDED AT THE MEETING.

3 ELECTION OF VICE CHAIR(MAN)

It was proposed by Councillor Katie Hall, seconded by Councillor Tim Warren, and supported by Councillors John Bull and Doug Deacon and

RESOLVED that Councillor Neil Butters be elected Vice Chairman for the Council year 2012/13.

Councillor Butters made and signed his Declaration of Acceptance of Office, received the Badge of Office from Councillor Appleyard and thanked the Council for his appointment.

4 MINUTES - 14TH FEBRUARY 2012 AND 28TH MARCH 2012

On a motion from Councillor Paul Crossley, seconded by Councillor Steve Hedges, it was **RESOLVED** that the minutes of 14th February 2012 and 28th March 2012 be confirmed as a correct record and signed by the Chairman.

5 APOLOGIES FOR ABSENCE

Apologies were received from Councillor Loraine Morgan-Brinkhurst MBE.

6 DECLARATIONS OF INTEREST

There were no declarations of interest made.

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

Councillor Appleyard presented Councillor Edwards with his past Chairman's badge. Councillor Edwards then presented the past Chairman's Consort's badge to his wife, Anne.

It was proposed by Councillor Tim Warren, seconded by Councillor Dine Romero and supported by Councillors John Bull and Doug Deacon and

RESOLVED that this Council places on record its appreciation of the services performed by Councillor Peter Edwards in the office of Chairman of the Council for 2011/12.

Councillor Edwards addressed the Council and, in so doing, thanked Members and officers for their support during his year in office. Councillor Edwards paid tribute to the support which he had received from Councillor Appleyard in his role as Vice Chairman over the previous Council Year and wished him well for his term of office as Chairman. Councillor Edwards also thanked his wife Anne for her support throughout his year as Chairman. Councillor Edwards presented the Council with a commemorative Chairman's gavel and block at the end of his speech, which Councillor Appleyard thanked him for on behalf of the Council.

The Chairman then;

1. Welcomed the new Chief Executive, Dr Jo Farrar, to the meeting;
2. Welcomed two members of the Youth Parliament who were visiting the meeting, Mike Fidanolgu (Bath) and William Bridges (North East Somerset);

3. Indicated that he proposed to waive Council Rule 37, so as not to permit Members 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 agreed to this proposal.
4. Informed Council that, should the meeting continue past 8.30pm, he would announce a comfort break.

8 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

9 REPORT OF URGENT DECISION - TREASURY MANAGEMENT STRATEGY

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

RESOLVED

To note that, in accordance with the rules within Constitution concerning Chief Officer's action (Urgency – Part 4 (G) rule 3), the Chief Executive took a decision in February 2012 to support the early implementation of the 2012/13 Treasury Management strategy to enable current treasury activity with the Nat West Bank (the Council's appointed main bankers) to be maintained, following the downgrading alert for its parent company, Royal Bank of Scotland plc.

This decision was deemed as urgent and as falling within Council policy and was taken following consultation with Political Group Leaders.

10 APPOINTMENT OF COMMITTEES AND PANELS AND OTHER ANNUAL BUSINESS

The Council considered a report inviting its approval for the non-executive and regulatory committee arrangements for the Council year May 2012 to May 2013.

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

RESOLVED to

1. Approve the structure for non-executive and regulatory decision making and Policy Development & Scrutiny working as set out in the Constitution and identified in its current form in the report at Appendix 2;
2. Note the revised political proportionality as set out in the version of 'Appendix 1 – Revised' attached to the minutes, updated to reflect the changed numbers of Conservative group and Independent group councillors;
3. Appoint the Committees, Panels and other bodies as set out in Appendix 2 with the membership, terms of reference and delegated powers as set out in the

Appendix subject to a working group (of 4 Members in political proportion 1:1:1:1) being established to review the remits of the PDS Panels and authority being delegated to the Monitoring Officer, in consultation with the Group Leaders, to amend and publicise any amendments arising from the working group's findings

4. Approve the addition of three new powers within the Public Rights of Way delegation scheme, as set out in section 12 of the report;
5. Approve the allocation of seats on the Committees and Panels as set out in 'Appendix 1 – Revised' to these minutes, such seats to be filled in accordance with the nominations made by the political groups;
6. Appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated (as set out in Appendix 1 - Revised);
7. Authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
8. Determine the bodies on which independent members are to have seats as either voting or non-voting members and appoint such members accordingly;
9. Authorise the Monitoring Officer, in consultation with the Chairs of the Policy Development & Scrutiny Panels, to constitute and support any required Panel joint working as outlined in paragraph 6.1 of the report;
10. Approve the addition of the Crime & Disorder Reduction Strategy and the Health & Wellbeing Strategy into the Council's Policy & Budget framework, as set out in section 13 of the report;
11. Agree that the Leader of Council, in consultation with Group Leaders, will identify the roles, remits and distribution of Member Champions;
12. Agree the following recommendations from the Standards Committee;
 - a. That a Standards Committee be established with Terms of Reference as specified in pages 53 and 54 of the report to Council, subject to membership arrangements agreed by Council as set out below;
 - b. That the membership comprise:
 - i. 3 independent members (with 3 substitutes)
 - ii. 3 parish representatives (with 3 substitutes)
 - iii. 5 Bath & North East Somerset Councillors in political proportion; (1:3:0:1)
 - c. To note that the independent and parish representatives will be non-voting members; and

- d. That the Council consider at a future meeting a further report on the contents of and adoption of a Local Code of Conduct, once the necessary Regulations have been issued by Government;
13. Note the calendar of meeting dates that has been prepared up to May 2015 which is available on the Council's website, and note the full Council meeting dates until the next AGM of 18th June 2012, 19th July 2012, 13th September 2012, 8th November 2012, 17th January 2013, 19th February 2013, 28th February 2013 (Reserve Budget meeting);
14. Authorise the Monitoring Officer, in consultation with Group Leaders, to make appointments on such outside bodies as are for the Council (rather than Cabinet) such to fill;
15. Authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law;
16. Note the arrangements for the conduct of Cabinet business as set out in section 14 of the report; and
17. Note the agreed Terms of Reference for the Shadow Health & Wellbeing Board as determined by the Leader at Appendix 3 to the report and recommend to the Leader that observer status be granted to one representative of each Group on the Council, not currently represented on the Board.

[Notes:

- a. The appendix to these minutes sets out the revised table of proportionality and allocation of seats based on the decisions made in the above resolution.*
- b. In moving the above motion, Councillor Paul Crossley explained his intention to allocate one Liberal Democrat place on the Standards Committee to the Labour group so that all Groups were represented, and to continue the current arrangement of one Liberal Democrat place on the Development Control Committee being allocated to the Labour group.]*

11 THE COUNCIL'S VISION AND VALUES

The Council considered a report which sought its approval to the refreshed Council Vision following its Cabinet approval in February. A series of outcomes and values have been developed to help shape the future direction of the Council and these were presented for adoption.

On a motion from Councillor Paul Crossley, seconded by Councillor Nathan Hartley, it was

RESOLVED

1. To agree the refresh of the Council's Vision;
2. To replace the Council's previous eight priorities with three objectives that describe what it is trying to achieve and enable it to focus resources; and
3. To update the Council's values to reflect how the Council will operate and the kind of organisation it will be.

[The above resolution was passed with 63 councillors voting in favour, 0 against and 1 abstention.]

12 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

There were no items from the public.

13 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no items from Councillors.

The meeting ended at 8.00 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Monday, 18th June, 2012

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Gabriel Batt, Cherry Beath, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Charles Gerrish, Francine Haerberling, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Eleanor Jackson, Dave Laming, Malcolm Lees, Marie Longstaff, David Martin, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Sharon Ball, Colin Barrett, David Bellotti, Andrew Furse, Ian Gilchrist, Alan Hale, Steve Hedges, Les Kew, Barry Macrae, Loraine Morgan-Brinkhurst MBE and Nigel Roberts

14 EMERGENCY EVACUATION PROCEDURE

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

15 DECLARATIONS OF INTEREST

Councillor Lisa Brett declared a personal, non-prejudicial interest in item on Gypsy and Traveller site provision as her son attends Snapdragon's nursery.

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

The Chairman welcomed everyone to the meeting and reminded people to turn off their phones. He sought and received the agreement of Council for BBC Points West to film a part of the meeting.

The Chairman announced the process that would be followed with regard to questions to be put to the Speakers. Each Group will have a maximum of 13 questions of Speakers which they may address to one or more of the Speakers as they see fit.

The Chairman welcomed Olwen Dutton, partner from Bevan Britton solicitors, who was present to advise the Council.

17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

18 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements to the meeting were made by the following people (when provided, copies will be added to the Minute book);

- Andy Saxton addressed the Council regarding the negative impact the proposals had had on his family life due to their house sale falling through and the consequences of that. He urged the Council to put a stop to the consultation and remove the sites that had no chance of going ahead.
- Peter Duppa-Miller, Secretary of the Local Council's Association, called for a rigorous review of the Assessment of Need. A full copy of Peter's statement is available on the Council's Minute book and attached to the minutes.
- Giles Foster spoke as the owner of a property adjoining the Radstock site. He acknowledged the rights of temporary itinerant residents but felt little regard had been given to long standing residents who had contributed to the life of the community over generations. The Radstock site was too small, with poor access and in the middle of a conservation area. He called for the 'ill-conceived proposals' to be re-thought. In response to a question from Councillor Jackson, Giles clarified the nature of the access difficulties from Bath Old road.
- Catherine Whybrow addressed the meeting and called for the momentum to be maintained. Whilst acknowledging the difficulties with the Radstock site, she urged the Cabinet to identify some official sites soon and pointed out that the cost of official sites would be less than moving Travellers on from unofficial sites. She referenced some statistics regarding reduced life expectancy and raised infant mortality rates within the travelling community in support of her case for pressing ahead.
- Joe Evans from the Campaign to Protect Rural England made a statement calling for a pause in the consultation process pending a new Needs Assessment. In response to a question from Councillor Tim Ball regarding the Duchy of Cornwall and Diocese of Bath and Wells and their ability to offer up land, Joe responded that it was not something they could comment on. A full copy of Joe's statement is available on the Council's Minute book and attached to the minutes.
- Rosemary Collard, Director of Snapdragons Nursery, made a statement outlining her concerns regarding the Ellsbridge House site and the impact that it had already had on her new business. In response to a question from Councillor Hanney regarding whether they would have expected to have been consulted about the preferred site status before 9th May, Rosemary responded that they would have hoped to have been, especially as Children's Services knew of their plans. Councillor Bull queried whether Rosemary had intended to say "considered for designation" rather than "designated", to which Rosemary responded that she was merely a lay person. A full copy of Rosemary's statement is available on the Council's Minute book and attached to the minutes.

- Clive Fricker, Chairman of Keynsham Town Council Planning and Development Committee, raised the concerns of the Committee and called for the plans to be withdrawn pending further needs assessment and consideration of other sites. In response to a query from Councillor Ball as to Clive's views regarding the requirement for all large developments to have 1 or 2 pitches included, Clive said that he had no particular view at present. A full copy of Clive's statement is available on the Council's Minute book and attached to the minutes.
- Tony Heaford, Chairman of Publow with Pensford Parish Council made a statement opposing the Old Colliery site. He explained there had been unanimous support for a petition opposing this as it was in the heart of the conservation area, accessed by a single track road and in green belt. Pensford supported the aims of the Local Plan but didn't think these proposals would meet those aims. Councillor Ball asked Tony if he believed the Council should do its duty by providing gypsy and traveller sites, and Tony replied that it was a legal requirement.
- Judith Chubb-Whittle, Chair of Stanton Drew and Stanton Wick Parish Council, made a statement outlining the reasons why the Old Colliery buildings is inappropriate. Councillor Ball thanked Judith for her hospitality on his recent visit and enquired whether the Parish Council had had a meeting to discuss the call for sites. Judith responded that the documents had been circulated but no meeting had taken place for this purpose. Councillor Hanney asked Judith if she had evidence that the site is contaminated, which could be made available. Judith confirmed that she did have a report. Councillor Hanney also asked Judith if she had details of the issues regarding protected wildlife that had been mentioned. She replied that she knew there was a bat flight path but didn't have further details. Councillor Jackson asked if it was true that the owners of the site had offered it for sale. Judith responded that it was hearsay. A full copy of Judith's statement is available on the Council's Minute book and attached to the minutes.
- Jacqui Darbyshire, a local resident from Stanton Drew, addressed the meeting. She understood that the gypsy and traveller community deserved equal rights, but did not think they should be given an advantage. Applications from travellers should be dealt with in the same way. Jacqui listed a series of objections to development on this site and maintained that legal challenge would be inevitable. She called for a duty of care to be demonstrated to the settled community and asked for the process to go back to square one. In response to a question from Councillor Ball as to whether it would have been more diligent of this Council to have started this process many years ago rather than having to speed up due to criticism from the Inspector, Jacqui responded that we needed to focus on where we are now.
- Paul Baxter spoke regarding the Stanton Wick Old Colliery site. He called for Members to refrain from party political point scoring and to listen to the comments being made. He referred to comments made by Councillors Crossley, Beath and Ball in which he maintained they had nothing good to say about the site other than its size. Councillor Moss asked whether Paul had details of the cost of removing illegal pitches if no official sites were available. Paul responded that a Freedom of Information request he'd put in had produced a figure of £180 + VAT.

Councillor Moss then asked Paul if he was aware that Bristol City Council had had to spend £200,000 on clearing unofficial sites, but that once they had legal sites available, the figure had dropped to approx. £5000. Paul responded that he was glad that Bristol City Council had saved money but asked for consideration of the millions in lost asset value for the properties in the area.

- Richard Harwood, Counsel for Residents' groups on three of the proposed sites (the Old Colliery Stanton Wick, former Radstock Infants School canteen and land near Ellsbridge House, Keynsham) made a statement. He referred to problems with the site selection process relating to the scoring suggesting the criteria had not been followed. He mentioned the lack of amenities available to the Stanton Wick site and the contamination of the land. A full copy of Richard's submission is available on the Council's Minute book and attached to the minutes.

Councillor Ball asked Richard if he was aware of the Inspector's criticism of the Core Strategy that the Council had not identified any sites. Richard responded that he didn't dispute that sites needed to be found. The problem was that the Inspector would wonder how sites nearer the bottom of the scoring list had been selected.

Councillor Hanney asked Richard to confirm if he had acted in the judicial review for the Dale Farm site. Richard confirmed that he had.

Councillor Hanney then asked whether Richard's experience with the Dale Farm case had highlighted problems to avoid in future such cases. Richard responded that 3 main areas were relevant; an accurate and up to date needs assessment, the suitability of the site in meeting the Travellers' needs (health, education, access etc) and a credible process that stands up to scrutiny by the courts but also maintains public confidence.

Councillor Hanney noted that the site had been vacant for some years and enquired if Richard was aware of any particular steps the Council should take with regard to the protected species. Richard responded that the Stanton Wick colliery was in a site of nature conservation interest and any change to that would have a very significant adverse effect. For European protected species, it was necessary to demonstrate that no alternative sites were available for a project to proceed. In his experience, this has been a showstopper in other cases.

Councillor Hanney enquired whether, in Richard's experience, it was practical to develop part of a site without a boundary. Richard responded that it was based on context. Without a definitive boundary, it was easier for disputes to arise as to whether further permission was necessary for expansion.

Councillor Hanney asked for Richard's view of the likelihood of legal risk if the Council develops green belt land. Richard responded that development of green belt land was only permissible in specific circumstances and if no alternatives are available.

Councillor Hanney asked Richard if there was any reason why B&NES should not co-operate with other Authorities to ensure we can meet the needs of the traveller community on suitable sites. Richard responded that national policy does require

co-operation when there is an impact across areas and the Council will have to show it has co-operated with other Authorities and groups such as English Heritage, Natural England etc.

Councillor Hanney referred to the Cabinet decision of 9th May that only new sites will be considered for inclusion and not those already rejected through the initial site assessment, and asked for Richard's view as to whether the Inspector would be satisfied if, at the end of the process, the Cabinet have failed to identify appropriate pitches. Richard responded that the Inspector would need to be satisfied that the results of the consultation had been considered and would also want to know which sites were ruled out.

