

**Democratic Services**

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**Your ref:**

**Our ref:**

**Date:** 12 June 2012

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**To:** The Chairperson and Clerk of each Parish and Town Council in Bath & North East Somerset and the Chairpersons of Parish Meetings

Copy to :

Group Leaders:

Cabinet Members:

Chief Executive and other appropriate officers  
Press and Public

Dear Member

**Parishes Liaison Meeting: Wednesday, 20th June, 2012**

You are invited to attend a meeting of the **Parishes Liaison Meeting**, to be held on **Wednesday, 20th June, 2012 at 6.30 pm** in the **Council Chamber - Guildhall\***

(\* please note different venue)

The agenda is set out overleaf.

Yours sincerely

Ann Swabey  
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 Ann Swabey who is available by telephoning Bath 01225 394416 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 Ann Swabey 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 Ann Swabey 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.

**Parishes Liaison Meeting - Wednesday, 20th June, 2012**

**at 6.30 pm in the Council Chamber - Guildhall**

**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 follows:*

*If 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. The assembly point is in Kingston Buildings, behind the Abbey.*

3. APOLOGIES FOR ABSENCE
4. URGENT BUSINESS AS AGREED BY THE CHAIR

The Chair will announce any items of urgent business accepted since the agenda was prepared

5. MINUTES OF THE MEETING ON 22ND FEBRUARY 2012 (Pages 5 - 12)

To approve the minutes of the previous meeting as an accurate record.

6. THE EVOLVING STANDARDS REGIME (Pages 13 - 16)

A briefing note is attached. Vernon Hitchman, the Council's Monitoring Officer will attend to answer questions.

7. RURAL BROADBAND IN B&NES (Pages 17 - 22)

Two briefing notes are attached:

- a) Briefing for new councillors
- b) Update on the project

8. B&NES COUNCIL WEBSITE AND ITS NAVIGATION

Jonathan Mercer (Communications and Marketing Manager) and Nigel King (Web Project Manager) will attend to give a brief presentation and answer questions.

9. B&NES CORE STRATEGY (Pages 23 - 24)

A briefing note is attached. Simon de Beer (Planning Policy and Environment Manager) will attend to answer questions on:

- a) The progress of the Core Strategy Examination

b) The authority's intentions regarding the Place-Making Plans

10. NEIGHBOURHOOD PLANNING (Pages 25 - 26)

A briefing note is attached. Simon de Beer (Planning Policy and Environment Manager) will attend to answer questions.

11. HYDRAULIC FRACTURING ('FRACKING')

David Trigwell (Divisional Director, Planning and Transport) will attend to answer questions.

12. THE GYPSIES, TRAVELLERS AND TRAVELLING SHOW PEOPLE SITE ALLOCATIONS DPD (Pages 27 - 28)

Simon de Beer (Planning Policy and Environment Manager) will attend to give an update and answer questions. A briefing note is attached.

13. DATES OF FUTURE MEETINGS

*The next meeting will be on **Wednesday 17<sup>th</sup> October** – venue to be confirmed.*

The Committee Administrator for this meeting is Ann Swabey who can be contacted on 01225 394416.

**PARISHES LIAISON MEETING**

**Minutes of the Meeting held**

Wednesday, 22nd February, 2012, 6.30 pm

Bath & North East Somerset Councillors: Peter Edwards (Chair), Tim Ball, Cherry Beath, David Bellotti, Mathew Blankley, Neil Butters, Sally Davis, Gerry Curran, David Dixon, Vic Pritchard, Brian Simmons, Jeremy Sparks, David Veale, Tim Warren.

Representatives of: Batheaston, Bathford, Bathampton, Cameley, Claverton, Clutton, Combe Hay, Compton Dando, Compton Martin, Corston, Dunkerton, Englishcombe, Farmborough, Freshford, Keynsham, Marksbury, Monkton Combe, Newton St Loe, Paulton, Peasedown St John, Priston, Publow with Pensford, Radstock, Saltford, South Stoke, Stowey Sutton, Timsbury, Ubley, Whitchurch,

Also in attendance: Tony Crouch (President of the Avon Local Councils Association), Richard Daone (Planning Policy Team Leader), John Everitt (Chief Executive), Tim Richens (Divisional Director for Finance), Andy Thomas (Group manager, Partnership Delivery), David Trigwell (Divisional Director for Planning and Transport), John Wilkinson (Economic Development Manager).

**28 WELCOME AND INTRODUCTIONS**

The Chairman, Councillor Peter Edwards, welcomed everyone to the meeting.

**29 EMERGENCY EVACUATION PROCEDURE**

The Clerk drew attention to the emergency evacuation procedure.

**30 APOLOGIES FOR ABSENCE**

Apologies had been received from representatives of Camerton, Charlcombe and High Littleton Parish Councils and Midsomer Norton Town Council.

Apologies had also been received from Councillors Rob Appleyard, Sarah Bevan, Paul Crossley, Francine Haerberling, Nathan Hartley, Paul Myers and Martin Veal.

**31 URGENT BUSINESS AS AGREED BY THE CHAIR**

Peter Duppa-Miller drew the meeting's attention to the fact that it was the Chief Executive's last Parishes Liaison meeting before his retirement. On behalf of the

Parish and Town Councils, he thanked John Everitt for his support and guidance over the past years.

