

Democratic Services

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Date: 2nd June 14
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To: All Members of the Cabinet

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Katie Hall	Cabinet Member for Community Integration
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

Chief Executive and other appropriate officers
Press and Public

Dear Member

Cabinet: Wednesday, 11th June, 2014

You are invited to attend a meeting of the **Cabinet**, to be held on **Wednesday, 11th June, 2014** at **6.30 pm** in the **Council Chamber - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely

Col Spring
for Chief Executive

The decisions taken at this meeting of the Cabinet are subject to the Council's call-in procedures. Within 5 clear working days of publication of decisions, at least 10 Councillors may signify in writing to the Chief Executive their wish for a decision to be called-in for review. If a decision is not called-in, it will be implemented after the expiry of the 5 clear working day period.

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 Col Spring who is available by telephoning Bath 01225 394942 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 normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward).

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 normally be received in Democratic Services by 4.30pm the previous Friday but Bank Holidays will cause this to be brought forward). 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 Col Spring 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 Col Spring 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.

- 7. Officer Support to the Cabinet**
Cabinet meetings will be supported by the Senior Management Team.
- 8. Recorded votes**
A recorded vote will be taken only when requested by a member of Cabinet.

Cabinet - Wednesday, 11th June, 2014

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

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

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

(b) The nature of their interest.

*(c) Whether their interest is **a disclosable pecuniary interest** or an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)*

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer or a member of his staff before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. QUESTIONS FROM PUBLIC AND COUNCILLORS

Questions submitted before the deadline will receive a reply from an appropriate Cabinet member or a promise to respond within 5 days of the meeting. Councillors may ask one supplementary question for each question they submitted, up to a maximum of two per Councillor.

7. STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Councillors and members of the public may register their intention to make a statement if they notify the subject matter of their statement before the deadline. Statements are limited to 3 minutes each. The speaker may then be asked by Cabinet members to answer factual questions arising out of their statement.

8. MINUTES OF PREVIOUS CABINET MEETING (Pages 7 - 14)

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

9. CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

This is a standard agenda item, to cover any reports originally placed on the Weekly list for single Member decision making, which have subsequently been the subject of a Cabinet Member requisition to the full Cabinet, under the Council's procedural rules

10. MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

This is a standing agenda item (Constitution rule 14, part 4D – Executive Procedure Rules) for matters referred by Policy Development and Scrutiny bodies. The Chair of the relevant PDS Panel will have the right to attend and to introduce the Panel's recommendations to Cabinet.

11. SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING (Pages 15 - 16)

This report lists Cabinet Single Member decisions taken and published since the last Cabinet meeting.

12. APPROACH TO SHARED SERVICES AND CO-OPERATION AGREEMENT WITH NORTH SOMERSET (Pages 17 - 24)

This paper sets out joint working that is taking place with North Somerset Council and proposes a Co-operation agreement to enable the two Councils to identify further opportunities to work together

13. COMMUNITY REGENERATION CAPITAL PROGRAMME 2014-15 (Pages 25 - 30)

Capital funds were provisionally allocated in the Council Budget for a number of Community Regeneration projects. Cabinet is being asked to agree to draw down the provisionally allocated capital funding for 4 projects

14. RADSTOCK ECOLOGY MITIGATION PROGRAMME (Pages 31 - 34)

To agree the Ecology Mitigation Programme prior to Radstock Regeneration

15. FUNDING APPROVAL FOR INDICATIVE AFFORDABLE HOUSING DEVELOPMENT PROGRAMME (Pages 35 - 44)

The Council has agreed capital funding to support the delivery of affordable housing. This report provides the indicative Affordable Housing Programme for 2014-15 and the evolving pipeline programme for 2015-18 together with an effective and robust delegated authority for funding approval decisions

Protocol for Decision-making

Guidance for Members when making decisions

When making decisions, the Cabinet/Committee must ensure it has regard only to relevant considerations and disregards those that are not material.