Council Hanney asked Richard's opinion as to whether legal options were available to Stanton Wick residents if the Old Colliery site remained as a preferred site in the Development Plan document. Richard responded that there would be potential for judicial review, it could be reviewed through the examination process and there was the potential to challenge the adopted plan. He added that the Local Authority paid the Inspector to work on their behalf but it was the Authority itself who had to defend any proceedings.

Councillor Hanney asked whether Richard considered that the fact that the current consultation on the Preferred Options document was not a statutory part of the DPD process would be a sufficient defence to any judicial review that may be sought by one or more of the Action Groups in respect of the Council's processes including the Cabinet's selection of Preferred Sites and/or any claim for compensation that may be made for negligence. Richard responded that it would be a significant part of the process so susceptible to legal challenge.

Councillor Bull commented that this was not a Planning Committee and queried whether considerations such as access, protected species etc were not better dealt with at the planning application stage. Richard responded that, at this stage, the Council had to satisfy itself and the Inspector that it had selected the best sites and be able to show that they were deliverable and, in this regard, the potential costs of challenge on contamination or protected species aspects would be considerable.

Councillor Jackson referred to the 2004 Housing Act and the Secretary of State's right to dictate sites and queried whether it would not be misguided to halt the present consultation when new sites were becoming available as part of that consultation. Richard acknowledged this was important but stated the current process was inexplicable regarding the choice of sites and said the current process didn't need to be abandoned but brought back on track to produce the right deliverable sites.

Councillor Laming queried the use of the term "spike in demand" for pitches when DCLG figures showed a steady rise from 39 in January 2010 to 71 in January 2012. Richard responded that the caravan sites in DCLG consultation are at a very low level and then a spike. These figures are 5 years old. We need to look forward. It's not a reliable exercise that's been carried out. The DCLG figures don't provide an accurate picture.

19 GYPSY & TRAVELLER SITE PROVISION

The Chairman introduced this item and invited Olwen Dutton from Bevan Britton to advise the meeting.

Olwen noted the comments that had been made thus far in the meeting but explained that this did not change the process that the Council had to follow which was governed by legislation. She stated that, whilst Council Members had called this meeting in accordance with provisions within the Constitution, the definitive view on the matter rested with Cabinet. Councillor Hanney asked whether Olwen believed that the draft officer report provided to her and/or the officer report now before Council provide sufficient necessary information and advice to Council as to the implications and risks of the decisions by Cabinet on 9th May 2012 (including but not limited to decision 7 as referred to in his motion) on the DPD and Core Strategy process and as regards potential legal challenges by one or more of the Action groups. Olwen responded that she considered they did.

Councillor Hanney then introduced the item and set out the reasons for calling the meeting and moved a motion (*note 3*), seconded by Councillor Haeberling.

An amendment (*note 2*) was then moved by Councillor Sandry, seconded by Councillor Bevan which, following a recorded vote became the substantive motion, (*note 1*) which was then

RESOLVED

1. To note that Cabinet agreed at its meeting on 9th May 2012 to take forward a list of 6 'preferred' sites for public consultation in a Preferred Options paper;
2. To note that the consultation remains open until 5:00 pm on 18th July 2012;
3. To thank all residents and Councillors for their contributions to the debate surrounding the preferred options consultation including at the meetings of the Cabinet on 9th May 2012 and the Planning, Transport and Environment Policy Development & Scrutiny Panel on 15th May 2012;
4. To ask the Cabinet, when it meets on 12 September 2012, to discuss the B&NES Gypsies, Travellers and Travelling Showpeople sites allocation plan, to consider the views expressed at this meeting and previous meetings, in order to decide whether to take forward specific proposals for consultation.

[Notes -

1. *The above resolution was carried by a named vote with 30 for, 23 against, 1 abstention* **For:** Councillors Allen, Appleyard, Tim Ball, Beath, Bevan, Brett, Bull, Butters, Coombes, Crossley, Curran, Deacon, Dixon, Fox, Hall, Hardman, Hartley, Jackson, Laming, Lees, Martin, Moss, Nicol, Player, Rigby, Roberts, Romero, Sandry, Stevens and Symonds; **Against:** Anketell-Jones, Batt, Blankley, Chalker, Clarke, Davis, Edwards, Evans, Gerrish, Haeberling,

Hanney, Longstaff, Myers, Organ, Pritchard, Brian Simmons, Kate Simmons, Veal, Veale, Ward, Warren, Watt and Webber; **Abstention:** Sparks.

2. *The amendment moved on behalf of the Liberal Democrat group (which subsequently became the substantive motion) was carried by a named vote with 30 for, 23 against, 1 abstention **For:** Councillors Allen, Appleyard, Tim Ball, Beath, Bevan, Brett, Bull, Butters, Coombes, Crossley, Curran, Deacon, Dixon, Fox, Hall, Hardman, Hartley, Jackson, Laming, Lees, Martin, Moss, Nicol, Player, Rigby, Roberts, Romero, Sandry, Stevens and Symonds; **Against:** Anketell-Jones, Batt, Blankley, Chalker, Clarke, Davis, Edwards, Evans, Gerrish, Haeberling, Hanney, Longstaff, Myers, Organ, Pritchard, Brian Simmons, Kate Simmons, Veal, Veale, Ward, Warren, Watt and Webber; **Abstention:** Sparks.*
3. *At the start of the debate, a motion was moved by Councillor Malcolm Hanney on behalf of the Conservative group calling for Cabinet to report back to Council on the appropriateness of a new Needs Assessment, requiring Cabinet to produce a new Scoring Matrix, calling for Cabinet to re-assess sites and asking Cabinet to halt the current consultation while the above actions take place. A copy of the motion is attached to the minutes on the web and held on the Council's Minute book.*

20 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were no statements or questions from Councillors.

The meeting ended at 3.35 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Monday, 18th June, 2012

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Colin Barrett, Gabriel Batt, Cherry Beath, Mathew Blankley, John Bull, Neil Butters, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Andrew Furse, Charles Gerrish, Francine Haerberling, Katie Hall, Malcolm Hanney, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Les Kew, Dave Laming, Malcolm Lees, David Martin, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, Vic Pritchard, Manda Rigby, Caroline Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Sharon Ball, Tim Ball, David Bellotti, Sarah Bevan, Lisa Brett, Bryan Chalker, Paul Fox, Ian Gilchrist, Alan Hale, Marie Longstaff, Barry Macrae, Loraine Morgan-Brinkhurst MBE, June Player, Nigel Roberts, Jeremy Sparks and Geoff Ward

21 EMERGENCY EVACUATION PROCEDURE

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

22 DECLARATIONS OF INTEREST

There were no declarations of interest made.

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

The Chair welcomed everyone to the meeting and explained how the meeting would proceed.

24 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business.

25 HONORARY ALDERMEN AND ALDERWOMEN APPOINTMENTS

The Chairman invited Councillor Crossley, as Leader of the Council to move the motion, which was seconded by Councillor Haerberling and supported by Councillors Bull and Deacon.

It was then unanimously

RESOLVED that the former B&NES Councillors set out below should have conferred on them the title of Honorary Alderman or Alderwoman in recognition of their eminent and distinguished service both to this Council and its predecessor Councils

Sheila Bateman
W A (Tony) Cox
Matt Davis
Trevor Deacon OBE
Alan French
Phyllis Gay
Marian Hammond
David Hawkins
Lynda Hedges
Adrian Inker
Sir Elgar Jenkins OBE
Jim Lingard
Marian McNeir MBE
Peter Metcalfe
Carol Paradise
Walter (Terry) Reakes
Tom Rees-Mogg
Les Sell
Bruce Shearn
Sheila Sheppard
Shirley Steel
Julie Stiddard
Michael John Whittock
Gordon Wood

Following this resolution, some words were said by current Councillors on behalf of each former Councillor, before they were invited in turn to receive from the Chairman a scroll marking their appointment and address the Council.

Councillor Crossley further announced that this was the first occasion on which this Council had conferred this recognition and the names set out below will join that of former Councillor Betty Perry who was made an Alderwoman by the former Avon County and thus our first and only Alderwoman. He explained that there are a number of other former Councillors where discussions continue or they are unable to attend and he anticipated there would be a few more names coming forward in the future. He asked for the names of some former Councillors who would have qualified for the title but had passed away to be recognised in the minutes; those mentioned were Brian Barrett, Wahid Chowdhury, Gordon Derrick, John Derrick, Alison McNair.

The meeting ended at 7.50 pm

Chair(person)

Date Confirmed and Signed

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 July 2012
TITLE:	Corporate Plan 2012 - 2015
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Appendix 1</p> <p>Corporate Plan 2012 - 2015</p>	

1 THE ISSUE

1.1 This report introduces the Corporate Plan 2012 - 2015 for Council approval.

2 RECOMMENDATION

Council is asked to agree the:

2.1 Bath and North East Somerset Corporate Plan 2012 – 2015 for publication.

FINANCIAL IMPLICATIONS

- 2.2 There are no direct financial implications arising from the publication of the Corporate Plan 2012 - 2015. However, the vision will form a key consideration in the allocation of resources particularly as part of the annual budget process.

3 CORPORATE OBJECTIVES

- 3.1 The Corporate Plan 2012 - 2015 is a non-statutory document; however it is an essential communication tool that sets out our new vision and values for Bath and North East Somerset (B&NES) and our plans to make this vision a reality.

4 THE REPORT

- 4.1 The Corporate Plan 2012 - 2015 is written for an external audience (local business and other local stakeholders). It is short (around 15 pages) and easy to understand (using 'plain English'). It does not include detailed performance indicators but instead highlights some of the things we are doing to deliver our vision, values and objectives.

- 4.2 The content and design layout is in line with the new vision and values framework.

- 4.3 The Corporate Plan 2012 - 2015 is divided into the following sections:

Section	Content
Foreword	Sets out the vision and reinforces the Councils values
Introduction	Explains the purpose of the plan and reinforces the Councils values
The local picture	Provides information on the local area (demography and geography)
The challenges and opportunities ahead	Describes the challenges and sets the context for our vision and values.
Our vision	Sets out our new vision for Bath and North East Somerset and provides context and explanation.
The objectives	Sets out the three objectives (Promoting independence and positive lives for everyone; Creating neighbourhoods where people are proud to live; Building a strong economy) and provides explanation and context as to what these mean.
Change programme	Provides information on the Change Programme.

- 4.4 How we work together with partners to deliver our ambitions for B&NES is a key stream throughout the Plan. This recognises that we can only achieve our vision for B&NES by working in partnership with colleagues from a variety of organisations and sectors.

4.5 The Corporate Plan 2012 – 2015 was considered and agreed by Cabinet on the 13 June 2012 ready for submission and agreement by Full Council.

5 RISK MANAGEMENT

5.1 A risk assessment was undertaken in the development of the vision and values in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 An EqlA has not been completed for the following reason:

6.2 The new vision for the Council is grounded in equality principles and seeks to create local service provision that is inclusive and fair to all. Full EqlAs will be conducted by service areas as they implement the vision and develop their Service Actions Plans

7 CONSULTATION

7.1 Consultation was undertaken on the vision and values through a series of workshops for members, Strategic and Divisional Directors (including Section 151 Finance Officer and Monitoring Officer).

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 The Corporate Plan 2012 – 2015 is an essential communication tool. The Plan has been developed in partnership with the B&NES Communications and Marketing team.

9 ADVICE SOUGHT

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

Contact person	<i>Helen Edelstyn 7951</i>
Background papers	<i>Corporate Plan 2012 - 2015</i>
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset
Corporate Plan
2012 - 2015

**Promoting
independence and
positive lives for
everyone**



**Creating neighbourhoods
where people are proud
to live**



**Building a strong
economy**



**Making Bath and North East Somerset
an even better place to live work and visit**



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• Promoting independence and positive lives for everyone	9
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Foreword

Paul Crossley - Leader of the Council

‘Working to make Bath and North East Somerset an even better place to live, work and visit’

Over recent years, the Council has helped create a unique place in the heart of the West of England and has consistently delivered a high standard of local services that demonstrate good value for money.

Our challenge is to build on our successes and continue to deliver high quality services during tough economic times. We are well placed to do this. Whilst other councils have made deep cuts to front line services, we have taken steps to become more efficient and have protected frontline priority public services. 90 per cent of our overall reduction in spending is in ways other than service cuts.

In light of the new challenges we face, a refreshed vision for our area will guide the services we deliver. This vision puts people first and communities at the heart of everything we do.

To build a stronger economy, we are investing over £80 million in projects including the regeneration of Bath Riverside, Keynsham and Radstock, and the Bath Transportation Package. These will help create new jobs, more homes, and greater prosperity for local people.

To create neighbourhoods where people are proud to live, we are investing £1.2 million over two years to ensure there are decent and affordable homes in the private and social sector, improving community facilities at Odd Down Playing Fields and Paulton Library, and helping people to live resource efficient lifestyles whilst tackling the causes and effects of climate change.

To promote independence and positive lives for everyone, an extra £520,000 in 2012/13 will support older people to live independently and an extra £200,000 to cover care placements and support young care leavers. £7.5 million is available to further improve the standard of school buildings.

We have listened to the views of local people on what matters most to them: jobs and economic growth, new schools, good quality care, safe communities, opportunities for young people, clean streets and decent and affordable homes. This is reflected in our vision for B&NES and in our plans for service delivery.

We will always put people first and at the heart of the services we provide. We are determined to reach everyone and to ensure that all of our residents have the opportunity to live life to the full.

Introduction

The plan sets out the Council's objectives for Bath and North East Somerset and describes how we will make progress towards our vision.

These objectives help us to improve the services we deliver; making sure we reach and support the most vulnerable, deliver high-quality local services, whilst providing value for money.

The plan is framed around 3 objectives and describes how we will deliver them, as well as how we are responding to the key challenges ahead.

These objectives cannot be delivered by the Council alone. Together with our partners – local town and parish councils, the police, schools, the health service, community organisations, local businesses – we will champion 'joined-up' services that are efficient and that meet local need.

Other strategies and plans provide more detail about specific service areas. Our performance will be measured through our Service Delivery Programme.

The Objectives

- **Promoting independence and positive lives for everyone.**
- **Creating neighbourhoods where people are proud to live.**
- **Building a strong economy.**



Local picture



Bath and North East Somerset is home to nearly 180,000 people.

Within our population there is a high percentage of young people, some of which are attracted by our 2 world renowned universities. It is less ethnically diverse than the rest of England.

The local workforce is highly skilled with 35.9 per cent of the population educated to degree level or equivalent, compared with a national average of 31.3 per cent. Benefit take-up rates are also lower than the national average at 1.8 per cent of the working age population compared with 3.5 per cent nationally.

House prices within the area are relatively high, with the average house price at £288,282, compared to the national average of £160,780.

The health of people living in Bath and North East Somerset is generally better than the England average and our overall mortality rate is low. Priority crime rates are down and our residents' survey tells us that people feel safe.

The city of Bath forms the main urban area, acting as the commercial and recreational centre. It is home to approximately 50 per cent of our population and is one of the few cities in the world to be named a UNESCO World Heritage Site. The economy in Bath is performing comparatively well and the number of visitors to the city is higher than ever before.



Keynsham, Midsomer Norton and Radstock are small historic market towns located in the west and south and are home to approximately 21 per cent of our population. Midsomer Norton and Radstock have a strong heritage of mining and industry stemming from the North Somerset Coalfield.

The rest of the area consists of 69 diverse rural communities of varying sizes and characteristics, including the line of villages along the foothills of the Mendips, the Chew Valley, Whitchurch and the Cotswolds villages around Bath.



Challenges and opportunities



Our vision for Bath and North East Somerset will help us to overcome the challenges ahead, whilst making the most of the opportunities.

The financial climate

The economic slowdown is creating many challenges for the Council. Our financial capacity to deliver services, in the same way as the past, is being put under pressure. The Government's Spending Review included reductions of 28 per cent in local spending and in the Government's statement in the autumn of 2011 they confirmed the need for spending reduction measures to continue to 2016/17.

We will also seek to make the most of new Government funding through initiatives such as the New Homes Bonus and the return of future business rate growth (from 1 April 2013) which will provide the funding to support council services.

Inequalities

Bath and North East Somerset is one of the least deprived authorities in the country. However, our wealth is unequally shared and there are 5 areas within Bath and North East Somerset which experience deprivation. This creates difference, and people living within these areas are more likely to experience ill health, lower educational attainment, unemployment and a lower life expectancy. Access to education and employment is one of the most important paths out of poverty and will form a core part of our commitment to reducing the economic gap.