### **32 MINUTES OF THE MEETING ON 19TH OCTOBER 2011**

The minutes of the last meeting were agreed and signed by the Chair as a correct record.

### **33 CLINICAL COMMISSIONING**

Dr Ian Orpen, Chair of the B&NES Clinical Commissioning Group (CCG), gave a presentation on the progress towards clinical commissioning in Bath and North East Somerset and the purpose and aims of the clinical commissioning group.

A representative of Combe Hay Parish Council asked whether the CCG would be providing the 111 'out-of-hours' service? Dr Orpen replied that the CCG would not be running the service, but would procure it from an appropriate provider.

A representative from Radstock Town Council asked how the CCG would meet the public sector equality duty in their commissioning. Dr Orpen replied that the CCG were mindful of the importance of taking those issues into consideration and would have to satisfy the Department of Health that they would fulfil that requirement.

A representative of Cameley Parish Council asked what difference the patients would notice under the new regime. Dr Orpen replied that they would be able to access the same services, but closer to home. Hospitals would tend to get smaller, but otherwise there would not be great changes. The Chief Executive, John Everitt, added that patients should notice the benefits of integration between social services and the health service into a joined-up service from one provider. Sirona Healthcare is due to deliver £9m of annual savings which will be ploughed back into local services.

The Chair thanked Dr Orpen for his presentation, a copy of which is attached to these minutes.

#### **GP Clinical commissioning - an introduction**

### **34 RURAL BROADBAND IN BATH & NORTH EAST SOMERSET**

John Wilkinson, Business Enterprise Manager, distributed a handout which informed the meeting of progress with B&NES participation in the Connecting Devon and Somerset broadband programme. The programme aims to deliver improved broadband service to every community and business by 2015 to 2MB per second with at least 85% of the area getting 24MB per second by 2015 and 100% by 2020. He explained that the Connecting Devon and Somerset Broadband Programme was one of three national pilots supported by the government.

He urged parish members to complete the online survey about demand which was on the Connecting Devon and Somerset website. This would inform the private sector (who would be bidding to provide the broadband service) about the level of demand in rural areas. The general survey would be followed up with a series of questionnaires and phone surveys to gather more detailed information.

Mr Wilkinson then introduced Chris Head from the West of England Rural Network who had been working with parish councils in Devon and Somerset on the broadband project. Mr Head informed the meeting that the first step was to identify the location and type of the small local exchanges (green or grey boxes). The parishes could help with this work by mapping the boxes within their areas. A letter requesting that this work be carried out would arrive with the parishes shortly.

A representative from Freshford Parish Council said that their exchange was in the neighbouring county of Wiltshire and asked whether that would cause a problem. John Wilkinson replied that Wiltshire was also part of the national pilot, so they would be commissioning a provider on the same timescales who would deliver the same service across the county border.

A representative of Combe Hay Parish Council asked what the timescale was for the completion of the broadband project and was informed that, as B&NES had been able to link in with the already well-established Somerset and Devon scheme, it was hoped that there would be an early delivery date with roll-out starting in 2013.

The Chief Executive added that B&NES will benefit from the economies of scale achieved by the larger counties – the Council does not need to contribute very much funding as it only represented a small percentage of the whole project.

Councillor Neil Butters (Bathavon South Ward) expressed concern that the claimed broadband speeds would not be achieved. John Wilkinson replied that, until the procurement was complete, it would be difficult to predict the final figures accurately, but that they did intend to achieve what had been promised. A representative from Clutton added that to achieve 24MBpersecond would be a huge improvement.

Councillor David Veale (Bathavon West Ward) asked what the open market broadband speeds would be by 2020 and was informed that it was very difficult to predict. However, as B&NES are part of the pilot, the area would be ahead of many other parts of the country in terms of broadband speed.

Councillor David Bellotti (Cabinet Member for Finance and Property) informed the meeting that the choice for the Cabinet had been to partner with Bristol and South Gloucestershire at 85% capacity or join this cheaper scheme which had 100% coverage and was quicker.

The Chairman thanked the officer and Mr Head for their contribution. A copy of the handout is attached to these minutes.

## **Rural broadband programme**

## **35 IMPLICATIONS OF THE B&NES COUNCIL'S 2012/13 BUDGET**

Tim Richens (Divisional Director for Finance) introduced this item and drew the members' attention to the executive summary contained in the briefing note. He informed the meeting that Council Tax has been frozen at last year's level; this was the 2<sup>nd</sup> year of a likely 4-year freeze which is set under the government's comprehensive spending review. The Council's government grant had been reduced by 8.3%; it was expected that these reductions would continue for another 2 years.

However, there was some good news in that B&NES was better placed financially than many other local authorities; only 10% of the savings will affect frontline services. Borrowing would also be reduced over the next few years, though not at the expense of the capital programme. There would still be significant investment in capital packages and infrastructure.

There were no questions from members but a representative from Combe Hay Parish Council welcomed the Council's support for investment in the rural broadband project despite the difficult financial climate. The Chair thanked the officer for his presentation.

