

Democratic Services

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Date: 14th March 2012

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**To: All Members of the Economic and Community Development Policy
Development and Scrutiny Panel**

Councillor Robin Moss
Councillor Ben Stevens
Councillor Patrick Anketell-Jones
Councillor Brian Simmons
Councillor Michael Evans
Councillor Lisa Brett
Councillor Manda Rigby

Chief Executive and other appropriate officers
Press and Public

Dear Member

**Economic and Community Development Policy Development and Scrutiny Panel:
Thursday, 22nd March, 2012**

You are invited to attend a meeting of the **Economic and Community Development Policy
Development and Scrutiny Panel**, to be held on **Thursday, 22nd March, 2012 at 1.00 pm** in
the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Jack Latkovic
for Chief Executive

**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 Jack Latkovic who is available by telephoning Bath 01225 394452 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. 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. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Jack Latkovic as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Jack Latkovic as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, 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' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. 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.

**Economic and Community Development Policy Development and Scrutiny Panel -
Thursday, 22nd March, 2012**

at 1.00 pm in the Council Chamber - Guildhall, Bath

A G E N D A

1. WELCOME AND INTRODUCTIONS

2. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 6.

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Members who have an interest to declare are asked to:

- a) State the Item Number in which they have the interest
- b) The nature of the interest
- c) Whether the interest is personal, or personal and prejudicial

Any Member who is unsure about the above should seek advice from the Monitoring Officer prior to the meeting in order to expedite matters at the meeting itself.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

6. ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

At the time of publication no notifications had been received.

7. MINUTES OF THE MEETING ON 19TH JANUARY 2012 (Pages 7 - 14)

To confirm the minutes of the above meeting as a correct record.

8. PROPOSED MERGER OF THE LOCAL JUSTICE AREAS AND BENCHES (30 MINUTES) (Pages 15 - 22)

This report invites members to contribute to the Council's response to a consultation by HM Courts & Tribunals Service regarding the proposed merger of four Local Justice Areas to create one Somerset bench and Local Justice Area.

The Economic and Community Development Panel is asked to agree that:

- It notes the issues and concerns raised in this report
- It identifies any additional issues and questions in relation to the proposed merger
- These comments be considered as part of the Council's formal response to the merger proposal.

9. COMMUNITY SAFETY: STRATEGIC ASSESSMENT AND DEVELOPING APPROACH (25 MINUTES) (Pages 23 - 26)

This report provides an update on the Community Safety Strategic Assessment and sets out how it is informing and shaping the emerging approach to delivering community safety in Bath and North east Somerset.

The Economic and Community Development Policy Development and Scrutiny Panel is asked to agree that:

- It notes the key findings of the Community Safety Strategic Assessment and encourages partners to incorporate these into their detailed action plans
- It comments on the developing approach to community safety in the context of changes such as the new Health and Wellbeing Board and the Police and Crime Commissioner process.

10. LOCALISM ACT UPDATE (30 MINUTES) (Pages 27 - 30)

This report provides an update on the Localism Act and invites the Panel to consider how best to incorporate the provisions contained in the Act into its work programme.

The Economic and Community Development Policy Development and Scrutiny Panel is asked to agree that:

- It notes the key provisions contained within the Localism Act as set out in the Appendix "Plain English Guide"
- It receives a brief presentation on the key issues contained in the Act which impact on the Panel's remit
- It considers how best to consider the implementation and impact of the Act's provisions into its programme of work.

11. OLYMPIC AND PARALYMPIC GAMES IMPACT AND LEGACY IN BANES - PRESENTATION (25 MINUTES)

The Panel are asked to consider the presentation from Divisional Director for Tourism, Leisure and Culture.

12. WORKPLAN (Pages 31 - 38)

This report presents the latest workplan for the Panel.

The Committee Administrator for this meeting is Jack Latkovic who can be contacted on 01225 394452.

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BATH AND NORTH EAST SOMERSET

ECONOMIC AND COMMUNITY DEVELOPMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Thursday, 19th January, 2012

Present:- Councillors Robin Moss (Chair), Ben Stevens (Vice-Chair), Patrick Anketell-Jones, Brian Simmons, Michael Evans, Lisa Brett and Manda Rigby

Also in attendance:

44 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

45 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure.

46 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

47 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Councillor Manda Rigby declared non-prejudicial interest on any discussion related to Tourism, Leisure, Sport and Culture in Bath as she is the Chairman of Bath City Football Club.

Councillor Robin Moss declared non-prejudicial interest on item 9 on the agenda (Bristol Credit Union presentation) as he is the member of Bristol Credit Union.

Councillor Brian Simmons declared non-prejudicial on any discussion related to 3rd sector funding as he is the Chair of Dial-A-Ride in Keynsham.

48 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none. The Chairman used this opportunity to inform the meeting that as per Panel's recommendations from the recent Call In meeting the Cabinet made the following decision on 'Improving access to superfast broadband in Bath and North East Somerset: the Broadband Delivery UK Opportunity':

To AGREE, subject to the normal Council capital expenditure decision making process, to enter into an agreement with Somerset County Council, Devon County

Council, North Somerset District Council and Plymouth and Torbay Councils to undertake a joint bid for Broadband Delivery UK funding to provide at least 2 Mbps to 100% of premises and superfast broadband of at least 20 Mbps to 85% by 2015.

Full decision from the Cabinet is available on Council's website <http://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=405>.