The Cabinet/Committee must ensure that it bears in mind the following legal duties when making its decisions:

- Equalities considerations
- Risk Management considerations
- Crime and Disorder considerations
- Sustainability considerations
- Natural Environment considerations
- Planning Act 2008 considerations
- Human Rights Act 1998 considerations
- Children Act 2004 considerations
- Public Health & Inequalities considerations

Whilst it is the responsibility of the report author and the Council's Monitoring Officer and Chief Financial Officer to assess the applicability of the legal requirements, decision makers should ensure they are satisfied that the information presented to them is consistent with and takes due regard of them.

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BATH AND NORTH EAST SOMERSET

CABINET

These minutes are draft until confirmed as a correct record at the next meeting.

Wednesday, 14th May, 2014

Present:

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Katie Hall	Cabinet Member for Community Integration
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

1 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.
The Chair welcomed everyone to the meeting.

2 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the Agenda.

3 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Simon Allen who was representing the Cabinet at a civic function.

4 DECLARATIONS OF INTEREST

There were none.

5 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

6 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 14 questions from Councillors.

[Copies of the questions and responses, including supplementary questions and responses if any, have been placed on the Minute book as Appendix 1 and are available on the Council's website.]

7 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

There were none.

8 MINUTES OF PREVIOUS CABINET MEETING

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

RESOLVED that the minutes of the meeting held on Wednesday 9th April 2014 be confirmed as a correct record and signed by the Chair.

9 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

10 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

11 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

12 SCHOOL TERM AND HOLIDAY DATES 2015-16

Councillor Michael Evans in an *ad hoc* statement asked whether the Cabinet member had taken account of the view of the Early Years, Children and Youth PD&S Panel, which had discussed the issue at length and voted on it.

Councillor Dine Romero explained that 4 options had been discussed by the Panel. She assured Councillor Evans that she had taken full account of the Panel's comments but that she had felt that the Panel's preferred option would have led to terms of unequal length.

Councillor Romero reminded Cabinet that the school calendar had historically been based on a 195-day year, including 5 staff training days which would be different for different schools. She asked Cabinet to agree to recommend a fixed 190-day year (with 5 training days arranged separately), while still offering schools the alternative of a 195-day calendar (with 5 training days set within). She felt that this would make it possible in future years for schools to choose term dates which would work better for children, staff and parents, particularly where children from the same family were at different schools.

She moved the recommendations.

Councillor Katie Hall seconded the proposals. She felt that they were an important compromise which had been reached after listening to the consultation feedback. Parents with children at different schools were presented with difficult dilemmas. She reminded Cabinet that it was important to do away with random length terms.

Councillor David Bellotti said that the proposals were a success story. Schools had responded very positively the previous year. The Council would be giving a clear recommendation while at the same time allowing for schools with special or different circumstances to make other arrangements. The move to schools having roughly equal term dates was very welcome.

Councillor Paul Crossley said he felt that consistency of dates would be good for schools, parents and children. He recommended the 190-day option to schools but asked them to consider the alternative suggestions if they were not able to adopt this pattern.

On a motion from Councillor Dine Romero, seconded by Councillor Katie Hall, it was

RESOLVED (unanimously)

(1) To NOTE that the majority of local schools and academies can already set their own term and holiday dates, by virtue of being an Academy, Voluntary Aided or Foundation School and that the Deregulation Bill currently before parliament proposes to allow every school to set their own dates;

(2) To RECOMMEND the Council's preferred calendar of School Term and Holiday dates for the academic year 2015-16 based on a 190 day calendar (as set out in Appendix A) to all schools and academies in order to maximise consistency of dates for the benefit of children and their parents;

(3) To RECOMMEND to all school and academy governing bodies that good practice would be to consult parents and take account of their views in the event that they propose any variation from the recommended calendar; and

(4) To RECOMMEND, since a number of schools and academies have already indicated that they may still prefer to set a 195 day calendar, that in this event such schools adopt the 195 day calendar (at Appendix B), which most logically fits with the Council's recommended 190 day calendar.

13 ENVIRONMENTAL SERVICES CAPITAL PROJECTS 2014/15

Councillor Geoff Ward in an *ad hoc* statement said he was delighted that £1M was to be spent on open spaces and parks. He reminded the Cabinet of the need to consult closely with local members and not to favour the city in their allocations. He felt that the public toilets issue had been emotive because there had been insufficient consultation.