Complex families

The Government estimates that there are around 200 families with complex needs living within the B&NES area. These families experience 5 or more of the following problems: unemployment, poor quality or overcrowded housing, no parent has any qualifications, mental ill-health, longstanding limiting illness, disability or infirmity, low income, unable to afford food and clothing items. This is unacceptable and we will be taking steps to ensure that these families enjoy the same quality of life experienced by others.

The young unemployed and vulnerable unemployed

There has been an increase in 18-24 year olds looking for work and over 200 16-18 year olds are not in education, employment or training. While this is lower than national levels this still represents 5 per cent of all our 16 – 18 year olds. We know that being young, out of work and not in education or training will have a negative impact on future employment prospects and life chances.

Unemployed vulnerable people aged 25-60 can experience a wide range of difficulties

such as accessing housing and training, suffering mental ill-health, as well as facing additional challenges if they are lone parents.

Our new vision will help us to support young unemployed and vulnerable unemployed people not just through re-igniting an enterprise culture and stimulating employment opportunities, but by providing a package of support including training in employability skills, work experience, apprenticeship opportunities and mentoring support.

Growth

We are proud of our heritage, our historic conservation. However this should not be seen as an obstacle to growth but as an incentive for high quality, contemporary development that reflects the needs of today's residents.

As population numbers grow there will be an increase in demand for housing, education places, jobs and transport. We will invest in sustainable housing development and modern office accommodation, support schools and colleges through the provision of additional teaching and research space and enable safe and practical travel options in order to keep our roads moving.

Ageing population

The number of older people within the B&NES area is increasing. Statistical projections suggest that this will continue and by 2026, people over 75 will represent 11 per cent of the local population, compared with 9 per cent in 2011. This will create challenges in services such as social care, health and housing. We will continue to invest in good quality services for older people.

Climate change

Climate change poses significant challenges for the area. Changing weather patterns and rising energy prices mean that we will need to consider different choices in how we live our lives.

Making homes more energy efficient and investing in local renewable energy is important to achieving our carbon reduction target and to tackling fuel poverty. Our challenge is to help local people and communities reduce carbon emissions and promote more environmentally-sustainable lifestyles.

The Council has been a good steward of public resources. However, as we move forward the Council faces some very tough challenges and will need to radically redesign and potentially reduce some types of service in response to the financial and policy climate.

Changes in legislation

New legislation such as the Academies Act, Localism Act, Police and Social Responsibility Act, Health and Social Care Act and Welfare reforms are all having a significant impact on the way we work and how we deliver services in the future. We are responding well to the legislation and listed below are some of the changes we are making:

- **Academies Act:** We are helping some of our schools to become academies. Seven out of our thirteen secondary schools have already made the change and more of our schools are likely to follow in the next few years.
- **Localism Act:** We are supporting a range of mechanisms to facilitate greater community involvement in the planning of local services, such as neighbourhood plans.
- **Police and Social Responsibility Act:** Local police will become more accountable to local people through the election of a Police and Crime Commissioner for Avon and Somerset in November 2012.
- **Health and Social Care Act:** We will give local people a greater say in the way health services are delivered through a new Health and Wellbeing Board.

Our Vision

The Council's vision is to make Bath and North East Somerset an even better place to live, work and visit.



This means that we will put people first and do everything in our power to make sure that everyone fulfils their potential and has equal opportunity. We want people to be happy, healthy and proud of where they live.

The area is a rich mix of different communities and people; each place has its own history and identity. We will support people to be active citizens, and help them to help us change the way services are delivered, for the better. We value the contribution of local people, communities, businesses, students and tourists and are committed to listening to what our residents tell us about their neighbourhoods and local services.

We want Bath and North East Somerset to be a leader in green innovation and achievement. We are working with the community to reduce our carbon emissions by 45 per cent by 2026, through a range of programmes that promote resource efficiency.

We will preserve and enhance our natural and built environment that makes Bath and North East Somerset an enriching place to live, work and visit. One of the ways we can make living in the area better is to make the most of our parks, leisure and sports facilities.

To ensure Bath and North East Somerset's continued economic success we will support a strong and sustainable economy. To be resilient we must have a diversified market and to this end we will promote local business, innovation and enterprise.

We will address with determination the challenges that lie ahead and deliver our vision to make Bath and North East Somerset an even better place to live, work and visit.

This plan is framed around 3 key objectives that will enable us to deliver our vision. The next section describes some of the things that we are doing to meet these objectives.

Promoting independence and positive lives for everyone



Our aim is to improve the life chances of everyone living in Bath and North East Somerset.

This means that we are investing in services for children and young people, leading a dedicated programme of care for older people, and reducing health inequalities.

We are determined that everyone has the opportunity to enjoy a healthy lifestyle. For this to happen we will work with our partners in schools, colleges, local businesses, health services, social care and voluntary organisations to ensure the best possible outcomes for local people. We are already working closely with our local GPs who will soon be responsible for commissioning local health services.

Our population is changing. People are living longer and this will create challenges in social care and health. We are investing in these services and our commitment is to provide good quality care for older people, disabled people and vulnerable adults. We know that people want choice, dignity and the respect to make their own decisions, as well as assistance to live independently. We will develop services that meet these needs from

meals on wheels to a fully accessible door to door minibus service, making previously difficult journeys to the doctors, dentists or the shops much easier.

It is important that children and young people enjoy their childhood and are prepared for adult life. In partnership with schools, families and other children and young people's services we are committed to creating an environment that is nurturing, safe and sets high expectations.

Schools are often at the heart of our local communities, which is why we are investing £7.5 million to improve our school buildings. Recent legislative change has affected the way we manage and fund our schools and we now have academies. We are working collaboratively with our new academies to ensure that every child receives a high standard of education. Regardless of its status, we believe that every school must continue to play a pivotal role in nurturing young people and instilling a sense of community.



We are committed to activities and opportunities that help young people make a positive difference to their lives and communities. It is through these activities that young people improve their confidence as well as develop self-esteem, resilience, and important life skills. We will provide targeted support to our young people who are not in education, employment or training. It is important to us that everyone has the opportunity to develop their skills and use them to improve their community.

Youth clubs in village halls, village football teams, and theatre and music groups all play an important part of our local culture and community life. We want to make sure that everyone has the opportunity to participate in sports, leisure and cultural activities which is why we are investing in better sports facilities and local community leisure projects.

Here are some of the ways we are delivering this objective:

- Over £7.5 million to improve the quality of our school buildings. This is in addition to projects already underway at Western All Saints Primary School, Wellsway Sports Hall, Ralph Allen Applied Learning Centre, and Oldfield School.
- An extra £520,000 in 2012/13 to manage the increase in the elderly population to support people to live independently.
- An extra £200,000 in 2012/13 for services that cover care placements and support young care leavers enjoy their childhood and prepare for adult life.

Creating neighbourhoods where people are proud to live



Our aim is to create safe and healthy communities which have decent, affordable homes and clean streets.

Our residents' survey tells us that 86 per cent of residents are satisfied with Bath and North East Somerset as a place to live. However, we know that there are differences in economic success, the quality and availability of housing and the way people experience services across the district. We need to ensure that this inequality is reduced by sharing our strengths amongst all communities and neighbourhoods.

Bath and North East Somerset is a safe place to live, work and visit but we want to reduce even further the number of people that fall victim to crime and anti-social behaviour. We particularly want young people to grow up confident and safe and for people to feel safe in their streets and shared public spaces. We will make sure that people have a say in community safety in their local areas, through local partnership meetings with the police.

We believe that everyone should have access to a decent and affordable home and so we are investing £5.3 million, over the coming years, to improve the supply and quality of affordable housing. We are investing in clean streets, open public spaces and neighbourhoods and encouraging people to

take care of their local areas through schemes such as the Eco Schools project that promotes sustainability and tackles litter and waste.

We will support communities to be resilient to change and to overcome challenges such as threats of flooding or loss of a local facility such as a corner shop. We will help local people and groups to get involved and support them to make improvements within their local neighbourhoods and communities.

There are already thousands of inspirational people and groups working across the area. These make an invaluable contribution to community life through initiatives such as Community@67, a dedicated community space offering a range of activities to local people; the Somer Valley Adventure Play Park and Skate Park in Midsomer Norton, which actively involves service users in the running of the park and the 'Proud of Your Doorstep' initiative in Whiteway, which involves local residents in keeping areas clean and tidy. We want to build on these successes and do more to support local people to make positive changes within their communities.



Here are some of the ways we are delivering this objective:

- £5.3 million over 2012/15 to help ensure that there are decent affordable homes in the private and social sector.
- An increase in frontline staff to improve the cleanliness of our streets and open public spaces.
- Providing a taxi marshal service that prevents trouble occurring at night, relieving the strain on police and NHS services. Each year they help over 100,000 people get home safely from Bath City Centre.

Local opinions are invaluable to the decisions we take and we are committed to ensuring that decisions are made as locally as possible. We will not adopt a single approach for involving communities but will instead recognise their diverse nature ranging from the urban areas in Bath to rural villages at the foot of the Mendips. We will work with community groups to identify the best means of addressing local concerns and needs, using tools such as neighbourhood and community plans.

We want to help people adapt to changes in our climate. With our partners we are developing a network of community volunteers who will identify local environmental risk such as flooding or isolation caused by snow. Our Snow Warden scheme has enlisted local people as volunteers to spread salt and clear snow.

It is important to make our homes more energy efficient, since rising energy costs mean that some people cannot afford to heat their homes properly. With the support of community groups, neighbourhoods are being helped to save energy through a variety of schemes such as home insulation and solar panels on schools. We want to encourage care towards our local environment by supporting people to reduce waste and recycle more.

We want everyone in Bath and North East Somerset to be proud of where they live.

Building a strong economy



We want Bath and North East Somerset to enjoy a thriving economy.

High levels of public sector employment, the area's popularity as a tourist and retail destination and a highly skilled local workforce have so far helped to protect our economy from some of the harsher impacts of the economic slowdown.

However, we are determined to do more. We will encourage strong local business sectors, protect and grow our thriving tourist and retail industries as well as take steps to create a more diverse economy that encompasses the knowledge, creative, sustainable energy, environmental and ICT industries. A strong, resilient and diversified economy that promotes enterprise will create economic prosperity as well as a broad range of employment opportunities for local people.

We cannot tackle the challenge of economic growth alone. We need to harness the knowledge and commitment of the private sector to support growth and employment opportunities for local people. We will also encourage local businesses to play an active role in community life, through investing in apprenticeship schemes.

Among the ways we are promoting local business growth is through investment in key development sites and regeneration schemes. With our regional partners we are leading the exciting transformation of Bath Western Riverside, a former industrial site. Work on Bath Western Riverside began at the beginning of 2011 and the first 48 affordable homes were delivered to the Somer Community Housing Trust in September 2011. Phase 2 of the plans include mixed use development sites and workspaces for business.

We are also investing in Keynsham, Radstock and Midsomer Norton Town Centres. Our plans include the redevelopment of Keynsham Town Hall, the Somerdale site, new housing, traffic management schemes and the modernisation of high street facilities to attract larger national retailers.

Through these redevelopment schemes and others we are committed to maintaining and enhancing the quality of our local environment. This will not only attract larger national businesses to the area, but will inspire local people to start up new enterprises.



A strong economy relies heavily on an effective transport system. People need to be able to travel easily to their place of work. We are working to reduce traffic congestion and pollution through a range of programmes, from safer road schemes for cyclists and pedestrians to an increase in park and ride spaces. We are committed to making people's experiences of travelling in Bath and North East Somerset as convenient as possible.

Here are some of the ways we are delivering this objective:

- Over £81.5 million over the coming years into economic regeneration projects to support a broad range of employment opportunities for local people, deliver key development sites to increase the number of local businesses, provide new homes, and help create a sustainable low carbon economy. These projects are:
 - Regeneration of Keynsham town centre.
 - Bath City Riverside and development of its Enterprise Area.
 - Regeneration of Radstock town Centre.
 - Bath Transportation Package.
 - Public realm improvements in Bath city centre.
 - A Creative Hub for the digital, knowledge and creative industries.
- £4.8 million in 2012/13 on highways maintenance to ensure the quality of the highways network is maintained.
- Freezing all parking charges in 2012/13, retaining free parking in other Council car parks, and holding Park and Ride fares in recognition of the tough trading environment and squeeze on incomes.

Change Programme

Through our Change Programme we are becoming more efficient and improving the way we deliver services. This is to make sure that we continue to provide the right services to local people, when and where they need them.

Our aim is to provide priority public services at a lower cost, so we are working across the Council and with other partners to improve, simplify and standardise the way we do things.

The Change Programme is now in the third year of a five year work programme. It has already delivered £3m of savings each year and by the end of 2015/16 it will have delivered almost £9m of recurring annual savings or a total saving of £32m. This is making a real difference and helping to protect services.

However, this programme is not just about making financial savings; we are determined to improve the way we work and deliver services.

We are creating a stronger, more efficient Council that is making a real difference to the way we do business and prepare for the future. Efficiencies include our new One Stop Shops, which will bring us and our partners together

under one roof and improve our face to face contact with residents on a range of local services from housing to family tax credit.

Through our Workplaces programme we are also making sure we use expensive office space more resourcefully, whilst cutting our Carbon footprint.

We are looking at how we buy services more efficiently and our Procurement Team have already identified over £1.7m of savings, without compromising on service delivery.

Through these projects and others, the Change Programme will ensure that we not only adapt to local and national change but make sure we are at the forefront of local government exploring new and exciting ways of delivering high quality services.



Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 July 2012
TITLE:	Adoption of new powers under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982
WARD:	ALL
AN OPEN PUBLIC ITEM	
<p>List of attachments to this report:</p> <p>Annex A: Consultation Document</p> <p>Annex B: Proposed Policy for Sexual Entertainment Venues</p> <p>Annex C: Responses from Consultees</p>	

1 THE ISSUE

This report invites Council to consider the written submissions and points raised by those involved in the consultation, the content of the Sexual Entertainment Venue policy and to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;

2 RECOMMENDATION

Council is asked to agree that:

2.1 The Council adopts Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

2.2 Adopts the Sexual Entertainment Venue policy, provided in Annex B

2.3 Authority is delegated to the Licensing Committee to determine applications for new licences.

3 FINANCIAL IMPLICATIONS

- 3.1 There will be additional resource implications in the administration and enforcement of this new provision. In accordance with Schedule 3 para.19, the Council can charge a reasonable fee for the application process which must be proportionate to the cost of that provision so as to comply with the Provision of Services Regulations 2009.
- 3.2 Such fees will be determined by the Divisional Director for Environmental Services in conjunction with the Cabinet Member for Service Delivery and will be on a cost neutral basis, and will contain costs within existing budget limits.
- 3.3 In coming to a decision on setting the fees, officers will take into account all officer time and will also include all proportionate overheads, including corporate and democratic costs.

4 CORPORATE PRIORITIES

- Creating neighbourhoods where people are proud to live
- Building a stronger economy

5 THE REPORT

- 5.1 Since the implementation of the Licensing Act 2003 there has been an increase nationally in the number of lap dancing clubs and similar venues, which has caused increasing concern for some local communities. Currently the activity that takes place in lap dancing clubs is regulated under the Licensing Act and as such any representations that are made in respect of applications can only be considered if they are based on one or more of the four licensing objectives under the Licensing Act 2003 namely, prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.
- 5.2 As a consequence the Licensing Authority is unable to consider other concerns raised by local residents and businesses outside of the scope of the licensing objectives. Therefore matters such as whether the location of the proposed venue is appropriate cannot easily be taken into account. Furthermore regulations under the Licensing Act place restrictions on which parties can make representations on applications and the council's discretion to respond to such concerns as are validly made is also very constrained.
- 5.3 The Government has responded to lobbying for greater regulatory control to be introduced specific to lap dancing clubs and similar premises by introducing legislation through the Policing and Crime Act 2009 which will have the effect of enabling regulation of these premises as 'sexual entertainment venues' under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. The legislation is adoptive – i.e. it only applies in an area if its local authority resolves that it should.
- 5.4 The Policing and Crime Act 2009 has added "sexual entertainment venues" as a new category of sex establishment. A "sexual entertainment venue" is defined as any premises at which "relevant entertainment" is provided before a live audience for the financial gain of the organiser or the entertainer.