49 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

The Chairman informed the meeting that members of the public who wish to address the Panel will have the opportunity to do so before the relevant agenda item.

50 MINUTES OF THE MEETING ON 17TH NOVEMBER 2011

The Panel confirmed the minutes of the 17th November 2011 meeting as a true record and they were duly signed by the Chairman.

51 MINUTES OF THE MEETING ON 5TH DECEMBER 2011

The Panel confirmed the minutes of the 5th December 2011 meeting as a true record and they were duly signed by the Chairman.

52 BRISTOL CREDIT UNION PRESENTATION (20 MINUTES)

The Chairman informed the meeting that this agenda item does not constitute a recommendation for individuals as the Council does not provide personal financial advice.

The Chairman invited James Berry (Bristol Credit Union Chief Executive) to read the briefing about Bristol Credit Union key facts.

James Berry informed the meeting that Bristol Credit Union (BCU) is a financial services co-operative, dedicated to serving members and not for private profit. Membership is available to anyone who lives or works in the greater Bristol area (that's the 4 local authorities that make up the former Avon County). Formed by a merger between 4 community credit unions in 2007/08. Incorporated the credit union for Bristol City Council employees in April 2008, and the Bath & North East Somerset Credit Union in December 2009. BCU now have over 6,500 members – with membership growing at c125 new members a month (membership up 7% November 2011 v October 2010). BCU's assets are over £3.7m, with savings at c£2m and loans at c£1.7m. Assets have grown by 25% in the 12 months to November 2011, savings by 36% and loans by 11%.

A full copy of the briefing from James Berry is available in the minute book at Democratic Services.

The Panel asked the following questions and made the following points:

The Panel welcomed the briefing paper from James Berry and encouraged James Berry to extend BCU services for BANES area as soon as possible.

The Panel felt that the clients of the BCU seem to be people who are on income support and asked James Berry how BCU controls payments from those people.

James Berry explained that BCU has control via interest rates and loan assessment process. The BCU looks at what the income is, on what they are spending their income and the BCU sets the payment dates with the dates when those people who are on income support get paid (i.e. weekly or bi-weekly).

The Panel suggested that there should be a designated point of contact in the Council for the BCU.

The Panel also suggested that BCU should communicate with the Council and community groups in Bath and North East Somerset if they wish to provide services in this area. David Trethewey (Policy and Partnerships Divisional Director) suggested that the BCU could use some office space in the Council, as some other voluntary and 3rd sector groups already do, or that some community groups could also help with the office space provision.

The Panel suggested that one way to advertise services from the BCU is to use Council payslips.

James Berry added that BCU might be called differently in this area once the branch is set up.

The Panel commented that BCU should get in touch with the Council in terms of the advice on support and training of volunteers who work in the BCU.

It was **RESOLVED** to note the briefing and for the relevant officers to take on board comments and suggestions made by the Panel in this debate.

53 COMMUNITY SAFETY PLAN: POLICE AND CRIME COMMISSIONERS & POLICE AND CRIME PANEL (30 MINUTES)

The Chairman invited Marc Hole from Avon and Somerset Police Authority to give a presentation.

Marc Hole gave a presentation where he highlighted the following points:

- Overview of the Police Reform and Social Responsibility Act 2011 – key powers and what's new
- Our approach
- Role of the Police and Crime Panels
- Composition of the Police and Crime Panels
- Police and Crime Commissioner role in Criminal Justice

- Opportunities for strengthen joint working and community involvement
- Next steps

A full copy of the presentation from Marc Hole is available on the minute book in Democratic Services.

The Panel asked the following questions and made the following points:

The Panel expressed their concerns that the Police and Crime Panels might have 2 roles in advising and also scrutinising and felt that there might be a conflict in decision making.

The Panel felt that meetings of the Police and Crime Panels should be public and they should be held on rotational basis in each authority that has their members on the Panel.

Marc Hole acknowledged comments and concerns from the Panel and said that there is not much clarity of the Police and Crime Panel's work but that the guidance should be available in summer 2012.

The Panel also said that the elected Police and Crime Commissioner (PCC) must provide equitable service to all areas and not focusing on one service in one particular area.

Marc Hole responded that all authorities are expected to receive some sort of equitable service.

David Trethewey added that Council officers had the opportunity to discuss with Group Leaders these issues. It was agreed that Councillor Paul Crossley, Leader of the Council, will be BANES representative in discussion with other authorities on establishment of the Police and Crime Panels.

The Chairman summed up the debate by saying that there are few issues that needed to be thought through, such as risk assessment, boundaries for PCC, opportunities for recall of PCCs and equitable service. The Chairman expressed his slight concern that further away the election is, the lower turnout of voter will be. The Chairman also expressed his concern that the PCC election will be party political.

It was **RESOLVED** to note the presentation and for the relevant officers to take on board comments made by the Panel.

54 ANALYSIS OF FUNDING FOR THIRD SECTOR IN BATH AND NORTH EAST SOMERSET IN 2010-11: UPDATE AND PROGRESS REPORT (20 MINUTES)

The Chairman invited Andy Thomas (Group Manager for Partnership Delivery) to introduce the report.

Andy Thomas took the Panel through the report and asked what further analysis that Panel would want officers to do. Andy Thomas suggested that the Panel might want to receive a briefing on what the commission is and what the grant is.

The Panel asked the following questions and made the following points:

The Panel commented that it would be useful to know what funding comes from other funding sources and not only from the Government.