## **36 THE LOCALISM ACT'S COMMUNITY RIGHT TO CHALLENGE AND COMMUNITY RIGHT TO BUY**

Andy Thomas (Group Manager, Partnership Delivery) introduced this item and explained that he had extracted the key impacts of the Localism Act as they affected parishes regarding their community rights.

The Act gives parishes the right to 'challenge' and 'bid'. The right to challenge enables a parish council to express an interest in running a local authority service. The right to bid gives communities a right to identify a building or land that they believe to be of importance to their community's social well-being.

A representative from Saltford Parish Council asked how the parish would be reimbursed if they decided to bid to repair the roads. The officer replied that, under the Community Right to Challenge, any organisation could approach the Council and propose that they could deliver a better service. If the Council accepts the proposal, they would have to initiate a procurement process and decide if the relevant body is suitable and capable of providing the service. The Chief Executive added that, if a parish felt it could deliver a service, the Council could issue a tender and anyone who bid for it would be considered.

A representative from Combe Hay Parish Council asked whether this scheme would prejudice the current agency arrangements in parishes e.g. for parish sweepers. The officer replied that each case would need to be looked at on an individual basis. If there was an existing agreement, there was a presumption that it would continue.



A representative from Claverton Parish Council asked whether councils had to have a neighbourhood plan in order to make a community bid and was informed that this was not required.

The Chair thanked the officer for his contribution.

## **37 THE B&NES CORE STRATEGY AND PLACEMAKING PLAN.**

### Core Strategy

David Trigwell( Divisional Director, Planning and Transport) introduced this item and updated Members on the progress of the Examination in Public. He reported that the Inspector was impressed with the number of Parish Councils who had taken part.

A representative from Combe Hay Parish Council, with reference to Paragraph 1.4 of the briefing note, welcomed the inclusion (in the proposed changes to the Core Strategy) of the urgent need for reliable and adequate access to high-speed broadband for every home and business in rural areas.

A representative from Claverton Parish Council asked what was happening to the plans for the A36/A46 link road as to implement it would seem to contradict other key policies in the Core Strategy. As there was no work currently being undertaken on that project, he could not understand why it was still included in the Core Strategy. David Trigwell replied that the issue was still due be addressed in the next planning period up to 2026, so it would be disingenuous not to include it. However, the Council currently did not have the resources to address the issue. The representative from Claverton Parish Council commented that the resource argument was not valid. He pointed out that the scheme had been unambiguously rejected at an earlier public enquiry. The Chief Executive added that, as technically it was still possible that the link road would go ahead, it had to be included in the Core Strategy.

A representative from Whitchurch added that their village would like to see the A36/A46 link road improved so that the trunk route traffic heading for Southampton would not go through their village. A representative from Saltford Parish Council agreed that they had a similar experience with traffic using A4.

### Placemaking Plans

David Trigwell introduced this item and explained that part of its intention was to provide clarity and greater certainty for the development industry; in Bath, this particularly applied to the future of the MOD sites in the city. The MOD wished to dispose of the sites quickly, so they were currently being prioritised. It was also the aim to protect the wider district from inappropriate development.

## **38 NEIGHBOURHOOD PLANNING ( INCLUDING THE COMMUNITY RIGHT TO BUILD)**

David Trigwell introduced this item and informed the meeting that the legislation relating to Neighbourhood Planning takes effect in April 2012. The Cabinet will consider a draft Neighbourhood Planning Policy at that time followed by a period of public consultation until June 2012 when it will be finalised and adopted. A lot of work was being done about how the Council follows guidance from the Localism Act as to how it can improve engagement with communities.

A representative from Combe Hay Parish Council asked whether it was the Council's understanding that the scope of a Neighbourhood Plan is restricted to 'land use' matters only or may issues such as transportations be addressed. The officer confirmed that transportation issues would be included in the plan. The plan could also potentially include healthcare, but the impact would need to be assessed.

A representative from Freshford Parish Council asked whether the Neighbourhood Plan would be judged against the provisions of the Core Strategy to ensure conformity. David Trigwell acknowledged that conformity posed a difficult problem in this process – nothing can be done which is not in accordance with the core strategy and joint planning framework.

## **39 DEVELOPMENT MANAGEMENT**

David Trigwell introduced this item and summarised the background to the Development Management system and Scheme of Delegations which was introduced after 2008. The scheme provided for the situation where an objection or a comment or support from a parish council is contrary to the recommendation of the planning officer. It gives the opportunity for the planning officer to consult with the Chair of the Development Control Committee to consider whether the application goes before the Committee. The delegation rate was now at 95% and so the remaining 5% of cases receive a high degree of attention from the Committee. The planning department tried to resolve conflicts over land and property – sometimes the issues were settled to people's satisfaction, sometimes not.

Councillor Gerry Curran (Chair of the Development Control Committee) informed the meeting that he had been a councillor for 17 years and for most of that time, he had been a member of the Development Control Committee. Officers brought applications to him on a weekly basis for a decision on whether they would be referred to Committee. A form is completed and signed to record his decision and is then published. The Chair stated that he did consider all the issues and that some were very difficult. He did agree that correspondence with parishes could be improved.