- 5.5 The meaning of 'relevant entertainment' is any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means). An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 5.6 Whether or not the controls, where in force, apply in a given situation is clearly dependent upon the particular facts in each case. Performances of lap dancing, pole dancing, table dancing and striptease would typically be covered, as would other varieties of adult entertainment or services that meet the statutory criteria.
- 5.7 The revision not only sets out what is a sexual entertainment venue but also what is not. The following are not sexual entertainment venues:
- sex shops and sex cinemas (which are separately defined in, and regulated under, Schedule 3 to the 1982 Act);
 - premises which provide relevant entertainment on an infrequent basis. These are defined as premises where:-
 - a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period;
 - b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
 - c) no such occasion has lasted longer than 24 hours; or
 - d) premises or types of performances or displays exempted by an order of the Secretary of State.
- 5.8 Schedule 3 allows authorities to refuse applications on grounds related to an assessment of the "relevant locality". A licence can be refused if either, at the time the application is determined the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or the layout, character or condition of the premises. Nil may be the appropriate number.

Schedule 3 does not define "relevant locality" further than to say that:

- a) in relation to premises, it is the locality where they are situated; and
- b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

The decision regarding what constitutes the 'relevant locality' is a matter for the authority.

- 5.9 The Council has already adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas.
- 5.10 A further resolution is necessary if the provisions introduced by Section 27 of the 2009 Act are to have effect in Bath and North East Somerset.

5.11 As the Council had not resolved to adopt the amended provisions prior to 6 May 2011, it was required to consult local people about whether such a resolution should be made. The documents provided in Annexes A and B formed part of this consultation.

5.12 In addition to the consultation on whether or not to adopt the new provisions the opportunity was also taken to consult on a proposed policy for the control of sexual entertainment venues. There is no requirement on a local authority to have a policy but it is recommended that if an authority considers that the legislation should be adopted, it should adopt a policy to:

- Set out its approach, for the benefit of operators
- Guide and re-assure the public and other public bodies
- Ensure transparency
- Ensure consistency
- Guide its committees

5.13 A copy of the proposed policy is provided at Annex B.

6 RISK MANAGEMENT

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

7 EQUALITIES

7.1 An Equalities Impact Assessment has been completed. No adverse or other significant issues were found.

7.2 The Policing and Crime Act included an equality impact assessment of the proposed legislation and found that no intended or disproportionate impact is likely.

8 CONSULTATION

8.1 Consultation has been carried out with all Ward Councillors; Cabinet Member for Service Delivery; all Parish Council and Town Councils; the Licensing Committee; Other B&NES Services; Local Residents; Community Interest Groups; Section 151 Finance Officer; Chief Executive; Monitoring Officer

8.2 Consultation was carried out via e-mail and post and by taking a report to the Licensing Committee. A copy of the consultation document is provided in Annex A.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 Social Inclusion; Young People; Human Rights; Public Safety; Equalities and 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	Andrew Jones, Environmental Monitoring and Licensing Manager. Tel: 01225 477557
Background papers	Home Office Guidance for England & Wales – Sexual Entertainment Venues.
Please contact the report author if you need to access this report in an alternative format	

CONSULTATION DOCUMENT

Dear

Bath & North East Somerset Council is consulting on whether to adopt new powers provided by the Policing and Crime Act 2009 to give local people greater say over the number and location of lap dancing clubs and similar venues in their area.

If the new provisions are adopted, the Council will publish a policy setting out how it will exercise its powers.

A draft policy has been prepared in order to facilitate discussion and a copy is available on the following webpage:

<http://www.bathnes.gov.uk/business/LicencesStreetTrading/Pages/SexualEntertainmentVenues.aspx>

Alternatively, please contact us if you would like a hard copy of the draft policy.

We are seeking your views on

- whether Bath & North East Somerset should adopt the new powers and, if so,
- what our policy on Licensing Sexual Entertainment Venues should contain.

If you wish to comment on these proposals, please contact us either in writing or by email. If you are commenting on the draft policy, please state which paragraph you are referring to.

The deadline for responses is **31 October 2011**.

Andrew Jones

Environmental Monitoring and Licensing Manager
Environmental Services
Bath and North East Somerset Council
9-10 Bath Street
Bath
BA1 1SN

BATH & NORTH EAST SOMERSET COUNCIL**Sexual Entertainment Venues Policy 2011****Introduction**

1. The Local Government (Miscellaneous Provisions) Act 1982 introduced a regime for the control of sex establishments. These powers were adopted within Bath & North East Somerset, enabling the Council to control and regulate establishments such as sex shops and sex cinemas.
2. The Policing and Crime Act 2009 amended Schedule 3 to the 1982 Act by introducing a new category of sex establishment: sexual entertainment venues. This allows local authorities to regulate lap dancing clubs and similar venues in the same way as sex shops and sex cinemas. These provisions were adopted by Bath & North East Somerset Council on [date of adoption].
3. Under the new regime, any person wishing to operate a sexual entertainment venue must obtain a licence from the Council.
4. The Act sets out grounds on which the Council must refuse a licence, for example if an individual applicant is under the age of 18 years. It also provides discretionary grounds on which the Council may refuse a licence if it is deemed appropriate to do so.
5. The overarching objectives of this policy are to:
 - (a) Promote the visions and values of Bath & North East Somerset Council
 - (b) Protect the rights, health and safety of the general public, businesses, employees, minority and vulnerable groups
 - (c) Ensure consistent and transparent decision making
6. This policy will promote these objectives by providing guidance to:
 - (a) The Council when determining applications made in connection with sexual entertainment venues
 - (b) Operators making applications
 - (c) Persons making objections in respect of an application
7. The legislation may be viewed here:

<http://www.legislation.gov.uk/ukpga/1982/30>
Local Government (Miscellaneous Provisions) Act 1982 Chapter 30

<http://www.legislation.gov.uk/ukpga/2009/26/section/27>
Policing and Crime Act 2009 Part 2 Section 27 - Regulation of lap dancing and other sexual entertainment venues etc.

Scope of the Policy

8. This policy applies to sexual entertainment venues as defined in the Act. Reference should be made to the legislation itself for the full definition and details of exemptions. In summary a sexual entertainment venue is:
9. A premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or entertainer, unless an exemption applies.
 - (a) 'Premises' includes traditional premises as well as vehicles, vessels and stalls but not private dwellings to which the public are not admitted
 - (b) 'Relevant entertainment' means a live performance or display of nudity of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience whether by verbal or other means
 - (c) 'Provided' means provided or permitted to be provided by or on behalf of the organiser
 - (d) 'Live audience' includes an audience of one person
 - (e) 'Financial gain' can be direct or indirect
10. Under Schedule 3, the following premises are not to be considered as sexual entertainment venues:
 - (a) Sex shops and/or sex cinemas
 - (b) Premises that provide entertainment, that lasts no more than 24 hours, on no more than 11 occasions within a 12 month period. There must be at least one month between each provision of entertainment
11. Licensing of sex cinemas and sex shops is outside the scope of this policy, which is directed at the new aspect of the regime under which sexual entertainment venues are regulated.
12. This policy is intended to be strictly applied however the Council will determine each application on its own merits after taking into account all relevant factors.

Decision making responsibility

13. Functions under Schedule 3 are the responsibility of the full Council. Under Section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of these responsibilities by a committee or sub-committee.
14. The Council has delegated the function of determining sexual entertainment venue applications to the Licensing Committee or one of its sub-committees.

Relationship with Licensing Act 2003

15. Live or recorded music which is integral to the provision of relevant entertainment is specifically excluded from the definition of regulated entertainment under the Licensing Act 2003. Therefore, a sexual

entertainment venue will not require a premises licence or club premises certificate for these purposes. A premises licence or club premises certificate will however be required should the venue wish to sell or supply alcohol, provide late night refreshment or regulated entertainment.

16. When attaching conditions to a sexual entertainment venue licence for which a premises licence or club premises certificate is already in force, the Council will seek to avoid:
 - (a) The duplication of existing conditions or legislation
 - (b) The imposition of obligations which contradict existing conditions or legislation

Applications

17. Applications must be made in writing and must contain the particulars specified in Schedule 3 to the 1982 Act (see hyperlink above) and any such additional information the Council may require. Applicants are advised to use the Council's application form to ensure that all required details are provided in the first instance.
18. An application must be accompanied by:
 - (a) A scaled plan showing the layout of the premises, including –
 - (b) The whole building, including non licensed areas
 - (c) Any external or internal walls which comprise the premises, or in which the premises are comprised
 - (d) The parts of the premises to which the public have access
 - (e) The parts of the premises in which relevant entertainment will take place
 - (f) All means of entry and exit
 - (g) If different from the above, the location of the escape routes from the premises
 - (h) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) that may impact on the ability of customers to use exits or escape routes without impediment
 - (i) In a case where premises include a stage or raised area, the location and height of each stage or area relative to the floor
 - (j) The application fee as prescribed by the Council
19. Notice of the application must be set out in the format specified by the Council in [Annex X] and:
 - (a) published in a local newspaper within seven days after the date of the application, and

- (b) prominently displayed at or near the premises and in a place where it can conveniently be read by the public for 21 days beginning the day of the application
20. In the case of a premises covering an area of more than 50 metres square, a further notice in the same form must be displayed every 50 metres along any part of the external perimeter that abuts the highway.

Waivers

21. Applications can be made to waive the requirement for a sex establishment licence.
22. The Council does not consider it would be appropriate to permit waivers from the requirements to hold a sexual entertainment venue licence, particularly as the legislation allows relevant entertainment on an infrequent basis as outlined in paragraph 10(b) above.

Objections

23. Any person may make an objection to the grant, renewal or transfer of a licence. Objections must be made in writing no later than 28 days beginning the day after the application was made. Objectors are advised to use the Council's approved form. There is no specific criteria as to the content of an objection however less weight will be given to objections that are considered to be vexatious, malicious or frivolous.
24. The Council will not reveal the name or address of any objector without first obtaining his/her permission to do so.
25. If one or more objections are received against an application, the Council will give notice of the objection(s) to the applicant. The matter will then proceed to a hearing to be determined by the Licensing Committee or Licensing Sub-Committee.

Determining an application

26. All new applications for a licence will be determined at a hearing of the Council's Licensing Committee, or appropriate Licensing Sub-Committee.
27. If no objections are received to the renewal of a licence then officers will be authorised to grant the licence.
28. Where objections have been received against the renewal of a licence, the matter will be determined at a hearing of the Council's Licensing Committee or appropriate Licensing Sub-Committee.
29. The Council will permit objectors to address the Committee or Sub-Committee in respect of the matters raised in their written objection (but no other matter).
30. The Committee will determine the matter and give reasons for their decision.

31. In the event that the Committee refuses an application, the applicant may appeal the decision in the magistrates' court, unless the application was refused on the grounds set out in paragraph 35(c) or (d), in which case the applicant can only challenge the refusal by way of judicial review.
32. Any other interested party can challenge a decision of the Committee by way of judicial review.

Conditions

33. Every Sexual Entertainment Venue Licence granted, renewed or transferred by the Council shall be presumed to have been so granted, renewed or transferred subject to the Council's standard conditions (attached) unless they have been expressly excluded or varied by the Council.

Mandatory grounds for refusal

34. A licence will not be granted to:
 - (a) A person under the age of 18
 - (b) A person who is for the time being disqualified by virtue of revocation in the previous year
 - (c) An individual applicant who has not been resident in the UK for the previous six months
 - (d) A body corporate which is not incorporated in an EEA state
 - (e) A person who has, within a period of 12 months immediately preceding the date of application, been refused the grant or renewal of a licence for the premises in respect of which the application is made unless the refusal was reversed on appeal
35. Where any of these grounds apply, the Council must refuse the application.

Discretionary grounds for refusal

36. A licence may be refused on one or more of the following grounds:
 - (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or any other reason
 - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
 - (c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority

consider is appropriate for that locality (nil may be an appropriate number for these purposes)

- (d) That the grant or renewal of the licence would be inappropriate, having regard to –
 - (i) The character of the relevant locality
 - (ii) The use to which any premises in the vicinity are put
 - (iii) The layout, character or condition of the premises in respect of which the application is made
37. Where the Council finds that any of these grounds apply, it may refuse the application.

Factors for consideration – discretionary grounds (a) and (b)

38. In considering the suitability of those persons referred to in (a) and (b), the Council will take into account all relevant factors including:
- (a) Relevant experience
 - (b) Relevant criminal convictions
 - (c) Relevant observations or findings by public authorities, including licensing authorities, in connection with the conduct of the person or their ability to manage and control premises
 - (d) Relevant findings by courts and tribunals in connection with the treatment of protected groups (within the meaning of the Equalities Act 2010)
 - (e) Information germane to the person's ability to, among other things:
 - (i) Ensure the safety and wellbeing of performers
 - (ii) Ensure the proper protection of the public
 - (iii) Ensure the suitability of employees, performers and others using the venue
 - (iv) Prevent performance by or for those who may thereby be harmed, including minors
 - (v) Understand and adhere to conditions imposed on any licence granted and ensure they are observed by others on the premises
 - (vi) Engage constructively with the Council and other relevant regulators

Factors for consideration – discretionary ground (c)

39. The Council has the power to determine an appropriate maximum number of sex establishments, including sexual entertainment venues, in the relevant locality at the time the application is determined.
40. The Council will not seek to predetermine the localities that comprise Bath & North East Somerset or predetermine the appropriate number for each such locality. Instead, the issue will be considered on a case by case basis and the relevant locality will be determined as a matter of fact in each particular application.
41. Having established the relevant locality, in considering the issue in ground (c) the Council will take into account all relevant factors including:
 - (a) The character of the locality, e.g. residential, leisure
 - (b) Other uses in the locality, e.g. places of worship, educational establishments
 - (c) Impact on regeneration
 - (d) Impact on tourism
 - (e) Impact on retail attraction
 - (f) Risk of public nuisance
 - (g) Whether the locality is subject of stress caused by a cumulative impact of premises authorised to provide licensable activities under the Licensing Act 2003
 - (h) Existing levels of recorded crime
 - (i) Impact on crime and disorder
 - (j) Levels of anti-social behaviour
 - (k) Existence of social problems in the locality and impact on any initiatives to tackle them
42. A dedicated appendix will be maintained with this policy to record all decisions made to control the number of sex establishments under this provision.

Factors for consideration – discretionary ground (d)

43. Having regard to the character of the locality (see ground (c) above) the Council will consider whether the particular application is appropriate. The Council will take into account all relevant factors including:
 - (a) The size and appearance of the premises
 - (b) Their proximity to places where the public congregate for purposes other than use of the premises, such as bus stops and taxi ranks

- (c) The nature and style of the relevant entertainment that is proposed
- (d) The nature of the clientele it is likely to attract and their number
- (e) The manner in which the relevant entertainment is likely to be managed
- (f) The risk of public nuisance
- (g) The proposed hours of operation
- (h) The proposed hours for provision of relevant entertainment

Factors specific to discretionary ground (d)(ii)

44. Whether premises in the vicinity are put to any of the following uses:

- (a) Residential, in particular homes occupied by families
- (b) Leisure
- (c) Educational establishments
- (d) Places of worship
- (e) Family friendly facilities
- (f) Other sex-oriented/adult premises
- (g) Youth clubs
- (h) Women's refuges
- (i) Community centres
- (j) Parks and other open spaces
- (k) Public transport

Factors specific to discretionary ground (d)(iii)

45. In considering these factors the Council will take into account information concerning:

- (a) Whether the premises are fit for the purpose proposed
- (b) Their planning status
- (c) The general appearance to others using the locality
- (d) Whether premises are self contained
- (e) Means of access and egress, whether shared with other building users (if any)

- (f) Accessibility
- (g) 'Hidden' areas and other places where effective monitoring may be hampered
- (h) Standard of decoration and 'fit-out'
- (i) Visibility/audibility from the street
- (j) Facilities for smokers
- (k) Facilities for performers (e.g. changing and bathroom facilities, smoking areas etc) and whether they are adequately separated from those provided for customers

Transitional provisions

46. There are three appointed days under the transitional provisions. These are called the first appointed day, the second appointed day and the third appointed day.
- (a) The first appointed day in Bath & North East Somerset is [date]
 - (b) The second appointed day is [date – six months after first appointed day]
 - (c) The third appointed day is [date – six months after second appointed day]
47. There are some 'grandfather rights' that apply to the following:
- (a) Those with a licence for relevant entertainment under the Licensing Act 2003 who are using the premises as a sexual entertainment venue under that licence
 - (b) Those with a licence for relevant entertainment under the Licensing Act 2003 who are undertaking preparatory work to use the premises as a sexual entertainment venue under that licence
48. Both category of operator may continue to use their premises as a sexual entertainment venue until at least the third appointed day, or, if they have made an application before third appointed day, until the determination of that application or the conclusion of any appeal against a refusal of it. In other words, these two groups can continue to trade for at least one year following the first appointed day even if no licence or waiver has been granted to them.
49. There are three rounds of applications in the transitional order.
- (a) Round 1 – [first appointed day] until [second appointed day]
 - (i) All Round 1 applications must be considered before any of them can be determined. In practice, therefore, the first time the Council is permitted to determine applications will be [six months plus one day from the first appointed day]

- (ii) Applications will be considered on their individual merit and not on a first come first served basis
 - (iii) When they are determined, any licences granted to applicants with “grandfather rights” will not take effect until the third appointed day. Any others that are granted will take effect straightaway
- (b) Round 2 – [second appointed day] until [third appointed day]
- (i) It is important to note that none of these applications may be determined until all of the Round 1 applications have been determined. As with the Round 1 applications, licences granted to applicants with “grandfather rights” whose applications are granted before the third appointed day will not take effect until the third appointed day; any others that are granted will take effect straightaway
- (c) Round 3 – [third appointed day] onwards
- (i) Any applications made after the third appointed day may not be determined until such time as all of the Round 1 applications (if any) have been dealt with.