The Chairman asked if the Panel could commission project, such as DEVELOP, from the Policy Development and Scrutiny budget, to do a questionnaire about the funding for the 3rd/voluntary sector.

The Democratic Services Officer responded that the Panel could use funds from the Policy Development and Scrutiny budget subject to discussion with the other Policy Development and Scrutiny Chairs and relevant officers (i.e. Scrutiny Officer, Monitoring Officer, etc).

The Panel agreed that the Chairman will communicate with DEVELOP about the questionnaire and also for the Chairman to discuss commissioning arrangements with the other Policy Development and Scrutiny Chairs and relevant officers.

The Panel asked how much funding was pulled back on occasions where 3rd/voluntary sector failed to deliver the service.

Andy Thomas replied that he will get back to the Panel with an answer to that question.

Alex Raikes (Support Against Racist Incidents) said that 3rd/voluntary sector funding process is quite stringing process on who gets the funding.

The Panel agreed with the suggestion from Andy Thomas that future briefing should specify the difference between the commission and grant

It was **RESOLVED** to note the briefing and for the relevant officers to note the comments from the Panel.

It was also **RESOLVED** that the Chairman will communicate with DEVELOP about the questionnaire and also for the Chairman to discuss commissioning arrangements with the other Policy Development and Scrutiny Chairs and relevant officers.

55 SERVICE ACTION PLANS (60-90 MINUTES)

POLICY AND PARTNERSHIPS SERVICE ACTION PLAN

The Chairman invited Alex Raikes and Navian Simms from the 'Support Against Racist Incidents' (S.A.R.I.) to read their statements.

Alex Raikes read out her statement in which she highlighted the following points:

- Policy and Partnerships' Service Action Plan and its impact on BME Communities.
- BANES is demographically changing. In 2009, as per the last estimate, BANES had 12% of its settled population as non-white British whilst Bristol had 13.5% BME population at the same time.
- Number of cases that S.A.R.I. considered over the past couple of years in BANES.
- The needs for newly arriving and existing BME Communities in a rural authority such as BANES.
- A letter from 19 old Zimbabwean man who lives and studies in BANES.

A full copy of the statement from Alix Raikes, including the copy of the letter read at the meeting, is available on the minute book in Democratic Services.

Navian Simms (former client of S.A.R.I.) read out his statement in which he supports the work that S.A.R.I. does and questioned why the Policy and Partnerships Service Action Plan didn't mention BME Communities.

A full copy of the statement from Navian Simms is available on the minute book in Democratic Services.

The Panel thanked the speakers for their statements.

The Chairman said that number of issues had been raised that require longer debate. The main issue is the lack of BME Communities mention in the Service Action Plan. The Chairman said that he will look together with the officers if there are any opportunities for external funding and these findings will be communicated with S.A.R.I. These findings will be also communicated with the Resources PDS Panel who have Equalities in their remit.

The Chairman invited David Trethewey (Divisional Director for Policy and Partnerships) to introduce the report.

The Panel made the following points:

The Panel expressed their concern that Council specific operational roles relating to Anti-Social Behaviour will end.

David Trethewey informed the Panel that new joint team involving Council, Somers Housing and the Police will be set.

The Panel expressed their concerns that schemes such as Taxi Marshals will cease to exist due to significant reductions in Community Safety budget.

Andy Thomas added that Taxi Marshals will be commissioned until July 2012. Council will negotiate what funding could be put in for integrated city marshalling.

The Panel asked about the CCTV budget.

David Trethewey responded that Council will have the assessment process on what equipment is there. The idea is to have one place with 24 hour service integrated with the Emergency Management Services.

The Chairman summed up the debate by saying that the Panel expressed their concerns on the following areas:

- Community Safety budget reduction. The proposal would need to be looked again and Community Safety reductions should not be as steep as they are proposed.
- Proposed Equality saving of 40%. Budget decisions in some Councils are overturned because of the lack of Equality Impact Assessments. The proposal of 40% saving would need to be looked again.

It was **RESOLVED** to note the Policy and Partnerships Service Action Plan with the summary of concerns mentioned above.

CULTURAL SERVICES SERVICE ACTION PLAN

The Chairman invited David Lawrence (Tourism, Leisure and Culture Divisional Director) to introduce the report.

The Panel made the following points:

The Panel asked about Mobile Libraries and if the multi-purpose vehicles had been considered, as the one in the PCT.

David Lawrence replied that multi-purpose vehicles had been considered but there was no financial support from the PCT. The service got to that position where vehicles needed to be replaced. David Lawrence also said that the service would be very keen on looking into using local vehicles to help people getting to libraries.

The Chairman summed up the debate by saying that the only concern made by the Panel was reduced spending on marketing and impact that will have on number of visitors to Bath. The Panel asked for regular reports on the initiatives that will continue to attract visitors to Bath.

It was **RESOLVED** to note the Cultural Services Service Action Plan with the summary of concerns mentioned above.

DEVELOPMENT AND MAJOR PROJECTS SERVICE ACTION PLAN (ECONOMIC AND ENTERPRISE SERVICES)

The Chairman invited John Wilkinson (Economic Enterprise & Business Manager) to introduce the report.

The Panel made the following points:

The Panel asked if there are any further updates on creation of Technology Hub in Bath to support our creative industries.

John Wilkinson replied that they are considering a range of options in order to take this further and create a viable sustainable model.

Some Members of the Panel commented that in Service Delivery of the Plan there is no information on how business rates will be collected.