Peter Duppa-Miller ( Secretary to the B&NES Local Councils Group) made the following statement:

*“The purpose of asking Councillor Curran to speak at this meeting is to help Local Councils how to better articulate (in planning policy terms) their recommendations concerning planning applications, so that in those few instances where the Local Council’s recommendation is opposite to that of the planning case officer, the Chair of the Development Control Committee will decide to refer the application to the Committee for determination.”*

David Trigwell replied that he was happy to help parish councils with this.

Councillor Neil Butters (Bathavon South Ward) informed the meeting that South Stoke Parish Council had drafted a Conservation Area Character Appraisal in conjunction with officers, but it seems to have stalled; he asked when it would be published. The officer replied that the department had been concentrating on the Core Strategy and so other work had been delayed as a result. He would need to consult with Cabinet Members to decide future priorities.

A representative of South Stoke Parish Council commented that parishes do consider planning applications carefully and they are careful to keep within policy guidelines. They wanted to help the planning department to deliver consistent results especially where there were substantial objections. They wanted to be re-assured that the high level of local concern was reflected on by the Chair of the Committee. A representative from Dunkerton asked if parishes could be notified if an application was to be considered by the Chair. The officer agreed that could be implemented.

A representative from Ubley stated that he was glad to hear that communications were to be improved but that there were still concerns about the delegation process. He referred to a local planning case which had over 30 objections, but which was not referred to Committee; this kind of incident destroyed confidence in the process. The Chair requested that Councillor Gerry Curran to respond to Ubley Parish Council directly on this matter.

Councillor Eric Potter (Chair of the B&NES Local Councils Group) commented that he hoped that the parishes and the Development Control Committee could sort out their differences. Planning Officers needed to work hard to justify their recommendations and improve the lines of communication. The Chief Executive added that planning was not a democratic process as the officers and Committee Members did not have much discretion as they had to follow planning policy. The number of cases where there was an issue was very small, but he agreed that informing parishes of the route of an application would be a good idea.

A representative of Batheaston Parish Council added that the parishes wished to be allies with the Development Control Committee, but that communications were a problem. He asked whether there were situations where planning decisions had been made in advance of the consultation process. David Trigwell replied that the system should not allow that to happen, but that he would investigate.

The Chair thanked Councillor Curran and the officer for their contribution.

**40 DATES OF FUTURE MEETINGS**

The Chair announced that the next meeting would be on Wednesday 20<sup>th</sup> June at 6.30pm in the Town Hall Chamber, Keynsham.

He informed the meeting that the next Chair of the Parishes Liaison meeting would be Councillor Rob Appleyard, with Councillor Neil Butters as Vice-Chair.

As it was the Chief Executive's last Parishes Liaison meeting, the Chair thanked him for his wise counsel and wished him well for his retirement.

The meeting ended at 8.45 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**PARISHES LIAISON MEETING – 20<sup>TH</sup> JUNE 2012**

**Briefing note on the new standards regime**

1. The Localism Act makes fundamental changes to the system of the regulation of standards of conduct for elected and co-opted councillors. The date for the implementation of these changes was initially proposed to be 1 April 2012 but is now 1 July 2012.

**Code of Conduct**

2. All Councils are placed under a statutory duty to promote and maintain high standards of conduct for their elected and co-opted members.

3. The current general principles and model code of conduct will no longer apply. All Councils are required to adopt a new code of conduct governing elected and co-opted members conduct when acting in that capacity. The new code of conduct must, viewed as a whole, be consistent with the following seven principles:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

4. Councils have discretion as to what they include in their new code, provided that it is consistent with the seven principles. The LGA has recently produced a model code and the DCLG has produced an illustrative list of what a local authority code of conduct might look like. Neither code is considered to be satisfactory. However, NALC has recently produced a model code for Town and Parish Councils. The NALC model code has not been made available to unitary councils so I am unable to comment on it but I recommend all Town and Parish Councils to consider it rather than attempting to devise their own code.

**Pecuniary Interests**

5. Regulations, still to be made under the Localism Act, will require the registration and disclosure of “Disclosable Personal interests” (DPI’s).

6. The Act also requires an authority’s code to contain arrangements it considers appropriate for the registration and disclosure of other pecuniary interests and non- pecuniary interests.

7. The Act makes it a criminal offence to fail to register a DPI and prohibits members with a DPI from participating in authority business. A person found guilty of an offence is liable on summary conviction to a fine not exceeding

level 5 on the standard scale, which is currently £5,000. In addition on conviction the Court may also disqualify the member in question, for a period not exceeding 5 years from being or becoming a member or co-opted member of an authority. Prosecutions will only be able to be instituted by or on behalf of the Director of Public Prosecutions.

Draft regulations have been published. Discussions are in hand to clarify the wording which is currently somewhat obtuse.

### **Dealing with Misconduct complaints**

8. The Act requires Bath and North East Somerset Council to adopt arrangements under which allegations of a breach can be investigated and a decision made regarding the allegations. Such complaints can only be dealt with in accordance with such arrangements. Therefore the arrangements must set out in some detail the process for dealing with complaints and actions which may be taken against a member who is found to have failed to comply with the relevant Code of conduct.

9. The Act repeals the requirements for separate referral and review sub-committees. As the statutory provisions will no longer give the Standards Committee or Monitoring Officer special powers to deal with complaints, it would be necessary for Council to delegate appropriate powers to any Standards Committee which may be set up and to the Monitoring Officer to deal with such matters under the new Code.