Sexual Entertainment Venues

Standard Conditions

In these conditions:

- (a) "Customer" means any person visiting the premises other than employees or performers, whether or not they have paid for or intend to pay for services provided.
- (b) "Employee" means any person working at the venue whether under a contract of employment or some other contract.
- (c) "Nudity" means when breasts and/or genitals and/or anus are fully or partially uncovered.
- (d) "Other contact of a sexual nature" means contact which must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating the customer.
- (e) "Relevant offence" means:
 - (i) An offence under Local Government (Miscellaneous Provisions) Act 1982 Schedule 3
 - (ii) A sexual offence, being an offence listed in Part 2 of Schedule 15 to the Criminal Justice Act 2003, other than the offence mentioned in paragraph 95 (an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts))

General Conditions

1. Only relevant entertainment is authorised under this licence.
2. No person under the age of 18 shall be admitted to the premises and a notice to this effect shall be displayed on the outside of the premises.
3. The premises shall operate a Challenge 21 Policy and persons appearing to be under the age of 21 shall be required to provide proof of age.
4. A copy of the licence and attached conditions shall be prominently displayed in the premises.
5. The availability of relevant entertainment shall not be marketed or advertised in any of the following ways:
 - (a) By means of personal solicitation in the locality of the licensed premises
 - (b) By means of leafleting in the locality

Management of the Premises

6. The Council shall be notified within seven days of any changes in respect of:
 - (a) The name of the person who will be primarily responsible for the management of the premises when relevant entertainment is taking place (the manager)

- (b) The name of any persons who will be responsible for the day to day management of the premises when relevant entertainment is taking place in the absence of the manager (deputy manager(s))
7. At least one of the individuals specified on the licence (i.e. a licensee, manager or deputy manager) shall be present on the premises at all times whilst the relevant entertainment is taking place.
 8. No person shall be employed or shall perform at the premises who has unspent convictions for any relevant offence.
 9. The Council shall be provided with a code of conduct for performers and a code of conduct for members of the audience.
 10. The Performers' Code of Conduct shall be brought to the attention of all performers and reasonable measures shall be taken to ensure that it is complied with.
 11. Performers shall be required to sign a register confirming that they have read and understand the Performers' Code of Conduct. The register shall be retained on the premises and made available for inspection by any police officer or authorised officer of the Council.
 12. The Customers' Code of Conduct shall be brought to the attention of all members of the audience and reasonable measures shall be taken to ensure that it is complied with.
 13. The licence holder must maintain an log of any person(s) refused entry to the premises and any person(s) ejected from the premises together with the reasons for the refusal/ejection. This log must be kept on the premises at all times and made available for inspection by any police officer or authorised officer of the Council.

The premises

14. Relevant entertainment may only take place on those parts of the premises as are identified on the plan annexed to the licence.
15. Relevant entertainment shall not occur in private rooms, cubicles or other enclosed areas. For these purposes a room, cubicle or other area is private unless it is completely open on one side so that activities within may be supervised from the exterior.
16. There shall be no display outside of the licensed premises of images which indicate or suggest that relevant entertainment is provided upon the premises, with the exception of any registered trade mark, trading name or trading symbol that has been notified to and agreed by the Council.
17. No relevant entertainment provided shall be visible from the street or from any other external area to which the public have access.
18. The premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the premises.
19. The licence holder shall ensure that no staff or other persons engaged on their behalf remain in any area of the premises which can be viewed from outside the premises, or from any other area outside the premises, for the purpose of encouraging potential customers into the premises.

20. Colour CCTV will be installed and maintained in good working order on the premises. The positioning of such cameras will be agreed with the licensing authority and the police.
21. CCTV recorded material should be kept secure for a period of 31 days and disclosed to any police officer or authorised officer of the Council upon request.
22. Except in accordance with the requirements for CCTV as described in conditions 20 and 21, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of a performance be shown outside of the premises (except for the purpose of remote management of the premises and in those circumstances, the licensee shall ensure that only those involved in management shall view any photograph, film or recording).
23. Notices shall be displayed informing customers of the presence of CCTV.

The provision of relevant entertainment

24. During any performance of relevant entertainment there must be no physical contact between the performer and any member of the viewing public, except for the placing of money/tokens into an item of clothing worn by a performer or into the performer's hand before or at the end of the performance. A brief handshake before or at the end of a performance is permitted.
25. There shall be no penetration of a performer's genitals or anus by any means.
26. Performers shall not engage in masturbation and/or oral sex.
27. At no time except during the performance may there be a display of nudity.
28. No performer or employee may at any time (and whether or not performing):
 - (a) Sit or lie on the lap or any other part of any customer
 - (b) Kiss, stroke, fondle, caress or embrace any customer
 - (c) Engage in any other contact of a sexual nature with any customer

Protection of those engaged in the provision of relevant entertainment

29. Literature and contact details of organisations that provide advice and counselling on matters relating to:
 - (a) Sexual problems
 - (b) Family planning
 - (c) Sexually transmitted diseases
 - (d) Rape and sexual assaultshall be made available to performers free of charge.
30. No telephone number, residential address, email address or other information that may facilitate further contact between performers and customers is passed from customer to performer, or vice versa.

31. No relevant entertainment shall be provided by any performer unless sufficient checks have been made of documents evidencing the performer's age, identity and right to work in the United Kingdom.
32. Copies of all documents referred to in condition 31 shall be retained for not less than 12 months after the last provision of relevant entertainment by the said performer and shall be produced to any police officer or authorised officer of the Council.
33. A 'signing-in' register shall be kept at the premises that records the date, start time and finish time of all person(s) involved in the relevant entertainment at the premises. This shall be retained for a period of 12 months and made available for immediate inspection by any police officer or authorised officer of the Council.
34. An appropriate room shall be available as a change and rest area for performers. Access to this room shall be restricted to performers and employees only whilst the performers are on the premises.
35. Performers shall not be permitted to share bathroom facilities and/or any smoking area with members of the audience and suitable separate provision must be made.

Sexual Entertainment Venues Policy – Consultation Responses 2011

Consultee	Consultation Response	Officer Comments
<p>1. Lin Roper – The Ayrlington Hotel</p> <p>Page 69</p>	<p>I am not in favour of lap dancing clubs and similar venues in this city. Bath is a World Heritage City with tourism being its main industry. Many visitors would be deterred from coming here should such places be advertised together with the cultural sites.</p> <p>Additionally, there are a number of excellent independent schools which accept boarders plus the universities and these establishments could be of major concern to parents considering sending their children to our city. Bristol is a short distance from Bath and would be a more suitable location for such clubs.</p>	<p>There are no plans to encourage adult entertainment venues into the area; the policy simply strengthens the Council's power to regulate them. The policy is designed to enable local residents to make representations against an application on a wider range of grounds than is currently available. No further action necessary.</p>
<p>2. Ralph Oswick – Natural Theatre Company</p>	<p>I have read the proposals and they seem very thorough and sensible.</p> <p>I wondered about establishments that present so-called Burlesque shows which blur the line between blatantly sexual content and mildly titillating irony...or so they claim. But if licences are to be granted on a case by case basis then it would be up to the proprietors to put their case.</p>	<p>Applications will be determined in a case by case basis with reference to the legislation and guidance, particularly the definition of 'sexual entertainment' which is deemed to be entertainment "of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience". No further action necessary.</p>

<p>3. Jane Read – Greenvale Drive</p>	<p>I am strongly against all Sexual Entertainment Venues, and wanted to voice my concerns, having heard that Bath Council may agree to a license. I am a resident of Bath and feel this would be completely wrong for the city.</p>	<p>There are no plans to encourage adult entertainment venues into the area; the policy simply strengthens the Council's power to regulate them. The policy is designed to enable local residents to make representations against an application on a wider range of grounds than is currently available. No further action necessary.</p>
<p>4. Julian Tee - Chief Executive, Compass Hotels (owners of the Abbey Hotel on North Parade)</p> <p>Page 70</p>	<p>I wish to support the Council's proposal to adopt the new powers set out in the Sexual Entertainment Venues Policy 2011.</p> <p>Whilst I find it disappointing to believe that a world heritage site such as Bath should have its city sullied by such establishments, there is doubtless an business and economic case to be made in favour of sexual entertainment venues.</p> <p>However, as long standing owners and operators of the Abbey Hotel, already financially suffering from the impact of late night street noise from passers-by singing, swearing and causing a general verbal nuisance throughout the year, I would stress the importance of the following points as set out in your document.</p> <p>Paragraph 14: Although it is proposed that the determination of licensing of venues can be delegated to the licensing committee or one of its sub committees, I would hope that an appropriately senior person within the Authority will have the ultimate say in such determinations and thus the decision making process will be properly followed and policed to ensure consistency of process and application of standards. I would prefer to see that determination of applications for such</p>	<p>It is proposed that the Licensing Committee delegates authority to the Licensing Sub Committee to determine applications. This is the procedure as agreed by the Licensing Committee. There is a process for those aggrieved by the decision of the Sub Committee to have those decisions reviewed.</p>

establishments should not be delegated below the actual licensing committee so as to recognize the importance of such determinations given the nature of these establishments and the impact their activities can have on vulnerable groups within the community.

Paragraph 35(d)(ii): Late night access and egress from establishments in the city already causes disturbance and distress for hotel operators and residents. We have suffered financial loss for years as late night revelers pass the hotel shouting, singing, swearing and causing a general verbal nuisance. Therefore, specifically related to places of overnight accommodation where the customer has a right to enjoy peaceful accommodations, I would stress that, at the point of application, the citing of any such venues and the operating times of these venues should be closely scrutinized to avoid further congregation of peoples late at night and further swelling of numbers leaving all licensed premises. Ideally, any such venue will be located on the outskirts of the city, away from residential areas.

40 (d) and (f) These two points link closely with my comments made in respect of 35 (d) (ii). In addition, the city is renowned for and relies heavily on tourism from all over the world. When considering applications for such establishments, the Authority should consider alternative use of premises and whether they could be put to better use in the development of the city for purposes which support tourism or other ventures. (ie) Do such establishments add value to the city and to the world heritage status of the city?

Finally, I see no specific mention of the need for door staff

Alcohol sales would still require a premises licence and the licence holder would be subject to the same application process and licence conditions as any other licensed premises. Where a premises is situated in the Cumulative Impact Area, the applicant would have to rebut the presumption that a licence should not be granted.

Use of the premises is also governed by the planning regime but paras 40 allows applications to be determined having regard to issues such as impact on tourism, potential for public nuisance etc.

	<p>(men and women) to oversee admissions and conduct within such premises. This may be covered by the Licensing Act 2003 and any revisions made thereto. I believe there should be a requirement to provide door staff, of a suitable number to the size and scope of the any establishment, and so ensure conduct is fitting on entry, inside and on exiting the premises.</p>	<p>Recommendation – Amend the standard conditions to include a requirement that there are 2 SIA registered door-staff on the premises at all times it is open to the public.</p>
<p>Page 72</p> <p>5. Caroline Kay - Bath Preservation Trust</p>	<p>We would like to see more explicit reference in the policy (not just the ‘planning status’) made to the need for applicants for licenses to comply in addition with all relevant planning policies, and apply for any consents (planning, listed building, conservation area) required in relation to the premises, such consents being in place before the granting of a license. We would also like to see reference to this made in the ‘standard conditions’ section relating to the premises, and would like to see paragraph 16 expanded to state that ‘any display must comply with local planning and conservation area policies in force’.</p> <p>In the ‘discretionary grounds’, we would like to see reference to tourism, particularly heritage tourism and the amenity value of the conservation area.</p>	<p>The policy sets out the framework that the Council will use when determining licence applications for SEVs; although planning issues maybe a factor for consideration by the Licensing Sub Committee, the SEV licensing regime cannot be used to duplicate other regulatory regimes.</p> <p>Recommendation – Change the heading to paragraph 15 to ‘Relationship with other statutory regimes’.</p> <p>The discretionary grounds are set out in the amended schedule so we cannot add to them. Heritage tourism would however be considered within ground d (i) and (ii).</p>
<p>6. Tim Conroy - St Philip & St James Church Office</p>	<p>Regarding paragraph 19, there needs to be letters sent to houses and premises local to the proposed venue - maybe all those within 50 metres. I don't think it is sufficient to just put a notice in the newspaper (which only a small proportion of the public read) and notices on lampposts (again not noticed by many). It's very important that the local community are suitably informed.</p>	<p>The relevant provisions in relation to advertising are contained in paragraph 10 of schedule 3 to the Local Government (Miscellaneous Provisions) Act which the Council must and will comply with. In so doing the Council will ensure this process is consistent with all of its other licensing functions.</p> <p>It is reasonable to expect that in compliance with the will of</p>

	<p>A general point is that from my experience of visiting Blackpool which has many such venues, these places downgrade the local environment and would taint the uplifting atmosphere that Bath inspires through its architecture. Unlike sports facilities, shops, and museums these venues do not provide anything positive to the people of the city but rather exploit people who are vulnerable. They should be licensed with extreme caution.</p>	<p>Parliament through newspaper notices and notices at, on or near the proposed premises, such applications will be brought to the attention of the community.</p> <p>No further action necessary.</p>
<p>7. Rev Stephen M’Caw – Team Rector, Keynsham Parish</p> <p>Page 73</p>	<p>We would welcome the enhanced ability of the Council to regulate lap dancing venues, strip clubs and such like as a consequence of adopting the new policy.</p> <p>The enhanced ability for example in paragraph 40</p> <p><i>"Having established the relevant locality, in considering the issue in ground the Council will take into account all relevant factors including:</i></p> <p><i>(a) The character of the locality, e.g. residential, leisure</i></p> <p><i>(b) Other uses in the locality, e.g. places of worship, educational establishments."</i></p>	<p>No further action necessary.</p>

<p>8. Robin Kerr – Secretary, Federation of Bath Residents’ Associations</p>	<p>FoBRA recently discussed this proposal in Committee. The general opinion (confined to the city, of course) was that there was no tradition of this kind of entertainment in Bath, unlike gambling, so, while most would prefer that it did not start, members felt that the powers should be taken up so that a tight regime existed.</p> <p>A preference that these clubs not be established in residential areas was stated, observing that they could be conspicuous, unlike casinos, and this would be likely to clash with Bath’s historic townscape. Rigid adherence to relevant planning conditions should be a prerequisite, therefore. Lastly, FoBRA thought it desirable that the process of licensing and its enforcement should be made self-financing.</p>	<p>The residential nature of an area can be taken into consideration when determining applications (discretionary grounds (c) and (d)), particularly where a large proportion of residences are occupied by families with children.</p> <p>The policy sets out the framework that the Council will use when determining licence applications for SEVs; although planning issues maybe a factor for consideration by the Licensing Sub Committee, the SEV licensing regime cannot be used to duplicate other regulatory regimes.</p> <p>The application fee for a Sexual Entertainment Venue licence will be set at such a level as to cover the costs of the licensing and monitoring of such venues.</p>
<p>9. Martin Purchase – Liquor Licensing Officer, Avon and Somerset Police</p>	<p>The consultation re this policy is the requirement prior to the adoption of this area of the legislation. It is both necessary and desirable that BANES has such a policy and has adopted the legislation. It provides a whole raft of measures/conditions and grounds for objection that are, difficult without this approach.</p> <p>I did some lobbying to persuade the council to adopt this legislation as it provides safe-guards, and without it the method of regulating and objecting is very blurred. The objection process is much the same as with liquor, ie make representations and have a hearing. I enquired of Bristol, they have the policy (which is almost word for word the same as BANES) it appears on their website.</p>	<p>No further action necessary.</p>