John Wilkinson took on board that comment.

The Chairman summed up the debate by saying that the Panel did not have any concerns from the Service Action Plan but that they would wish to have more updates on the potential for a Social Enterprise Zone at future meetings.

It was **RESOLVED** to note the Economic and Enterprise Services Service Action Plan with the request for updates on Social Enterprise Zone at future meetings.

56 WORKPLAN

It was **RESOLVED** to note the workplan.

The meeting ended at 4.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	22 March 2012
TITLE:	Proposed merger of the Bath and Wansdyke; North Somerset; South Somerset and Mendip; and Taunton Deane, West Somerset and Sedgemoor Local Justice Areas and Benches
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Letter from Jeremy Williams JP, Justices Issues Group Chairman, 24th February 2011	

1 THE ISSUE

1.1 This report invites members to contribute to the Council's response to a consultation by HM Courts & Tribunals Service regarding the proposed merger of four Local Justice Areas to create one Somerset bench and Local Justice Area.

2 RECOMMENDATION

The Economic and Community Development Panel is asked to agree that:

2.1 It notes the issues and concerns raised in this report

2.2 It identifies any additional issues and questions in relation to the proposed merger

2.3 These comments be considered as part of the Council's formal response to the merger proposal

3 FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications to the Council of this report. However, officers have identified additional pressures on the Council, such as increased travel by those engaged with the courts process, as a result of this merger.

4 THE REPORT

4.1 England and Wales is divided into Local Justice Areas (LJAs). Each magistrate is allocated to a particular LJA which forms the basic building block of the local administration of justice, such that cases are heard in courts which are in the LJA where

- the offence is alleged to have been committed,
- the person charged with the offence resides,
- the witnesses, or the majority of the witnesses, reside, or
- other cases raising similar issues are being heard

4.2 There is currently only one LJA covering Bath and North East Somerset, the Bath and Wansdyke LJA. However, the Council has received notification of consultation on a proposal to merge the current Bath and Wansdyke LJA with three other LJAs, namely:

- North Somerset
- South Somerset and Mendip
- Taunton Deane, West Somerset and Sedgemoor

4.3 This proposal has been put forward as a voluntary merger by the Avon and Somerset Justice Issues Group which identifies that this would. The consultation letter relating to this proposal is attached with a closing date for responses of 13th April. The letter highlights that the aim of the merger is to create a more efficient and effective Bench, with improvements to administration through “critical mass” and flexibility whilst maintaining local justice services. The letter also states that:

- Cost savings “may be achievable” as a result of the proposal but it is not “the main driver”. However, the letter also states that these savings are currently planned through staff reductions which are themselves “a big reason for one Bench”
- There is a courthouse in each current LJA (including, of course, Bath and Wansdyke Magistrates’ Court in Bath) and the merger is not “predicated” on any courthouse closures
- Every magistrate on the new Bench will be entitled to choose to continue to sit only at his or her local court and not be expected to travel to any other court.

4.4 The proposed merger raises a number of potential issues and concerns. These include :

- That larger areas and benches may mean a loss of understanding of and connection with local communities
- That the local knowledge of magistrates may be lost if sitting across a larger geographical area
- That specialist knowledge, skills and shared understanding built up through work with the local bench - for example through the work of the Specialist Domestic Violence Courts- may be affected.
- That those engaged in the courts process may be required to travel further and more often for cases, leading to additional costs and difficulties relating to access. This is particularly so given the large geographical area that the new LJA proposes to cover. Any additional pressures (for example, the need for additional travel) may act in particular as a disincentive to the most vulnerable victims to engage with the judicial process.

4.5 These issues and potential impacts are not covered in detail in the letter from the Courts & Tribunals Service. In order to assess impacts, further information has therefore been sought by the Council from the Courts and Tribunals Service and a representative has been invited to the Panel meeting. Specifically, an Equalities Impact Assessment (EqiA) of the proposed merger has been requested from the Courts and Tribunals Service along with any other impact data. In response the Council have been informed that:

- Representatives of the Courts and Tribunals Service are not able to attend the meeting due to engagements already organised. However, they will be pleased to hear the outcome of the deliberations through the consultation.
- An Equalities Impact Assessments have not been prepared for this proposal in line with a similar merger in Devon and Cornwall which was advised that with the “bulk of work continuing to be done in the same places” this was not necessary.
- The process follows a template and timetable used in other such bench mergers around the country, a link to which is attached as a background document to this report
- Depending on the outcome of the consultation, working groups of Bench chairs would then discuss detailed arrangements. The merger would need approval by documents laid before Parliament.

5 RISK MANAGEMENT

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

6 EQUALITIES

6.1 An EqiA has not been completed as the Council has not initiated this change and has insufficient data to carry out such an assessment. As set out above, however, a request for an EqiA has been made to the Courts and Tribunals Service by the Council, There are potential impacts on equalities strands arising from this

proposal and the Council in carrying out its public sector equalities duty would wish to highlight these. For example, access to courts and additional required travel could have significant impacts upon vulnerable users of court services.

6.2 Previously Overview and Scrutiny panels have requested EqlAs for proposals to close Post Offices and remove of public telephones. Most recently, Policy Development and Scrutiny made such a request in respect of conducting all Coroner post mortems at Flax Bourton.