### **Independent Person**

10. The arrangements to be adopted by Bath and North East Somerset Council must include provision for the appointment by Council of at least one Independent Person. The Independent Person must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the Council (i.e. not just of those who are present and voting).

11. A person is considered not to be independent if he/she is or has been within the last 5 years, an elected or co-opted member or officer of the Council; or has been within the last 5 years, an elected or co-opted member of any committee or sub-committee of the Council or a relative or close friend of a current elected or co-opted member of the Council or of any elected or co-opted member of any committee or sub-committee of the Council.

12. The functions of the Independent Person(s) are –

(1) their views must be sought and taken into account where the Authority has decided to investigate an alleged breach, before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member where this relates to an allegation that it has decided to

investigate – but not before the Council makes a decision to investigate

(2) they may be consulted by the Authority in respect of a standards complaint at any other stage

(3) they may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

13. The West of England authorities are currently considering placing a joint advertisement for Independent Persons and having a joint interview panel. It is considered that it would be appropriate for there to be two Independent Persons for this council with possibly another as a reserve.

### **Members' interests**

14. The Localism Act abolishes the concepts of personal and prejudicial interests. Instead regulations will define Disclosable Pecuniary Interests (DPI's). The Monitoring Officer is required to maintain a register of interests, which must be available for inspection and available on the Council's website. Each elected or co-opted member must register all DPI's within 28 days of becoming a member. Failure to register is made a criminal offence. There is no continuing requirement for a member to keep the register up to date except on re-election or re-appointment. However there is a requirement to update the register within 28 days of a meeting at which the member was present and an unregistered DPI arose.

### **Parish and Town Councils**

15. Parish and Town Councils are required to adopt a code of conduct. This Council is required to have arrangements in place to deal with complaints against parish councillors including arrangements under which decisions on allegations can be made.

16. Parish and Town Councillors are required to register their interests. The Monitoring Officer is required to ensure that every Parish and Town Council's register is available on this Council's website and if the Parish/Town Council has a website it must ensure that its register is accessible on that website.

17. Arrangements are being put in place to publish Parish and Town Councils' registers of interest on the Council's website. Guidance on interests will also be made available to Parish and Town Councils.

18. Parish and Town Councils are now responsible for granting their own dispensations (previously a B&NES role.) A note on this is attached.

NOTE

## Dispensations briefing note

The provisions on dispensations have been significantly changed by the Localism Act 2011.

The current position is that a member who has a prejudicial interest may apply to the Standards Committee for a dispensation on two grounds:-

1. That at least half of the members of a decision making body have prejudicial interests
2. That so many members of one political party have prejudicial interests in the matter that it will upset the result of the vote on the matter.

From 1 July 2012 a dispensation will be able to be granted in the following circumstances:-

1. That so many members of the decision making body have disclosable pecuniary interests in a matter that it would impede the transaction of business. In practice, this means that the decision making body would be inquorate as a result
2. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter,
3. That the authority considers that the dispensation is in the interests of persons living in the authority's area,
4. That, without a dispensation, no member of the Cabinet would be able to participate on this matter, or,
5. That the authority considers that it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

Under the new standards regime the function of granting a delegation may be delegated to the Standards Committee, a sub-committee or the Monitoring Officer. Under the previous regime the function could not be delegated to a sub-committee or the Monitoring Officer

Town and Parish Councils have been given the ability to deal with their own dispensations.



## PARISHES LIAISON MEETING – 20<sup>TH</sup> JUNE 2012

### Briefing for newly-elected councillors: Connecting Devon and Somerset May 2012

#### Programme background

The Connecting Devon and Somerset Programme, led by Devon County Council and Somerset County Council aims to provide 100% broadband coverage of 2Mbps with a minimum of 85% superfast broadband at 24Mbps by 2015 and superfast broadband for all by 2020. The original bid was submitted in partnership with Plymouth, Torbay, and North Somerset Councils and secured £31m Government funding from BDUK. When Bath and North East Somerset Council (B&NES) joined the Programme, a further £700,000 was awarded. Somerset and Devon County Councils have committed further funding of up to £10 million each, bringing the public sector investment to a total of £53 million. The Programme aims to secure further funding from the private sector. For more information, please visit our website at [www.connectingdevonandsomerset.co.uk](http://www.connectingdevonandsomerset.co.uk).

#### Other Broadband Projects in Devon and Somerset

There are a number of different broadband projects operating in the Devon and Somerset area, but only two are currently funded with public money: **Connecting Devon and Somerset** and **The Rural Connection**.

**The Rural Connection** is a project operating on the Devon/Somerset borders, funded through the European Rural Development Programme for England (RDPE). It aims to connect over 1,000 digitally excluded rural homes and businesses in selected areas of North, Mid and East Devon, and Wheddon Cross in Somerset through satellite broadband. The project offers a grant to enable residents and businesses in these areas to install satellite broadband, offering 6-10 Mbps on a first come-first served basis. This comes with free technical and user support to all households and businesses in the eligible areas.