	<p>The police have not used it as far as I can ascertain, but this could be due to the fact that Bristol has had this type of venue for some time, and was fairly well regulated and suitable conditions placed on them prior to this legislation. The problems they have encountered seem to have revolved around the use of illegal immigrant girls in the main.</p>	
<p>Page 75</p> <p>10. Inspector Steven Mildren, Avon and Somerset Police</p>	<p>It would be a good idea for the LA to adopt these powers. It will give them, and us, greater ability to put control measures in place as the need arises. There are currently no such premises in Bath, and I am not aware of any plans in the near future for such premises.</p> <p>Interestingly, back last year two ladies came to Bath with an intention to set up a business whereby they would arrange sexual entertainment in a number of different venues.</p> <p>This would not be covered by the legislation, and in fact any of our licensed premises can have this sort of entertainment up to 12 times a year without having to comply with the legislation if it were in force. They were given some appropriate advice and decided that Bath was not the place for them to try to promote this type of business.</p>	<p>No further action necessary.</p> <p>No more than 11 occasions within a 12 month period.</p>
<p>11. Dominique Russell – Town Clerk, Radstock Town Council</p>	<p>The Council met last night and considered your consultation letter on Sexual Entertainment Venues. The Council supports Bath and North East Somerset Council in adopting the new powers.</p>	<p>No further action necessary.</p>

<p>12. Mrs I Leet, Honorary Secretary, Bath Central United Reform Church</p>	<p>Further to your letter regarding the above issue [sexual entertainment venues]. I have put this to our Elders' meeting and they agree that the Council should adopt the new powers provided by the Policing and Crime Act 2009. I have also read the policy and this seems to be a very comprehensive and a sensitive approach.</p>	<p>No further action necessary.</p>
<p>13. Mr Ian Perkins chairman of TARA – The Abbey Residents' Association</p> <p>Page 76</p>	<p>TARA is broadly supportive of the principles articulated in the draft strategy. There is broad agreement that these sorts of premises should not be sited close to residential properties and that decisions should be made on a case by case basis rather than on the basis of zoning.</p> <p>TARA thought it important to look at the wider impact of such establishments and the mix of entertainment provided in a particular area. For example the centre of Bath attracts lots of hen nights currently but few stag nights. Looking at the web sites of companies who sell hen and stag night packages the reason for this seems to be the lack of sexual entertainment venues in Bath. So the provision of such venues in close proximity to Bath's vertical drinking venues would have the potential to create a very considerable negative impact on the environment of the city centre.</p>	<p>The residential nature of an area can be taken into consideration when determining applications and each application would be determined on a case by case basis. No further action necessary.</p>

<p>14. Mr G Hudd, on behalf of the Trustees of Beechen Cliff Methodist Church</p>	<p>In principle I consider BANES should adopt the new powers provided by the Policing & Crime Act 2009. I am content to leave to BANES Council the contents of its policy in this regard, expecting that they will include prior consultation with local people.</p>	<p>No further action necessary.</p>
<p>15. Licensing Committee</p>	<p>The Committee recommended that that Full Council adopt Schedule 3 and the proposed policy with the revised provision that all new applications are brought before the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee for determination.</p>	<p>Amend paragraph 26 of the policy to reflect the change that all new applications will be brought before the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee for determination. The proposed new paragraph 26 will read:-</p> <p>26. All new applications for a licence will be determined at a hearing of the Council's Licensing Committee, or appropriate Licensing Sub-Committee.</p>

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 th July 2012
TITLE:	The New Standards Regime
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
1. Draft Code of Conduct.	

1 THE ISSUE

- 1.1 Following discussions with the Standards Committee Members, to present to Council a draft Code of Conduct for approval.

2 RECOMMENDATION

Council is asked to agree that:

- 2.1 The Code of Conduct attached is approved.

3 FINANCIAL IMPLICATIONS

- 3.1 The new Standards Regime, in its remit, is broadly similar to the arrangements that were in place prior to the 1st July. In particular, the Council remains responsible for holding the Registers of Interests of Parish and Town Councils and is responsible for dealing with complaints both against members of this Council and members of the Parish and Town Councils.

- 3.2 It is envisaged that the system to be operated by the Council for investigating and resolving complaints could be simpler than the arrangements that were imposed prior to the new arrangements. There should accordingly be no additional budgetary implications.

4 CORPORATE OBJECTIVES

- 4.1 It is considered important for the purpose of public confidence in Local Government that these arrangements should be in place.

5 THE REPORT

- 5.1 The Localism Act 2011 put in place a new series of arrangements for dealing with complaints about member conduct at both this Council and Parish and Town Councils within the area.

- 5.2 The Council has already considered some aspects of the arrangements and has decided that a Standards Committee should be created and its terms of reference were agreed at the Annual General Meeting.
- 5.3 The precise arrangements as to how complaints will be dealt with will be a matter for the Standards Committee to decide in due course. Council has a role to play both in creating the Committee and in approving a Code of Conduct for elected and co-opted members.
- 5.4 The draft Code of Conduct attached to this report has been the subject of consideration by the Committee and Group Leaders. There are a number of Model Code of Conducts available and the one proposed is an adaptation of one of the Model drafts that has been produced.

6 RISK MANAGEMENT

- 6.1 No risk assessment has been undertaken as it is necessary for the Council to put in place these arrangements and to prove a Code.

7 EQUALITIES

- 7.1 One of the key features of the new Standards regime is the need for it to comply with the principals of public life approved by the Nolan Committee. It is a specific requirement of the Code proposed that elected and co-opted members should comply with Equalities Law requirements and treat all members of the community equally.

8 CONSULTATION

- 8.1 Consultation has taken place with members of the Standards Committee and Group Leaders, the Chief Executive and the section 151 Officer. Consultation was carried out at meetings and by e-mail discussion.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

- 9.1 There are no specific issues to consider in reaching the decision. There are a number of possible options for inclusion in a draft Code and these have been the subject of consideration.

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>Vernon Hitchman, Monitoring Officer and Divisional Director (Legal & Democratic Services) – 01225 – 395171 and Sue Toland, Chair of the Standards Committee</i>
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**Background
papers**

Draft Model Codes

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

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The Code of Conduct for Members and Co-Opted Members together with

The Rules for Registration of Interests and Conflicts of Interest

*Approved by the Council on
19th July 2012*

Contents

Part 1 The Code of Conduct for Members of Bath and North East Somerset Council

- I. Purpose of the Code
- II. Scope of the Code
- III. Public Duties of Members
- IV. General Principles of Conduct
- V. Expectations of Conduct
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- VII. Registration and Declaration of Interests
- VIII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer

Part 2 - Registration, Disclosure and Duties on Interests held by Members

- I. Registration and disclosure of Interests
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- III. Appendix

Part 1 The Code of Conduct for Members of Bath and North East Somerset Council

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

II. Scope of the Code

2 The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.

3 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Authority and the rulings of the Chair

III. Public Duties of Members

4 Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act, and to act on all occasions in accordance with the public trust placed in them.

5 Members have an overriding duty to act in the interests of the Authority's area as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

IV. General Principles of Conduct

6. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Member, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

“Selflessness Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.”

V. Expectations of Conduct

7 Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

8 Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.

9 Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Rules of Conduct

10. Members shall in particular observe the following rules when acting as a Member or co-opted Member of the Authority:

(1) **Do** treat others with respect and courtesy.

(2) **Do not** –

(a) do anything which may cause your authority to breach any of its the equality duties (in particular as set out in the Equality Act 2010);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be -

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

(3) **Do not** use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

Do be aware of the requirements of the Bribery Act 2010 and that offences under the Act include the situation where a Member requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, any function of a public nature, any activity connected with the Authority or any activity to be performed by or on behalf of the Authority or others should be performed improperly.

(4) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is—

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority

(5) **Do not** prevent another person from gaining access to information to which that person is entitled by law.

(6) **Do not** conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

11. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others:
 - (1) **Do** act in accordance with the authority's reasonable requirements;
 - (2) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
 - (4) **Do not** improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.
12. Members shall observe the following rules when making decisions on behalf of or as part of the Authority:
 - (1) **Do** have regard to any relevant advice provided to you by the Council's chief financial officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
 - (2) **Do** give reasons for the decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the authority.

VII. Registration and Declaration of Interests

13. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.

VIII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer

14. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
15. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.
16. No Member shall lobby a member of the Authority's Standards Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

Part 2 - Registration, Disclosure and Duties on Interests Held by Members and Co-Opted Members

I. Registration of Interests

- 1 **DO** fulfil the requirements of the law and the Authority in registering your interests in the Register of Members' Interests.
- 2 **DO** draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member
- 3 **DO** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation

PART A: Disclosable Pecuniary Interests

1. **DO** comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest.
2. **DO** ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests.
3. **DO** make verbal declaration of the existence and nature of an disclosable pecuniary interest at any meeting at which you are present at which an interest of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

[Meeting" means any meeting organised by or on behalf of the authority, including –

- (i) any meeting of the Council, or a Committee or Sub-Committee of Council
- (ii) any meeting of the Cabinet and any Committee of the Cabinet
- (iii) in taking a decision as a Ward Councillor or as a Member of the Cabinet
- (iv) at any briefing by officers; and
- (v) at any site visit to do with business of the authority]

PART B: Other Interests

1. In addition to the requirements of the preceding section, if you attend a meeting at which any item of business is to be considered and you are aware that you have a "non-disclosable pecuniary interest or non-pecuniary interest" in that item;-

DO make a verbal declaration of the existence and nature of that interest at or before the consideration of that item of business or as soon as the interest becomes apparent.

In such circumstances;-

DO consider whether your participation in the consideration of that item of business would be reasonable, particularly if the interest may give rise to a perception of a conflict of interests in that item of business.

2. You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business where;-

2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent that it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or

2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, in respect of yourself, a relevant person, a member of your family or a person with whom you have a close association and that interest is not a disclosable interest.

II. Register of Gifts and Hospitality

DO

1. Within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

III. Appendix – Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p>

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

- “the Act” means the Localism Act 2011;
- “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- “director” includes a member of the committee of management of an industrial and provident society;
- “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- “M” means a member of a relevant authority;
- “member” includes a co-opted member;
- “relevant authority” means the authority of which M is a member;
- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;
- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act namely your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners;
- “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Bath & North East Somerset Council		
MEETING:	Council	
MEETING DATE:	19th July 2012	AGENDA ITEM NUMBER
TITLE:	Treasury Management Outturn Report 2011/12	
WARD:	All	
AN OPEN PUBLIC ITEM		
<p>List of attachments to this report:</p> <p>Appendix 1 – Performance Against Prudential Indicators Appendix 2 - The Council's Investment Position at 31st March 2012 Appendix 3 – Average monthly rate of return for 2011/2012 Appendix 4 – The Council's External Borrowing Position at 31st March 2012 Appendix 5 – Sterling Consultant's Economic & Market Review of 2011/12 Appendix 6 – Interest & Capital Financing Budget Monitoring 2011/12</p>		

1 THE ISSUE

- 1.1 In February 2012 the Council adopted the 2011 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a Treasury Management Strategy before the start of each financial year, and to receive a mid year report and an annual report after the end of each financial year.
- 1.2 This report gives details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2011/12.

2 RECOMMENDATION

The Council agrees that:

- 2.1 the 2011/12 Treasury Management Annual Report to 31st March 2012, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 2.2 the 2011/12 actual Treasury Management Indicators are noted.

3 FINANCIAL IMPLICATIONS

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

4 CORPORATE PRIORITIES

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

5 THE REPORT

Summary

5.1 Performance against the Treasury Management & Prudential Indicators agreed as part of the annual Treasury Management Strategy is provided in **Appendix 1**. The outturn position and all treasury activity undertaken during the financial year is within the limits agreed by Council in February 2011, as shown in **Appendix 1**, as well as the CIPFA Code of Practice and the relevant legislative provisions.

5.2 The average rate of investment return for the 2011/12 financial year is 0.56% above the benchmark rate.

Summary of Investment Activity 2011/12

5.3 The Council's investment position as at 31st March 2012 is given in **Appendix 2**. In line with the Annual Investment Strategy, investments undertaken were temporary short term investments made with reference to the core balance and cash flow requirements.

5.4 Gross interest earned from investments for 2011/12 totalled £1,141k. Net interest received, after deduction of amounts due to Schools, the West of England Growth Points, PCT and other internal balances, is £933k. **Appendix 3** details the investment performance, showing the average rate of interest earned on investments over this period was 1.09%, which is 0.56% above the benchmark rate of average 7 day LIBID + 0.05% (0.53%).

Summary of Borrowings 2011/12

5.5 The Council's external borrowing as at 31st March 2012 is detailed in **Appendix 4**.

5.6 Three new loans totalling £30 million were taken from the Public Works Loan Board on 5th August 2011. One of the loans was £5 million for 19.5 years at a rate of 4.86%, one was £10 million for 18 years at a rate of 4.80%, and the third for a further £15 million for 49.5 years at a rate of 4.96%. 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.

5.7 The new borrowing took the Council's total borrowing to £120 million. The Council's provisional Capital Financing Requirement (CFR) as at 31st March 2012 is £136 million. This represents the Council's requirement to borrow to finance capital expenditure, and demonstrates that total borrowing remains below this requirement as at 31st March 2012.

5.8 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 2012 apportioned to Bath & North East Somerset Council is £15.77m. 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 5.7.

Strategic & Tactical Decisions

5.9 We have continued to place a significant proportion of our funds with highly-rated major financial institutions, primarily with UK banks, where we assess there is implicit or explicit Government support. However, during the year the Council continued to reduce its risk appetite related to investments due to increasing concerns about Eurozone debt and the impacts this could have on the banking sector. This approach led to reducing the proportion of investments held directly with banks and building societies to 50% of the overall portfolio from the 85% held earlier in the year. The Council increased its proportion of investments with other Local Authorities and AAA rated Money Market Funds to improve diversification and counterparty credit rating whilst maintain appropriate liquidity.

5.10 Due to concerns related to the Eurozone debt situation the council does not currently and did not hold throughout 2011/12 any direct investments with banks 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).

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

5.12 The Council is the accountable body for the West of England Revolving Investment Fund (RIF) and received grant funding of £57 million at the end of the financial year. The Council holds these funds on behalf of the West of England Local Enterprise Partnership until they are allocated in the form of repayable grants to the constituent Local Authorities to meet approved infrastructure costs. These funds are invested separately from the Council's cash balances and have been placed short term with the Debt Management Office.

Emerging Developments

5.13 As a result of the continued global economic uncertainty the ratings agencies continue to monitor the financial standing of all banks very closely. Following a recent ratings agency announcement a number of banks have received a downgrading in their credit rating status. This includes a number of UK banks including Lloyds Banking Group, Barclays Bank, HSBC Bank, Royal Bank of Scotland and National Westminster Bank.

The National Westminster Bank, which is a subsidiary of the Royal Bank of Scotland has now fallen below the minimum short term credit rating acceptable under the Council's treasury management strategy. In the short term this can be accommodated within our investment strategy and the Council will not hold any investments with the bank in line with the approved treasury management strategy.

As National Westminster Bank is the Council's main appointed banker we will continue to use them for all our transactional banking needs, e.g. payments to suppliers and payroll etc. This creates a very small potential risk should the bank be unable to settle the transactions (daylight exposure). However, we consider the risk to be extremely small when compared to the alternative of seeking a new main banking partner in the current financial and economic environment impacting on the banking sector.