7 CONSULTATION

7.1 *Cabinet Member; Overview & Scrutiny Panel; Staff; Other B&NES Services; Section 151 Finance Officer; Monitoring Officer*

7.2 A draft of this report was circulated for comment. In addition, the proposal for merger was circulated for views to members of the Community Safety Partnership and to relevant Council services. The Assessment and Family Service Manager has raised a number of significant issues in relation to this proposal and these views have been reflected in this report.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Social Inclusion; Customer Focus; Sustainability; Young People; Human Rights; Corporate; Health & Safety; Impact on Staff; Other Legal Considerations*

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	Andy Thomas, 01225 394322 Andy_thomas@bathnes.gov.uk
Background papers	Bench Mergers: guidance https://judiciary.sut1.co.uk/docs/doc_guid/magistrates/bench-mergers-guidance-march-2011.pdf
Please contact the report author if you need to access this report in an alternative format	

APPENDIX



**HM Courts
& Tribunals
Service**

MR J WILLIAMS JP
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February 24, 2012

Dear Sir or Madam

Formal Consultation under S.8 of the Courts Act 2003 on the proposed merger of the Bath and Wansdyke -- North Somerset -- South Somerset and Mendip -- and Taunton Deane, West Somerset and Sedgemoor Local Justice Areas and Benches

Avon and Somerset comprises six Local Justice Areas (LJA's) – those mentioned above, plus Bristol and North Avon. All the six LJA's within Avon and Somerset are currently served by one Justices' Clerk.

I am writing to you on behalf of the Avon and Somerset Justices Issues Group (JIG) to consult on the proposed merger of the four LJA's and Benches set out in the first paragraph to create one Bench of Magistrates and new LJA.

The JIG comprises the Chairmen of all Benches in Avon and Somerset together with other representative magistrates, including from the Magistrates' Association, a District Judge, the Justices' Clerk and a representative of HMCTS management.

In May 2011 the JIG considered a letter from Shaun McNally HMCTS, Head of Crime. That letter had been sent to all JIGs in England and Wales. It indicated that HMCTS would be prepared to consider the voluntary merger of LJA's and Benches if such proposal were to be made locally. As a consequence of receiving that letter members of JIG took soundings from colleagues to ascertain if there were any appetite for such a proposal in Avon and Somerset. As a result of those soundings it was agreed that Bench Chairmen would discuss the issue with their Benches at the relevant Bench meetings. Information was fed back to JIG from these meetings.

At the meeting of the Avon and Somerset JIG held in January 2012 it was agreed unanimously to take the step of formally consulting on the proposed voluntary merger of the four Benches set out in the heading of this letter (for the avoidance of doubt there are no proposals in relation to the remaining Benches in Avon and Somerset namely Bristol and North Avon). Before issuing this letter JIG consulted with the Regional Delivery Director, Regional Head of Crime and HMCTS Head of Crime who all support this proposal.

The aim of the merger is to create a more efficient and effective Bench, with critical mass; better able to meet the challenges ahead and closely matching new legal and administrative boundaries, while still maintaining the principle of local justice. During the whole process, each Bench will be treated fairly and equitably, as this is a merger of equals, not a takeover by some of others. Some cost savings may be achievable as a result of the proposal. However, such savings as will be made are already going to happen through the planned reduction of staff, which in itself is a big reason for one Bench. Cost-saving is not, therefore, the main driver for the proposal.

JIG believes that benefit will accrue with more flexible listing practices benefiting all the key criminal justice agencies and the reduction in meetings and points of liaison for all criminal justice partners. The main benefits of the proposed amalgamation would be to reduce the administrative burden of running four separate Benches and to maintain effective support for magistrates as the number of Legal Managers and Legal Advisers are reduced in line with reducing workload and the consequent impact on budget allocation. It will also provide increased opportunities for magistrates to gain all round experience whilst continuing to maintain their current link with the local courthouse.

Although there is currently no certainty as to the Legal Management structure within Avon and Somerset it is likely (following the publication by HMCTS on 31/01/2012 of the document "HMCTS response to a consultation on the creation of HMCTS Legal Service and a new management structure for the provision of HMCTS Lawyers and Justices Clerks in England and Wales") that Avon and Somerset may no longer have its own Justices Clerk and that the six Deputy Justices Clerks in Avon and Somerset (one per Bench) will reduce to two Deputy Justices Clerks within a year.

Proposed Merger

The number of Magistrates on each of the Benches under consideration was, at 31.12.2011:

Bath and Wansdyke = 84
North Somerset = 90
South Somerset and Mendip = 78
Taunton Deane, West Somerset and Sedgemoor = 110

Each Bench has its own Family Panel, Youth Panel and Training and Development Committee but practices and procedures have been broadly aligned. Magistrates often participate in joint training and the same statutory criminal justice agencies cover both areas.

There is a courthouse in each LJA and the merger proposal is not predicated on any known intention to close any courthouse.

By merging the Benches it is envisaged that local justice will continue to be provided at the same level to the people of Somerset. Every magistrate on the new Bench will be entitled to choose to continue to sit only at his or her local court and not be expected to travel to any other court. The new combined Bench of Magistrates and the new LJA will become known as the Somerset Bench and the Somerset LJA.

Every magistrate on the new Bench will have equal rights of representation. As indicated above these proposals have been discussed by the current Bench Chairmen and the Benches. There is magisterial support for the proposals and creation of a single Bench for the historic County of Somerset.