The private sector is also extending its broadband provision. This has the potential to complement the Connecting Devon and Somerset Programme by reducing the overall number of slow or no broadband areas across the two counties. **BT**, for example, is rolling out its own superfast broadband product, BT Infinity, through its Openreach local network business. Openreach is making super-fast broadband available to around two-thirds of UK homes and businesses by the end of 2014. Recently, it announced it would be rolling out superfast broadband to parts of **Torbay, Plymouth, Sidmouth, Cullompton and Glastonbury**.

*It is important to understand, that communities with slow or no broadband provision NOT covered by these private sector roll-outs, are precisely the ones that Connecting Devon and Somerset has been set up to help. For Plymouth this includes parts of Roborough and Plymstock, and the wider travel-to-work area of the South Hams.*

#### CDS Programme Aim

CDS aims to provide 100% broadband coverage of 2Mbps with a minimum of 85% superfast broadband at 24Mbps by 2015 and superfast broadband for all by 2020.

#### Timescale

Press and PR campaign; stakeholder briefings

From January 2012

Survey of demand for faster broadband  
Procurement process for supplier begins  
Supplier appointed  
Rollout of faster broadband begins

February 2012 (until late summer)  
May 2012  
October 2013  
Early 2013

## Registering for faster broadband

Since January there has been a two-fold focus to activity: raising political and public awareness of the programme (through MP, councillor and editor briefings along with media coverage); and encouraging businesses and individuals to complete a survey, registering their need for broadband along with their current experiences and speed. The survey will provide evidence of demand which will be vital in upcoming negotiations with suppliers in terms of roll out and funding.

Registering for the survey is easy and can be done by:

- calling 0844 4636887
- visiting the the website [www.connectingdevonandsomerset.co.uk](http://www.connectingdevonandsomerset.co.uk)
- completing a paper questionnaire. (Leaflets posters and paper questionnaires can be ordered from Chibugo Okorie on 01392 382094 [chibugo.okorie@devon.gov.uk](mailto:chibugo.okorie@devon.gov.uk).)

A dedicated team has also been phoning people to complete the survey to ensure a statistically representative response. So far over 22,000 response have been received.

## Demand Stimulation

The programme team is now beginning a programme of work to stimulate interest and increase likely future uptake of faster broadband. A company is being appointed to deliver events and workshops in communities across Devon & Somerset to help businesses and residents get more confident in their Internet usage. We will also be continuing with media articles, issuing a newsletter and increasing our social media activity. The demand stimulation work – similar to that being undertaken by BT Openreach and Plymouth Chamber of Commerce – is vital. We need businesses to understand what they can achieve interms of productivity and growth simply by utilising the Internet more effectively.

## Procurement Process and State Aid

The public sector procurement process to appoint a supplier will begin as soon as BDUK finish their discussions with the European Commission over the granting of State Aid. State Aid regulation is a mechanism to ensure that market competition is not distorted through the use of public money. In terms of CDS this means that programme team must show that there is no planned deployment of basic or superfast broadband by the private sector within 3 years of the state aid application for those areas it plans to cover. As this will apply to all BDUK programmes nationwide, the negotiations are taking place at national level. The procurement process follows a lengthy and rigorous timetable, as required by law, to ensure best value.

## How you can help

If you know of any businesses, communities or individuals in your ward who need improved broadband, please encourage them to take part in the survey. We also have posters, questionnaires and leaflets available.

If you are aware of any businesses, communities or individuals who have an interesting broadband story to tell, we'd love to talk to them. It may be that superfast broadband has made a real difference to their business; or perhaps they're a homemaker crying out for a better service – either way, their story can help promote the programme. You may know of individuals who could take on a role as 'community champion'. Or perhaps there's a local event where the programme team should have a

presence. We'll keep you up to date with progress via briefings for councillors and the programme newsletter. But please do get in touch if you'd like more information or are keen to get involved.

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## PARISHES LIAISON MEETING – 20<sup>TH</sup> JUNE 2012

**Members Briefing: Connecting Devon and Somerset**

**June 1st 2012**

### **Progress update: 1<sup>st</sup> June**

Progress on the **Connecting Devon and Somerset Programme** since last month's update, has focused on the procurement of a framework of suppliers who will deliver the 'Demand Stimulation' part of the programme. The successful suppliers will be announced soon. They will be putting together 'on the ground' events, workshops and community liaison work to promote how superfast broadband can change the way we use the internet.

**National Framework:** At a national level, ongoing negotiations between BDUK and potential broadband suppliers are close to completion, and preparations are being made to enable them to sign up to the National Framework. Once this has happened, Connecting Devon and Somerset will be able to formally launch its own local procurement process issuing an Invitation to Tender (ITT).

**State Aid:** In parallel with the work with bidders, BDUK has also been following a process to notify an umbrella State Aid scheme with the European Commission. This will enable all national projects to be State Aid compliant and save a lot of time at a local level. Complete agreement has not yet been achieved on some aspects of the scheme and BDUK is still working with the Commission to finalise these remaining aspects.

To compensate for the additional time taken up at European levels, BDUK is working to streamline and optimise the procurement process for regional programmes, including Connecting Devon and Somerset. In addition, it is working with the programme team to ensure we are fully ready to begin procurement as soon as the State Aid announcement is made, and are prepared for project approval by the UK's State Aid competency centre.