Budget Implications

- 5.14 A breakdown of the revenue budget for interest and capital financing and the actual year end position is included in **Appendix 6**. This shows an underspend of £394k in 2011/12. This arises as a result of the Council's cash balances being higher than anticipated at budget setting generating higher investment interest income.
- 5.15 A Capital Financing Smoothing Reserve was created in 2010/11 from the underspend which arises in capital financing costs (Debt charges & MRP), due to the profiling of the borrowing costs compared to the Capital Programme spend. This timing difference is caused where a Service starts to repay its borrowing costs when capital spending begins, but the spend is initially funded by internal borrowing until the Council's cash balances require the planned external funding to be taken. In 2011/12, £1.3m was transferred to this reserve, bringing the total balance to £2.8m.

6 RISK MANAGEMENT

- 6.1 The Council's lending & borrowing list has been regularly reviewed during the financial year and credit ratings are monitored throughout the year. All lending/borrowing transactions are within approved limits and with approved institutions. Investment & Borrowing advice is provided by our Treasury Management consultants Sterling.
- 6.2 The CIPFA Treasury Management in the Public Services: Code of Practice requires the Council nominate a committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies. In May 2010, the Council's treasury advisors provided training to the Corporate Audit Committee to carry out this scrutiny.
- 6.3 In addition, the Council maintain a risk register for Treasury Management activities, which is regularly reviewed and updated where applicable during the year.

7 EQUALITIES

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

8 RATIONALE

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

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

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

10.2 Consultation was carried out via e-mail.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 This report deals with issues of a corporate nature.

12 ADVICE SOUGHT

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

Contact person	<i>Tim Richens - 01225 477468 ; Jamie Whittard - 01225 477213</i> Tim_Richens@bathnes.gov.uk Jamie_Whittard@bathnes.gov.uk
Sponsoring Cabinet Member	<i>Councillor David Bellotti</i>
Background papers	<i>2011/12 Treasury Management & Investment Strategy</i> <i>1st & 3rd Quarter Treasury Performance Reports (Cabinet)</i> <i>Half yearly Treasury Performance Report (Cabinet & Council)</i>
Please contact the report author if you need to access this report in an alternative format	

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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	2012/12 Actual as at 31st Mar 2012
	£'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 31st Mar 2012
	£'000	£'000
Borrowing	150,000	120,000
Other long term liabilities	2,000	0
Cumulative Total	157,000	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 31st Mar 2012
	£'000	£'000
Fixed interest rate exposure	201,000	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 31st Mar 2012
	£'000	£'000
Variable interest rate exposure	0	-101,900

*This is the variable rate debt (LOBOs of £20m) less the £121.9m variable rate investments.

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 31st Mar 2012
	%	%
Investments over 364 days	25	7.6

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

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

£30million of new borrowing was undertaken from the PWLB (Public Works Loan Board) during 2011/12 all of which had a maturity of greater than 10 years. The borrowing portfolio is shown in Appendix 4.

APPENDIX 2

The Council's Investment position at 31st March 2012

	Council (excl. RIF) Balance at 31 st March 2012	RIF Balance at 31 st March 2012	Total Balance at 31 st March 2012
	£'000's	£'000's	£'000's
Notice (instant access funds)	18,000	0	18,000
Up to 1 month	0	56,938	56,938
1 month to 3 months	14,000	0	14,000
Over 3 months	43,000	0	43,000
Total	75,000	56,938	131,938

The total investment figure of £131.938 million is made up as follows:

	£'000's
B&NES Council	61,322
West of England Growth Points	4,861
Schools	8,817
RIF Funding	56,938
Total	131,938

The Council had an average net positive balance of £93.9m (including Growth Points, B&NES PCT and RIF Funding) during the period April 2011 to March 2012.

The following fixed term investments were undertaken during 2011/12 with a maturity date in the following financial year:

Institution	Amount	Rate	Start Date	Maturity Date	Long Term Credit Rating*
Barclays Bank	£5m	1.53%	05/08/11	03/08/12	A
Nationwide	£5m	1.35%	30/03/11	28/09/12	A
Bank of Scotland	£5m	2.20%	05/08/11	03/08/12	A
Lloyds Banking Group	£5m	2.65%	01/06/11	27/07/12	A
Lloyds Banking Group	£5m	2.15%	26/08/11	24/08/12	A
Development Bank of Singapore	£5m	0.85%	16/01/12	16/07/12	AA-
Development Bank of Singapore	£5m	0.85%	06/02/12	06/08/12	AA-
Reading Borough Council	£4m	1.75%	01/04/11	01/06/12	
Newcastle City Council	£5m	1.70%	03/05/11	03/05/12	
Cambridgeshire County Council	£5m	0.70%	10/08/11	10/05/12	
Kingston Upon Hull City Council	£1m	1.20%	12/12/11	11/06/13	
Nottingham City Council	£2m	0.70%	31/01/12	12/12/12	

Lancashire County Council	£5m	0.60%	28/03/12	28/09/12	
DMO	£11.579m	0.25%	21/02/12	10/04/12	AAA
DMO	£39.831m	0.25%	28/03/12	27/04/12	AAA
DMO	£5.528m	0.25%	29/03/12	10/04/12	AAA
Total	£113.938m	-	-	-	

* The credit rating shown is the lowest equivalent rating from Fitch, Standard & Poors and Moody's credit rating agencies
The balance of £18m was held in call accounts and Money Market Funds as at 31st March 2012.

Chart 1: Council Investments (excl. RIF) as at 31st March 2012 (£75.0m)

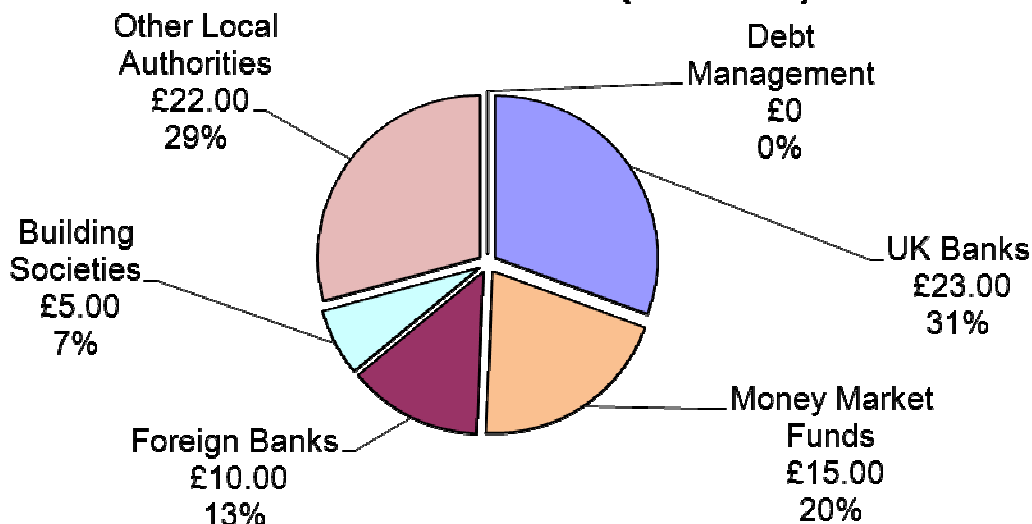
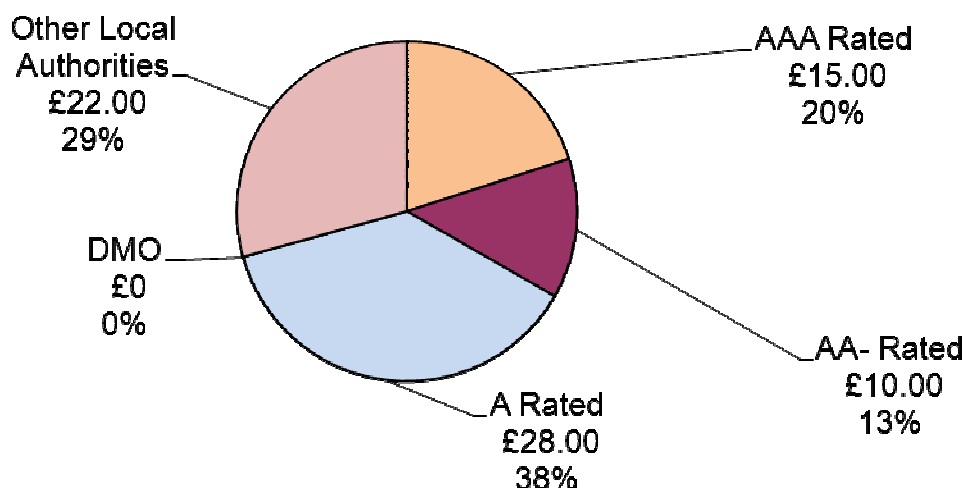


Chart 2: Council Investments (excl. RIF) per Lowest Equivalent Long-Term Credit Ratings (£75.0 m) - 31st March 2012



APPENDIX 3

Average rate of return for 2011/12

	Apr %	May %	Jun %	Jul %	Aug %	Sep %
Average rate of interest earned	1.05%	1.13%	1.18%	1.10%	1.09%	1.14%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Sterling)	0.50%	0.50%	0.50%	0.52%	0.49%	0.54%
Performance against Benchmark %	+0.55%	+0.63%	+0.68%	+0.58%	+0.60%	+0.60%

	Oct %	Nov %	Dec %	Jan %	Feb %	Mar %	Average for Period
Average rate of interest earned	1.11%	1.08%	1.11%	1.06%	1.04%	0.98%	1.09%
Benchmark = Average 7 Day LIBID rate +0.05% (source: Sterling)	0.55%	0.55%	0.55%	0.55%	0.53%	0.53%	0.53%
Performance against Benchmark %	+0.56%	+0.53%	+0.56%	+0.51%	+0.51%	+0.45%	+0.56%

APPENDIX 4

Councils External Borrowing at 31st March 2012

LONG TERM	Amount	Start Date	Maturity Date	Interest Rate
PWLB	10,000,000	15/10/04	15/10/35	4.75%
PWLB	20,000,000	02/10/06	20/05/54	4.10%
PWLB	10,000,000	21/12/06	20/11/52	4.25%
PWLB	10,000,000	15/02/06	15/02/56	3.85%
PWLB	10,000,000	19/07/06	15/04/53	4.25%
PWLB	5,000,000	12/05/10	15/08/35	4.55%
PWLB	5,000,000	12/05/10	15/08/60	4.53%
PWLB	5,000,000	05/08/11	15/02/31	4.80%
PWLB	10,000,000	05/08/11	15/08/29	4.90%
PWLB	15,000,000	05/08/11	15/02/61	4.96%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
KBC Bank N.V*	5,000,000	08/10/04	08/10/54	4.50%
Eurohypo Bank*	10,000,000	27/04/05	27/04/55	4.50%
TOTAL	120,000,000			
TEMPORARY	NIL			
TOTAL	120,000,000			4.46%

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

APPENDIX 5

Annual Review 2011/12 – (provided by Sterling Consultancy Services)

The Eurozone debt crisis dominated the year's economic news. The apparent inability of leaders to either agree on remedial policies or implement fiscal consolidation measures prompted frequent bouts of market volatility, as investors positioned themselves for potential government defaults or even the breakup of the Eurozone itself. Investor confidence in struggling Eurozone nations, such as Greece, Italy and Spain, dived, prompting sharp upward movements in government borrowing rates. Greece finally defaulted in March by forcing private bondholders into a distressed debt exchange, in return for a second bailout from the European Union and the International Monetary Fund.

Exposure to the Eurozone periphery, coupled with actions making future government support less likely, placed downward pressure on the creditworthiness of many European banks, prompting a raft of credit rating downgrades and sharp rises in credit default swap spreads. This led to an increase in funding costs as interbank lending rates rose sharply above official interest rates. Dexia, a banking group based in Belgium, France and Luxembourg was the main casualty, but was bailed out and broken up by the respective governments. Two small Danish banks failed and imposed losses on depositors, while Spain forced its regional banking sector to consolidate to prevent similar occurrences.

In late December, the European Central Bank cut interest rates and flooded the Eurozone banking sector with cheap three-year loans, immediately reducing the near-term risk of a liquidity crisis and moderating Eurozone wholesale interbank lending rates. Unfortunately, the central bank action could not prevent the debt crisis causing a sharp decline in household and business confidence, eventually pushing the Eurozone into recession.

The UK's reliance on the Eurozone as a major trading partner was illustrated when this country followed the Eurozone into recession over the last six months of the financial year. Other factors responsible for the fall in economic activity included the government's deficit reduction programme and the weakness in household and business spending. The decline in household spending was the result of low confidence and the erosion of disposable income by persistently elevated inflation, subdued wage growth, higher taxes and rising unemployment. Businesses were in a similarly weak position, with access to credit restricted or too expensive due to a risk-averse banking sector, and limited domestic and foreign demand.

Weakening economic growth and signs of further deterioration in the Eurozone prompted the Bank of England to loosen monetary policy in October, despite above target inflation. With Bank Rate already at 0.5%, the Monetary Policy Committee voted for a further £50bn of quantitative easing, which combined with safe haven buying to push gilt yields to record lows over the next few months. Policymakers justified the action because they were confident inflation would fall quickly back to target during 2012. However, although the annual Consumer Price Index rate has declined from the September peak of 5.2%, a combination of higher crude oil and food prices caused the rate to rise slightly in March to 3.5%, leaving Bank of England policymakers in the unenviable position of setting policy to battle both weak growth and high inflation.

APPENDIX 6

Capital Financing Costs – Budget Monitoring 2011/12 (Outturn)

April 2011 to March 2012	YEAR END POSITION			ADV/FAV
	Budgeted Spend or (Income) £'000	Actual Spend or (Income) £'000	Actual over or (under) spend £'000	
Interest & Capital Financing				
- Debt Costs	4,840	4,848	8	ADV
- Internal Repayment of Loan Charges	(3,188)	(3,188)		
- Ex Avon Debt Costs	1,491	1,490	(1)	FAV
- Minimum Revenue Provision (MRP)	3,380	3,352	(28)	FAV
- Interest of Balances	(560)	(933)	(373)	FAV
Sub Total - Capital Financing	5,963	5,569	(394)	FAV

Internal Repayment of Loan Charges includes transfers to capital financing reserve.

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Bath & North East Somerset Council	
MEETING:	Council
MEETING DATE:	19 th July 2012
TITLE:	Electoral Services Review: a review by the Resources Policy Development and Scrutiny Panel
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1: Copy of the Electoral Services Review Report	

1 THE ISSUE

- 1.1 The Resources Policy Development and Scrutiny Panel held a facilitated workshop on the 14th December 2011 which provided the opportunity to review how the recent local government elections went and identify any issues that may have arisen from the operation or process. This would enable the Council to learn from these issues and make any necessary improvements for future elections. A mixture of Council/ Parish Members, Officers and Election Agents were invited to the session.
- 1.2 The findings from the workshop were presented to the Resources Panel at its meeting on the 12th March 2012 and it was agreed that any recommendations would go to full Council during 2012. The key findings from the workshop session and recommendations are attached as Appendix 1.

2 RECOMMENDATION

Council is asked to consider the recommendations from the Resources Policy Development and Scrutiny Panel as follows:

- i. Electoral Services could identify wards with care/residential homes and contact them to find how if/when any of their residents were planning to vote at their local polling station and then speak to relevant Presiding Officers to ensure that all their additional support needs are met in a timely and appropriate manner.
- ii. Training for Poll Clerks/Presiding Officers should include how to deal sensitively with voters who require additional support.
- iii. The Council's website could be utilised to provide a link to the Electoral Commission's 'How to Stand as an Electoral Candidate' permanently rather than just in the run up to an election.
- iv. The Council, through Electoral Services, should capture feedback from new candidates to find out whether additional information could be provided in future.

- v. The Council should seek clarification and guidance from the Council's Monitoring Officer on signing of nominations, which could provide a better understanding for new candidates and help to improve the process.
- vi. The Council should write to the Electoral Commission asking them to ensure that the verification procedure for any future referendums does not slow up the counting process or declaration of results.
- vii. At the count, candidates and agents should be told by the Deputy Returning Officer at the counting centre which counting system is going to be used and kept informed of how the count is going at each stage of the process
- viii. Electoral Services should investigate the options suggested for future polling stations at Keynsham East and Midsomer Norton.
- ix. Electoral Services should consider whether Timsbury or Wellow have the facilities to host the counts for Bathavon West and Bathavon South
- x. Electoral Services to undertake future research in order to identify the different languages spoken in our Local Authority area and the impact that this may have on their voting experience.