The Local Authority areas serving the existing LJAs are as follows:

Bath and Wansdyke	Bath and North East Somerset Unitary Authority
North Somerset	North Somerset Unitary Authority
South Somerset & Mendip	Somerset County Council, South Somerset District Council & Mendip District Council
Taunton Deane, West	Somerset County Council, Taunton Deane Borough Council, West Somerset
Somerset & Sedgemoor	District Council, & Sedgemoor District Council

Reasons for Consultation

This consultation seeks your views on the proposals for the merger and the likely impact that this merger may have. Responses should be sent to me at the above address or by e mail to williams.stjuliott@btinternet.com; or by email to victoria.gibson-barnes@hmcts.gsi.gov.uk by Friday 13 April 2012.

Yours sincerely

Jeremy Williams

Jeremy Williams JP
Justices Issues Group Chairman

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Bath & North East Somerset Council	
MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	22 nd March 2012
TITLE:	Community Safety: Strategic Assessment and developing approach
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report: None	

1 THE ISSUE

1.1 This report provides an update on the Community Safety Strategic Assessment and sets out how it is informing and shaping the emerging approach to delivering community safety in Bath and North east Somerset.

2 RECOMMENDATION

The Economic and Community Development Policy Development and Scrutiny Panel is asked to agree that:

- 2.1 It notes the key findings of the Community Safety Strategic Assessment and encourages partners to incorporate these into their detailed action plans
- 2.2 It comments on the developing approach to community safety in the context of changes such as the new Health and Wellbeing Board and the Police and Crime Commissioner process.

3 FINANCIAL IMPLICATIONS

3.1 There are none relating directly to this report. However, the direction of community safety within the Council is shaped by the national budget situation and in particular by the transfer of Home Office funding from Community Safety Partnerships to Police and Crime Commissioners in April 2013. The Council's Community Safety team has undertaken a comprehensive review of its activities and approach in the light of these changes and local needs and is putting in place a range of new approaches which are set out in this report.

4 THE REPORT

4.1 The 2007 Police and Justice Bill placed a responsibility upon the "responsible authorities" of the Crime and Disorder Partnership (CDRP) to conduct an annual review of the levels and trends of crime and disorder in the Bath and North East Somerset Area. This is the fifth strategic assessment to be conducted by the

partnership. The 2011 assessment is different from its predecessors however for the following reasons:

- (1) It now forms part of the Joint Strategic Needs Assessment (JSNA) of the Health and Wellbeing of Bath and North East Somerset. This process has been developed to support the new Health and Wellbeing Board and create a coherent picture of the area across a wide range of topics as well as provide a one-stop-shop for local communities to find out more about their local area. The opportunity for a more streamlined approach is significant. For example, learning more about the cross-cutting impact of alcohol has been identified as a key line of investigation in the JSNA process
- (2) It has been undertaken in the context of significant reductions in resources available nationally to Community Safety, and also identified through the Council's budget process as reported to a previous meeting of the Panel. However, this comes at the same time as new and continuing Government initiatives which impact on community safety, such as the review of the national "Prevent" strategy (which is a component of the Government's overall anti-terrorism strategy), a new approach to supporting victims of crime and the introduction of Police and Crime Commissioners (highlighted below).
- (3) As reported to a previous meeting of the Panel, new Police and Crime Commissioners will be elected across the country in November 2011 and these will receive Home Office funding streams currently allocated to councils to support the work of Community Safety Partnerships from April 2013. This has necessitated a fundamental revision of the approach taken to supporting community safety in the Council.

4.2 As well as informing detailed Action Plans which emanate from the Community Safety Plan (which was agreed by Council in 2009), the strategic assessment has also been used to inform and shape an approach to the key challenges set out in 4.1. In highlighting local needs and priorities rather than simply meeting centrally-set performance targets, the assessment can also be used to inform the priorities of local partners as well as influence the new Police and Crime Commissioner.

4.3 The Strategic Assessment itself draws on a very wide range of data, including crime and mapping information and also highlights the key changes and challenges facing community safety. The main issues are set out below along with the recommended approach for addressing them

- (1) Overall crime continues to fall and the area currently has historically low levels of youth custodial sentencing and is experiencing significant reductions in youth re-offending. However, there are current Police priorities for activity to tackle non-dwelling burglary, fuel theft, shoplifting and metal theft.

Recommended Approach: Continued close working between the Police and the Council with emphasis on using to the full the "new tools and powers" arising from the Government's review

- (2) Hotspots (geographical concentrations of crime and anti-social behaviour) remain consistent over time, particularly within the city centre as a result of the night-time economy.

Recommended Approach: continue to work with partners through the NTE Steering Group- for example, targeted Police patrols: to create an integrated city centre night-time marshalling service with the Business Improvement District.

- (3) Tackling domestic violence and abuse remains a key priority- there has been an increase over time in the number of children with notifications of domestic violence over time

Recommended Approach: continue to support and develop our partnership that tackles domestic violence and abuse and influence the Police and Crime Commissioner on this priority

- (4) Hate crime continues to be a key priority of the partnership and there is a link between this and the night-time economy.

Recommended Approach: continue to undertake case reviews relating to hate crime and work with partners to manage the transition of Home Office funding to the Police and Crime Commissioner at Avon and Somerset level. Government have published "Getting it Right for Victims and Witnesses" which proposes that, except for a small number of specialist national services, Police and Crime Commissioners (PCCs) should be responsible for the commissioning process for services to support victims at a local level.