At present the CDS programme team do not anticipate any change to the overall timetable for procurement of a supplier. Despite the delays at the national level, a lot of work has gone on behind the scenes to ensure the procurement process can be condensed into a short time frame. This means the programme is still on track to sign up its broadband supplier by October 2012.

**DCMS:** You may have seen in the press that a further £1.7 million has been awarded to Devon by DCMS for superfast broadband. The proposal is to provide extra funding related to exchange only lines. The Connecting Devon and Somerset Programme Board will be reviewing the proposal and business case, as there are many fine details that need to be assessed. We will send out a further briefing on this issue when more details are available.

Please continue to do all you can to raise awareness about the aims of this project and to encourage constituents to have their say on this significant service.

Anyone can register: please encourage individuals, businesses and groups in your networks to either call 0844 4636887 or visit [www.connectingdevonandsomerset.co.uk](http://www.connectingdevonandsomerset.co.uk) to take part. We have posters, leaflets and paper questionnaires. Should you wish to order any, please contact Chibugo Okorie on

01392 382094 ([chibugo.okorie@devon.gov.uk](mailto:chibugo.okorie@devon.gov.uk)).

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### **Background**

'Connecting Devon and Somerset' is a project led by Devon County Council and Somerset County Council in partnership with Plymouth, Torbay, North Somerset and Bath and North East Somerset (B&NES) Councils to roll out improved broadband infrastructure to those parts of our counties not covered by the private sector. The partnership has secured £32m Government funding from BDUK. Somerset and Devon County Councils will also be putting in up to £10 million each, with contributions from other partners bringing the public sector investment to a total of £53 million.

### **About State Aid**

State Aid regulation is a mechanism to ensure that market competition is not distorted through the use of public money. In terms of CDS this means that the programme team must show that there is no planned deployment of basic or superfast broadband by the private sector in the areas where we are using public money within 3 years of the state aid application. It also requires the terms of the contract to ensure appropriate access to other operators.

### **Contact details for all media enquiries:**

Coast Communications Office: 01752 847135 Email: [info@coastmarcoms.co.uk](mailto:info@coastmarcoms.co.uk)

## Parishes Liaison Meeting Wednesday 20<sup>th</sup> June 2012

This briefing note covers Item 9 on the Agenda and sets out an update on the Core Strategy Examination, Placemaking Plan and Gypsies, Travellers and Travelling Showpeople Site Allocations Development Plan Document (DPD).

### Item 9:

#### a) B&NES Core Strategy – Progress of the Examination

- 1.1 The Core Strategy Examination remains open until the Council has received the Inspector's Report. Parish and Town Councils will be aware that the Core Strategy Examination hearings took place principally between 17/1/12 and 1/2/12 and the hearing session on the 'Duty to Co-operate' took place on 15/3/12. The key issues discussed at the hearings were outlined in a briefing note for the Parish Liaison Meeting on 22<sup>nd</sup> February.
- 1.2 Following the Examination hearings the Inspector consulted on the implications for soundness of the Core Strategy of the final version of the National Planning Policy Framework (NPPF) published by the government in April 2012. Specifically the Inspector was interested to receive the views of both the Council and other interested parties on the impact of the NPPF on the housing requirement established in the Draft Core Strategy and the associated 5 year housing land supply. The Inspector's request for comments was set out in document ID/27 and the Council's response in BNES/38. Both documents can be found at the links below:  
<http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Planning/planning%20policy/Core%20Strategy/ID-27%20Inspector%20Note%20re%20NPPF.pdf>  
<http://www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Planning/planning%20policy/Core%20Strategy/BANES%2038%20-%20response%20on%20NPPF%20ID27.pdf>
- 1.3 Consultation on the NPPF ended on 4<sup>th</sup> May 2012. Since that date the Inspector has been considering the issues raised and he has confirmed that he will advise the Council and other parties of the way forward on the Examination by the end of June.
- 1.4 The Examination therefore, remains open and the Inspector has not clarified the next steps at this stage. The next step could be for the Inspector to issue his Report in which he is able to recommend 'main modifications' to rectify soundness issues. However, if he considers there are substantial issues of unsoundness e.g. the need to plan for a higher number of additional homes or an inappropriate spatial strategy, he cannot recommend the solution via modifications and therefore, would not be in a position to issue his Report. All he could do is recommend the steps the Council must take to rectify the problem. This is because substantial modifications to the Strategy will need to go through statutory processes including Strategic Environmental Assessment, Habitat Regulations Assessment and public consultation.
- 1.5 If the Inspector considers the plan is sound (with recommended modifications), the Council will need to formally consider the recommended modifications, amend the Core Strategy and adopt it.

#### b) The Placemaking Plan

- 2.1 Parish and Town Councils will be aware that the Placemaking Plan will take forward the strategic planning framework set out in the Core Strategy and comprise three main elements:

- Site Allocations: Identifying development sites and providing clear development expectations
- Development Management Policies: a key instrument for determining planning applications
- Local Designations: Providing protection for valued assets as well as allowing certain kinds of development.