3 FINANCIAL IMPLICATIONS

- 3.1 The costs associated with the Electoral Services Review were met within the annual budget available to the Panel. We believe that implementing the recommendations would not have financial implications as this would involve either modifying existing process or a commitment to investigate the feasibility of potential polling/council sites.

4 CORPORATE OBJECTIVES

- *Promoting independence and positive lives for everyone: the Electoral Services Review highlighted the elections process in Bath & North East Somerset works very well, although a number of suggestions have been made which could, if implemented, potentially improve the experience for voters, candidates and agents wishing to participate in future elections.*

5 THE REPORT

- 5.1 After any elections there are often issues that arise from candidates and agents as to the operation of the event. The workshop session on the 14th December 2011 provided the opportunity to review how the recent elections went and identify any issues that may have arisen from the operation or process. This would enable the Council to learn from these issues and make any necessary improvements for future elections.

- 5.2 A mixture of Council/ Parish Members, Officers and Election Agents were invited to the session. On the day the turnout was fairly low, however the smaller number of groups enabled more detailed discussions to be made. The facilitated workshop sessions looked at the following subject areas:

- (1) Voters experience of access to the electoral process
- (2) Voters experience of accessing polling stations
- (3) Voters experience of the operation of the polling station

- (4) Electoral information provided to candidates, agents and Councillors
- (5) Counting systems
- (6) Polling/count station locations

5.3 This review excluded the Parliamentary Boundary Commission Review; the borders and names of local authorities, and also electoral areas within Local Authorities.

6 RISK MANAGEMENT

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

7 EQUALITIES

An Equalities Impact Assessment has not been completed but equalities issues were considered as part of the facilitated workshop session and in formulating the Panel's recommendations including ease of physical access to Polling Stations, availability of written information in alternative formats and support available to both candidates and voters during the election process.

8 CONSULTATION

8.1 *Ward Councillor; Parish Council; Town Council; Overview & Scrutiny Panel; Staff; Service Users; Monitoring Officer*

8.2 A facilitated workshop session was held on the 14th December 2011 having sent invitations to all current Councillors, all electoral candidates at the last local elections, all elections Agents and community organisations.

8.3 A number of written submissions were also received from those who were unable to attend the event.

9 ISSUES TO CONSIDER IN REACHING THE DECISION

Corporate; Health & Safety

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	<p><i>Policy Development and Scrutiny:</i></p> <p>Lauren Rushen (01225 396410)</p> <p>Donna Vercoe (01225 396053)</p> <p><i>Task & Finish Group Members:</i></p> <p>Councillor John Bull (01225 835100)</p> <p>Councillor Charles Gerrish (0117 9868426)</p>
Background	Workshop briefing pack which was included as appendix 2 when the

papers

report was discussed at the Resources PD&S meeting on 12th March 2012

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

Bath and North East Somerset Council

Electoral Services Review

A review by the Resources Policy Development and Scrutiny Panel

Workshop

Review Panel Members

Councillor John Bull (Chair)
Councillor Charles Gerrish

Supporting Officers:

Vernon Hitchman (Monitoring Officer and Divisional Director for Legal and Democratic Services)

Aurora Loi Wright (Electoral Services Officer)

Donna Vercoe (Policy Development and Scrutiny)
Lauren Rushen (Policy Development and Scrutiny)

For more information about the report please contact the Policy Development and Scrutiny Team:

Telephone: 01225 396053
E-mail: scrutiny@bathnes.gov.uk

Foreword

Elections are an indispensable part of the democratic process but can be stressful occasions for candidates, those organising them and even voters if things do not go smoothly.

The Panel decided that the review would draw upon recent experiences of B&NES local elections and the General Election in order to identify any such problems and learn lessons which may help avoid these in the future and provide us with the opportunity to help make any necessary improvements for future elections

The Resources Panel undertook a workshop session on the 14th December 2011, the session sought to identify any issues with voter experience of access to the electoral process, polling stations and the general operations of the polling day. The session also examined the information that was provided to candidates and agents on the electoral counting systems and general electoral process.

The results and recommendations will be presented to the Policy Development & Scrutiny Resources Panel in March and to Full Council during 2012

Councillor John Bull
Chair of the Resources Policy Development and Scrutiny Panel

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Recommendations

Recommendation 1: Electoral Services could identify wards with care/residential homes and contact them to find how if/when any of their residents were planning to vote at their local polling station and then speak to relevant Presiding Officers to ensure that all their additional support needs are met in a timely and appropriate manner.

Recommendation 2: Training for Poll Clerks/Presiding Officers should include how to deal sensitively with voters who require additional support.

Recommendation 3: The Council's website could be utilised to provide a link to the Electoral Commission's 'How to Stand as an Electoral Candidate' permanently rather than just in the run up to an election.

Recommendation 4: The Council, through Electoral Services, should capture feedback from new candidates to find out whether additional information could be provided in future.

Recommendation 5: The Council should seek clarification and guidance from the Council's Monitoring Officer on signing of nominations, which could provide a better understanding for new candidates and help to improve the process.

Recommendation 6: The Council should write to the Electoral Commission asking them to ensure that the verification procedure for any future referendums does not slow up the counting process or declaration of results.

Recommendation 7: At the count, candidates and agents should be told by the Deputy Returning Officer at the counting centre which counting system is going to be used and kept informed of how the count is going at each stage of the process

Recommendation 8: Electoral Services should investigate the options suggested for future polling stations at Keynsham East and Midsomer Norton.

Recommendation 9: Electoral Services should consider whether Timsbury or Wellow have the facilities to host the counts for Bathavon West and Bathavon South

Recommendation 10: Electoral Services to undertake future research in order to identify the different languages spoken in our Local Authority area and the impact that this may have on their voting experience.

Introduction

On 5th May 2011, Bath & North East Somerset Council held local, town and parish Council elections along with a referendum on whether to have an alternative voting system.

As good practice the Resources Policy Development and Scrutiny Panel, hosted a workshop to find out how people felt the elections went, whether there was scope for improvement and also to contribute to Electoral Services review of Polling Districts.

We invited all the candidates who stood at the last election, election agents and equalities/access groups including Bath Racial Equalities Council, Age UK, Mental Health Matters, Association for the Blind and Scope. The session was structured into facilitated workshop sessions and highlighted that on the whole, the elections process works well in Bath & North East Somerset.

Purpose and Objectives

This was a light touch investigation but the aims of the workshop were as follows:

1. Assess voter experience of:
 - a. Access to the electoral process
 - b. Access to polling stations
 - c. Operation on polling day
2. Information provided to candidates/agents/Councillors
3. Information about the counting system
4. Review of polling districts/stations

Methodology

The investigation was suggested by Councillor Gerrish at the Panel's first public meeting on 1st August 2011.

A scoping meeting for the workshop was held with Councillors Bull and Gerrish, the Council Returning Officer (Vernon Hitchman) and the Head of Electoral Services (Aurora Loi Wright) and officers from Policy Development and Scrutiny. This meeting was used to identify the objectives for the workshop and the list of invitees.

The workshop was held on the 14th December at the Guildhall. Councillor Bull led the workshop, introducing four workshops which were discussed in small groups who fed back and were recorded by Policy Development and Scrutiny Officers.

Findings

1. Voter Experience:

Students and Young People:

Every year, Youth Parliament elections take place, with two Members of Youth Parliament (MYPs) representing Bath and North East Somerset. The workshop acknowledged that these elections are a good way of introducing young people to the concept of voting. Attendees also felt that parents had an important role to play in encouraging their children to vote.

In order to try to improve the process for students from secondary school to university it was felt that the process might need to be made clearer. For example; attendees to the workshop noted that people think that they can vote at any polling station, which suggests that there needs to be further clarity of the voting process.

It was noted that students are allowed to vote twice (at home and at university) for local elections but only once for general elections. There does not appear to be any way of cross referencing this other than developing a national database.

Individual Voter Registration:

The *Political Parties and Elections Act 2009* made provision for the phased implementation of a system of individual registration, which the Coalition Government intends to complete by December 2015. A White Paper, *Individual Electoral Registration (IER)*, which was published in June 2011, sets out how the government plans to implement the new system.

Key changes under IER

- All applications to register need to be made individually.
- All applications need to be verified before electors are added to the electoral register.
- Annual household registration will change from 2014 with special transitional arrangements in that year for eligible electors who are not registered under IER.

Applications to register under IER

- Electors must provide evidence in order to register: likely to be National Insurance (NI) number and date of birth (DOB), but other means might be possible.
- Evidence is only required once, unless circumstances change.
- Exceptions process for those unwilling/unable to provide NI number.
- Potential to use alternative channels for applications in future.

The group noted that the introduction of IER will make the registration process more demanding as a NI number and DOB are required. These will need to be cross referenced with the Department for Work and Pensions before registering the individual.

If either the NI or DOB does not match, this will need to be followed up with the individual voter within the deadline to register 11 days before an election. This method of registration will be introduced in 2014 and will be fully implemented in 2015.

Polling cards:

Attendees reported that one area of confusion is that people thought they could not vote if they did not have a polling card. Although a polling card does make the voting process quicker, it is not essential.

General comments were made about the performance of Royal Mail to deliver polling cards to residents on time, the majority felt that this had improved but there were still occasional problems with polling cards not being delivered.

General Points:

A suggestion was made to carry out some research on those individuals in our area to identify the languages spoken and the impact on their voting experience.

There were some general comments that at Parish level, some Councillors do not believe they need to be nominated. This is usually resolved by having the 35 day rule and also by the majority of Parish Council's hosting their Annual General Meetings (AGMs) in April so they are able to remind candidates.

2. Access to Polling Stations:

The group noted that on the whole access to polling stations had greatly improved. Participants particularly appreciated the addition of wheelchair friendly polling booths, large print and braille ballot papers.

The session did highlight that there could be a need to improve training for polling staff at stations handling individuals or groups with additional physical or mental needs. Councillor Gerrish stated that in his ward, there is a care home for adults with learning difficulties and he had spoken to representative from the home about resident's voter experience.

He said that from speaking to the home, he had been told that the act of going to a polling station and voting can be very rewarding for the residents but their experience can often be distressing and confusing due to a lack of support. Residents needed more clarity from polling staff about what they should do, and explained that often the, "who, where, and when" to place a vote is not communicated clearly.

Another attendee mentioned that he had a care home in his local polling district and that polling staff had always been very respectful and supportive towards residents when they come to vote. Other participants also commented that in their experiences, polling staff had been welcoming and had not experienced any issues. This suggests that Councillor Gerrish's example is not universal but there is scope to improve the experience for voters with additional needs.

It was agreed that it is the responsibility of the issuing officer at the polling station to check that voters' needs are met and to ensure that they are handled in a sensitive way. It was recommended that Electoral Services could identify wards with care/residential homes and contact them to find how if/when any of their residents were planning to vote at their local polling station and then

speak to relevant Presiding Officers. It was also suggested that training for Poll Clerks/Presiding Officers should include how to deal sensitively with voters who require additional support.

Signage

Overall the signage of access to polling stations was thought to be good. One attendee noted that they have two wards voting in the same polling station which can be confusing for people when they first enter the station so it is important for staff at these stations to clearly identify which ward area they are poll clerking for.

3. Information to Candidates/Agents/Councillors:

Since the majority of Councillors operate in a party system, candidates have a lot of support networks in place for new candidates during the election period, although the support networks were less obvious for independent candidates. Although there were not any independent candidates present at the workshop, the Elections team said that they had provided advice and were available to answer questions from prospective candidates about the role of a Councillor including what they are able to influence and what powers they have.

It was suggested that we should provide the Electoral Commission's link on 'How to Stand as an Electoral Candidate' on the B&NES website permanently rather than just in the run up to an election. We should also attempt to capture feedback from those people new to the candidate process.

For example; one particular area that needed further clarification and guidance was the signing of nominations, as some candidates sign with different names (for example, signing in their married name) and although the candidate is asked to clearly print their name next to the signature. Having clear wording regarding the print and publish and the general legal issues surrounding signing would provide a better understanding for new candidates and help to improve the process.

4. Counting System:

Attendees commented that the counting system used at the local elections this time was the best system they had seen used, although ideally candidates/agents would like to know what system is going to be used in advance.

The most recent election included a referendum on alternative voting which was counted on the same day as the election results. The Electoral Commission had stated that deputy returning officers could not be declare the election results until the referendum vote had been verified. It was agreed that this created unnecessary expense and time for those involved, with some results not being declared until the early hours of the morning. It was suggested that the Council should send a clear message back to the Electoral Commission that we would have concerns in undertaking the process in this way if a referendum was to be included in any future elections.

It was agreed that having more counting stations does speed up the count, however to have an increase in stations in all locations could create difficulties in logistics and tradition. Identifying the best place to hold certain counts could be reassessed for the next elections.

General Points:

- One attendee noted that at his count, staff were not sure how to count un-blocked votes and some younger counters had recorded votes upside down.
- It was suggested that where possible, jugs of water should be provided to those attending the count.
- The workshop highlighted that some counting stations were busier than others and where counting stations were counting more than one ward, this was not always clearly laid out.

5. Review of Polling Stations:

Although the majority of attendees were happy with the location of their polling stations, the following suggestions were made:

Keynsham East:

Keynsham East is the biggest of the three wards in Keynsham but is the only ward with one polling station. This station located at the far end of the ward, which could make it difficult for some residents who are less mobile.

Two suggestions were put forward, either a temporary polling station on Manor Road Playing fields or the Community Room at Wellsway School. The Manor Road site would be more accessible to voters, particularly those on the southern end of the ward who are elderly. The second option at Wellsway School has separate access from the School.

Midsomer Norton:

It was suggested that as Midsomer Norton should have its own count centre as it is the largest polling district in the Somer Valley. It was suggested that the Town Hall at Midsomer Norton as a potential site for a polling station and count centre.

Bathavon West and Bathavon South:

These wards are currently counted at Freshford which is not central to either ward and it was suggested that it would be worth investigating whether Wellow or Timsbury has the facilities to host either or both of these count.

6. Other Issues:

For 2015 election: If parishes/district and general elections fall within the same year, the local authority has the discretion to postpone parish elections by a month. The local authority also has the discretion to re-charge parishes for these elections.

Attendees from Parish Councils are concerned that if this were to be the case, they would need as much advanced warning as possible in order to spread the cost over several year's Council Tax precepts rather than as one lump sum.

Conclusion: The Resources Panel appreciate the hard work and dedication that went into making the 2011 elections a success however, the workshop did flag up that there could be improvements for 2015.

Next Steps: The findings from this report will be taken to full Council as the parent body of Policy Development and Scrutiny. This will give all Bath & North East Somerset Council Councillors the chance to discuss the report's findings and recommendations.

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Agenda Item –

Free short-stay parking in Keynsham

To be moved by a Member of the Conservative Group

Council notes:

- That in answer to a Cabinet Question tabled in May 2012, the Cabinet Member for Transport stated: *'The implementation of free parking in Keynsham is not currently being considered during the redevelopment of the town centre.'* But that: *'Consideration, however, is being given to the duration of stay within each car park as part of the regeneration project to ensure that there is a balance of short and long stay parking available to all visitors in both the short and long term.'*

Council believes:

- That during the current difficult economic climate, the Council should be taking whatever action it reasonably can to support local businesses.
- That the period of demolition and redevelopment of Keynsham town centre will be a time of significant disruption for the town's residents and High Street businesses and will result in the loss of some free short-stay parking, and that during this period the Council should be doing whatever it can to support the High Street.
- That the completion of the Keynsham Tesco store and its accompanying car park allows for greater flexibility in the times of operation than was previously possible at the Council-run car parks, in particular at Ashton Way car park.
- That a period of free parking in town centres helps to support the local economy and the vitality of the High Street, as highlighted in the recent Portas Report.
- That the creation of free short-stay parking at Ashton Way car park will prove beneficial to the local economy and support Keynsham High Street, and that the creation of more long-stay parking spaces would help ease problems with residential parking on neighbouring roads.

Council resolves:

- To request that Cabinet investigate and seek to implement, on a trial basis throughout the town centre redevelopment, two hours' free parking at Ashton Way car park. Such arrangement to be alongside the creation of a number of chargeable long-stay parking spaces at

Ashton Way car park, so as to reduce parking pressure on nearby residential roads and mitigate the cost of free short-stay parking.