A detailed note on this issue was circulated to members of the Panel following the discussion at the previous meeting in relation to the submission from SARI)

4.4 This emerging approach to community safety in Bath and North East Somerset can be summarised as:

- Using data and evidence to inform decisions- for example, using "Problem Profiles" for Hate Crime and Domestic Violence
- Developing new ways of working to deliver priorities and anticipating change, attracting new funding where possible- for example, working with the Business Improvement District on night-time marshalling
- Cutting costs by working across services- for example, moving to a new communications hub with Customer Services
- Seeking efficiencies through working together at the right level - for example, proposing that support for victims should be commissioned across the Avon and Somerset area
- Getting the most out of partnership working eg through the proposed Anti Social Behaviour Team jointly with Somer and the Police
- Developing a sustainable funding approach that does not assume funding from either central Government or from the Council

5 RISK MANAGEMENT

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

6 EQUALITIES

6.1 An Equalities Impact Assessment has been carried out on the potential impacts of the Council's budget on community safety outcomes. The Strategic Assessment generates equalities data which is used as the basis for these and other Equality Impact Assessments.

7 CONSULTATION

7.1 Cabinet Member; Staff; Other B&NES Services;; Section 151 Finance Officer; Monitoring Officer, Crime and Disorder Reduction Partnership,

7.2 Consultation was conducted at the December 2011 Responsible Authorities Group meeting of the Crime and Disorder Partnership. Other staff have been involved with the writing of the report on an ad-hoc basis. Priorities identified by local communities through the PACT (Partners and Communities Together) engagement process and through the Voicebox public survey.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Social Inclusion; Customer Focus; Young People; Human Rights

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	Andy Thomas, 01225 394322 Andy_thomas@bathnes.gov.uk Jon Poole, 01225 477230 Jon_poole@bathnes.gov.uk
Background papers	
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council	
MEETING:	Economic and Community Development Policy Development and Scrutiny Panel
MEETING DATE:	22 nd March 2012
TITLE:	Localism Act: Update
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
APPENDIX: Plain English Guide to the Localism Act	

1 THE ISSUE

1.1 This report provides an update on the Localism Act and invites the Panel to consider how best to incorporate the provisions contained in the Act into its work programme.

2 RECOMMENDATION

The Economic and Community Development Policy Development and Scrutiny Panel is asked to agree that:

2.1 It notes the key provisions contained within the Localism Act as set out in the Appendix "Plain English Guide"

2.2 It receives a brief presentation on the key issues contained in the Act which impact on the Panel's remit

2.3 It considers how best to consider the implementation and impact of the Act's provisions into its programme of work

3 FINANCIAL IMPLICATIONS

3.1 There are none relating directly to this report. However, the Localism Act's provisions potentially have a wide range of financial implications for councils and others, depending on take-up and usage. For example, the Government has stated that it plans to introduce a "compensation scheme" under the Assets of Community Value provisions but as yet little detail of this has been made available.

4 THE REPORT

4.1 The Localism Act has now received Royal Assent. The Act is a complex one and covers a very wide range of topics which will have an impact on councils and communities. In brief, These include:

- A general power of competence for Local Authorities
- Changes to the standards regime
- The introduction of Neighbourhood Planning
- The introduction of a new “Community Right to Challenge”
- The introduction of a duty on councils to maintain a list of “assets of community value”
- Provision for the Secretary of State to make an order for the transfer of a local public function to a permitted authority.
- Changes to the Community Infrastructure Levy
- Greater freedom for councils to offer business rate discounts
- Changes to the regulation of social housing

4.2 These are clearly detailed and wide-ranging provisions and relate to the remits of a number of PDS Panels. This Panel received a report on the “community right to buy” in October 2011. Many of them (including the Community Right to Buy and also the register of “assets of community value”, as the community right to Buy has been renamed”) are awaiting final guidance and regulations from Government before they “go live”. However, preparations for implementing the Act are underway within the Council and two successful member briefing sessions on the Act were held in January.

4.3 There is now potential for the Panel to develop its approach to the implementation of the Act, particularly for the key areas within its remit. In addition, there is also an opportunity for the Panel to examine the wider impact of the Act on the localism agenda. To enable this discussion a “Plain English” summary of the Act is attached as an Appendix to the report and it is proposed that a short presentation of key issues affecting the remit of the Panel be made.

5 RISK MANAGEMENT

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

6 EQUALITIES

6.1 An Equalities Impact Assessment has not been carried out on this report. Specific aspects of the Localism Bill were themselves subject to a national Equalities Impact Assessment by CLG as well as a summary impact assessment for the Bill as a whole. Individual policies and provisions relating to the implementation of the Act will be subject to EIAs as they are developed and reported.

7 CONSULTATION

7.1 Section 151 Finance Officer; Monitoring Officer,

7.2 The report was circulated in advance. In addition, a number of bodies including Parishes Liaison have been engaged with on specific provisions of the Act, particularly Neighbourhood Planning and the new Community Rights.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 *Social Inclusion; Customer Focus; Sustainability; Human Resources; Property;; Human Rights; Other Legal Considerations*

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	David Trethewey, 01225 396353 David_trethewey@bathnes.gov.uk
Background papers	Community Assets , report to ECD PDS Panel, October 2011
Please contact the report author if you need to access this report in an alternative format	

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Bath & North East Somerset Council	
MEETING: ECONOMIC AND COMMUNITY DEVELOPMENT PANEL	
MEETING DATE:	22nd March 2012
TITLE:	WORKPLAN FOR 2012
WARD:	All
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1 – Panel Workplan	

1 THE ISSUE

- 1.1 This report presents the latest workplan for the Panel (Appendix 1).
- 1.2 The Panel is required to set out its thoughts/plans for their future workload, in order to feed into cross-Panel discussions between Chairs and Vice-chairs - to ensure there is no duplication, and to share resources appropriately where required.