2.2 Work on the Placemaking Plan is progressing. Scoping and evidence gathering in relation to both potential site allocations and Development Management policies is underway. Currently it is anticipated that an Options consultation will take place early in 2013. The Options document is an informal stage on the way towards preparing the draft Plan which it is envisaged will be published for consultation in autumn 2013. Parish and Town Councils will be involved closely in progressing work towards the draft plan, both in terms of assessing potential development opportunities and preparing the policy approach in towns and villages. In addition to involvement in preparing the Placemaking Plan opportunities to address local/neighbourhood planning issues may arise through Neighbourhood Planning (see item 5 below).



## PARISHES LIAISON MEETING – 20<sup>TH</sup> JUNE 2012

### NEIGHBOURHOOD PLANNING – BRIEFING NOTE

In response to the Localism Act, the Council is assisting local communities by providing guidance on neighbourhood planning. It has prepared a guide entitled "My Neighbourhood: A Neighbourhood Planning Protocol for B&NES". This includes an update to the existing Statement for Community Involvement for Planning. This draft document was published for six-weeks public consultation ending on 9<sup>th</sup> May 2012. It is available via the dedicated website [www.bathnes.gov.uk/neighbourhoodplanning](http://www.bathnes.gov.uk/neighbourhoodplanning) that also contains the latest information on guidance, events and funding etc.

We are now considering consultation responses, and will be taking to amended document to Cabinet in September 2012 for adoption.

Comments have been overwhelmingly positive, and B&NES is one of the only authorities to have launched this type of guidance. Detailed points relate to issues such as:

- Need to include cross references community engagement in planning enforcement, listed building applications
- Need to include some links to additional information in relation to issues such as Assets of Community Value
- Need to reflect final version of the Neighbourhood Planning regulations (based on the draft although no significant changes)
- More detail needs to be added in relation to criteria for Neighbourhood Forum applications in Bath
- Additional groups to be named as non-statutory or statutory consultees
- Arrangements related to Planning Application consultation

Freshford Parish Council is preparing a joint Neighbourhood Plan for completion June 2013 with Limpley Stoke Parish Council, and have secured Fronrunner funding from the Government. They are the only Parish Council in the area to have embarked officially on the process, although interest has also been expressed in other areas across the district including potential Neighbourhood Forums within Bath.

A quick online survey of Parishes, Town Councils and community/resident/amenity groups in Bath is planned for summer 2012 to gauge potential interest in Neighbourhood Planning and to help plan future events and support in relation to this issue.

The Council would like to notify Parish Councils that in addition to their support, the West of England Rural Network would like to make it known that they can provide advice on Community-led planning and Neighbourhood Planning and can discuss ideas with you or provide help information about funding or other local projects. This can also include visiting individual Parishes on request. To find out more contact Chris Head via their website: [www.wern.org.uk](http://www.wern.org.uk)



## PARISHES LIAISON MEETING – 20<sup>TH</sup> JUNE 2012

### Item 12: Gypsies, Travellers and Travelling Showpeople DPD

- 3.1 The Gypsies, Travellers and Travelling Showpeople Site Allocations DPD will seek to allocate **22 permanent pitches** and **20 transit pitches** for Gypsies and Travellers and **1 yard** for Travelling Showpeople in Bath and North East Somerset. These are the figures that the West of England Gypsy & Traveller Accommodation Assessment (2007) recommends that the Council provides over the period to 2016.
  
- 3.2 Consultation on an Issues and Options document took place in November-December 2011. This was a consultation on the criteria to be used for assessing potential sites and was also a 'call for sites' where stakeholders and the public were asked for site information to be put forward for assessment.
  
- 3.3 Following this consultation the Council has undertaken an assessment of potential sites, including sites owned by the Council and those suggested through the 'call for sites'. In May Cabinet approved a Preferred Options document for consultation. This document identifies six potential sites that could be allocated for the purposes of providing pitches for Gypsies and Travellers and a yard for Travelling Showpeople. It should be noted that at this stage no decision has been taken on which sites will be allocated in the draft plan.
  
- 3.4 Consultation on the Preferred Options document is currently on-going and closes on 18<sup>th</sup> July. A number of staffed exhibitions are being held across the District to present and discuss the six potential sites. In addition to seeking comments on the six suggested sites the Council is also inviting further suggestions for alternative sites that should be assessed. It is intended that a report will be taken to Cabinet in autumn 2012 responding to the issues raised during consultation and considering any alternative sites suggested through the consultation. If any of these sites are considered to be suitable, available and achievable further public consultation on them will take place. It is currently anticipated that the draft plan will be published at the end of 2012 for formal consultation.
  
- 3.5 The current timetable for the remaining stages of the production of the document is set out below:

Date	Milestone
23rd May - 5:00 pm, 18th July 2012	<b>Consultation on the Preferred Options document</b> Public consultation on potential site allocations for 6 sites across the District.
September/ October 2012	Report back to Cabinet on any additional sites and consultation responses.
December 2012	<b>Consultation on the Pre-Submission document</b> This document will formally identify all site allocations for Gypsy and Traveller use and development principles for those sites. Final public consultation stage on sites.
April 2013	<b>Submission of the document to the Secretary of State</b>
July 2013	<b>Examination</b>
December 2013	<b>Adoption</b> The final version of the document will be adopted by the Council.

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