2 RECOMMENDATION

- 2.1 The Panel is recommended to
 - (a) consider the range of items that could be part of their Workplan for 2012/13

3 FINANCIAL IMPLICATIONS

- 3.1 All workplan items, including issues identified for in-depth reviews and investigations, will be managed within the budget and resources available to the Panel (including the designated Policy Development and Scrutiny Team and Panel budgets, as well as resources provided by Cabinet Members/Directorates).

4 THE REPORT

4.1 The purpose of the workplan is to ensure that the Panel's work is properly focused on its agreed key areas, within the Panel's remit. It enables planning over the short-to-medium term (ie: 12 – 24 months) so there is appropriate and timely involvement of the Panel in:

- a) Holding the executive (Cabinet) to account
- b) Policy review
- c) Policy development
- d) External scrutiny.

4.2 The workplan helps the Panel

- a) prioritise the wide range of possible work activities they could engage in
- b) retain flexibility to respond to changing circumstances, and issues arising,
- c) ensure that Councillors and officers can plan for and access appropriate resources needed to carry out the work
- d) engage the public and interested organisations, helping them to find out about the Panel's activities, and encouraging their suggestions and involvement.

4.3 The Panel should take into account all suggestions for work plan items in its discussions, and assess these for inclusion into the workplan. Councillors may find it helpful to consider the following criteria to identify items for inclusion in the workplan, or for ruling out items, during their deliberations:-

- (1) public interest/involvement
- (2) time (deadlines and available Panel meeting time)
- (3) resources (Councillor, officer and financial)
- (4) regular items/"must do" requirements (eg: statutory, budget scrutiny, etc)?
- (5) connection to corporate priorities, or vision or values
- (6) has the work already been done/is underway elsewhere?
- (7) does it need to be considered at a formal Panel meeting, or by a different approach?

The key question for the Panel to ask itself is - can we "add value", or make a difference through our involvement?

- 4.4 There are a wide range of people and sources of potential work plan items that Panel members can use. The Panel can also use several different ways of working to deal with the items on the workplan. Some issues may be sufficiently substantial to require a more in-depth form of investigation.
- 4.5 Suggestions for more in-depth types of investigations, such as a project/review or a scrutiny inquiry day, may benefit from being presented to the Panel in more detail.
- 4.6 When considering the workplan on a meeting-by-meeting level, Councillors should also bear in mind the management of the meetings - the issues to be addressed will partially determine the timetabling and format of the meetings, and whether, for example, any contributors or additional information is required.

5 RISK MANAGEMENT

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

6 EQUALITIES

- 6.1 Equalities will be considered during the selection of items for the workplan, and in particular, when discussing individual agenda items at future meetings.

7 CONSULTATION

- 7.1 The Workplan is reviewed and updated regularly in public at each Panel meeting. Any Councillor, or other local organisation or resident, can suggest items for the Panel to consider via the Chair (both during Panel meeting debates, or outside of Panel meetings).

8 ADVICE SOUGHT

- 8.1 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	Jack Latkovic, Senior Democratic Services Officer. Tel 01225 394452
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

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Last updated 13.03.12.

Economic and Community Development Policy Development & Scrutiny Panel Workplan

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
22nd Mar 12						
	Proposed merger of the Local Justice Areas and Benches – 30 minutes		Andy Thomas			
	Community Safety – Strategic Assessment – 25 minutes		Sue Tilley			
	Localism Act update – 30 minutes		Andy Thomas			
	Olympic and Paralympic Games impact and legacy in BANES – 25 minutes		David Lawrence	Presentation		
24th May 12						
	Community Safety – BID and Night Time Economy		Andrew Cooper			
	Parish Charter		Glen Chipp			
	Hotels – the issue of sustainable growth		David Lawrence	Presentation		
	River Corridor Group Report		Tom Blackman			
	Future Business Support	JB	John Wilkinson			
	Graduate Retention Single Inquiry Day		Cllr Ben Stevens and Donna Vercoe			

Last updated 13.03.12.

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Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
12th Jul 12	Community Safety - Sport and Active Lifestyle Partnership		David Lawrence	Presentation with partners		
	World Heritage Site – 25 years on		David Lawrence	Presentation		
27th Sep 12	Community Safety - Festivals annual report		David Lawrence	Presentation and report		
22nd Nov 12	Community Safety -					
24th Jan 13	Community Safety -					
14th Mar 13	Community Safety -					
Future items	Community Right to Buy - further update		Andy Thomas			
	Cross media lab initiative with digital industry		David Lawrence and ED			Suggested by David Lawrence on 21 Feb. Together with

Last updated 13.03.12.

Meeting Date	Agenda Item	Director	Report Author	Format of Item	Requested By	Notes
			team			Economic Development?
	Community Safety – Supporting vulnerable people; inter-agency work				Cllr Brett	
	Facilities used by the community that are owned by non-Council organisations				Cllr Rigby	
	Progress on Rural Broadband		John Wilkinson		Cllr Anketell-Jones	
	Economic Development – ‘Role of the local small businesses’ seminar.					

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