Councillor David Dixon responded to Councillor Ward by saying that not only had the Cabinet consulted about the public toilet proposals, but had also listened to the feedback. The proposals would be sustainable and would deliver long-term solutions. He had held a number of conversations with local members and was delighted that it had been possible to provide clean, safe toilets at locations where people wanted them. The £3.3M would be invested in improving, maintaining and safeguarding local toilets.

Councillor Dixon referred to the contract to replace play areas across the area. He noted that there had been no budget for this when he had taken office. He had visited every Council-owned and run play area and was delighted at the wide range of improvements which would be achieved.

He moved the proposals.

Councillor Caroline Roberts seconded the proposal. She was very pleased with the plans because it was about 10 years earlier that she had been a member of the Overview and Scrutiny Panel which had recommended the automated toilets which were now beginning to be introduced. She also welcomed the play area upgrades because she had witnessed the difference they had made by bringing the local community back together.

Councillor Katie Hall observed that the proposals would fit very well with the Health and Wellbeing Board's Fit For Life promotion.

Councillor Paul Crossley explained that one of his constituents with a challenging illness needed clean, readily available toilets if he was to be able to leave home. He was very pleased that local children would benefit greatly from the investment in play areas.

Councillor David Dixon summed up by reminding Cabinet that when new equipment arrived in a play park, it brought new vitality to the community as people started using the parks again. He emphasised to Cabinet that the Monmouth Street toilets were not being closed – they were being refurbished.

On a motion from Councillor David Dixon, seconded by Councillor Caroline Roberts, it was

RESOLVED (unanimously)

(1) To APPROVE the budgets for the following capital projects and for the projects to proceed:

- Parks and Green Spaces Capital programme (£1,010k);
- Public WC Conversions (£100k);

(2) To DELEGATE authority to the Divisional Director for Environmental Services, in consultation with the Chief Property Officer and the Cabinet Member for Neighbourhoods, to decide where the detailed spend on WC conversions project is targeted.

14 HERITAGE SERVICES BUSINESS UPDATE

Councillor Patrick Anketell-Jones in a statement reminded the Cabinet that he had previously presented a petition to Cabinet relating to free entry for local residents. He had been delighted to see the recent scheme allowing free entry for those under-21 plus some other good initiatives. He asked Cabinet however to ensure the future of the gallery. He felt that it was not only an educational and leisure asset, but was an important tourism asset too.

Councillor Ben Stevens, in proposing the item, said he wanted to be very clear – the Victoria Art Gallery would not close on his watch. There had been a small drop in visitor numbers but that did not threaten the viability of the gallery. It was a good museum, run well. He was particularly complimentary about the crucial role played by Stephen Bird (Head of Heritage Services) in attracting tourists to the heritage sites and his work in bringing the Beau Street Horde into public display. He also mentioned Stephen's work in extending the educational facilities under the Roman Baths, his infectious love of the Bath heritage and the fact that a benefit of £55 per Council Tax payer was generated by the Heritage Service.

Councillor Paul Crossley seconded the proposals. He agreed with Councillor Stevens about the debt of thanks owed to Stephen Bird and his team for delivering

such longstanding success across a wide range of attractions. He expressed great disappointment that Councillor Anketell-Jones had spoken of the possible closure of the Victoria Art Gallery. He emphasised in the strongest terms that this was not a possibility and asked Councillor Anketell-Jones to support the gallery's long term future by the things that he said.

Councillor David Dixon said that he had recently found it necessary to explain to a local resident that far from closing the Victoria Art Gallery, the Cabinet was investing in it. He reminded the meeting that local residents can gain free access to the gallery and many other attractions by showing their Discovery Card. He told the Cabinet that he had recently had a glimpse of the tunnels under the Roman Baths and he was excited about what was planned.

On a motion from Councillor Ben Stevens, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

- (1) To NOTE the provisional out-turn for Heritage Services for 2013/14;
- (2) To APPROVE the Fashion Museum Forward Plan;
- (3) To APPROVE further investigation into extending the Victoria Art Gallery into the void behind it to enable it to make a positive contribution to the Guildhall market redevelopment project; and
- (4) To APPROVE the capital budget for the Beau Street Hoard project in the Council's Capital Programme for 2014/15 and 2015/16 in the amounts of £203k and £17k respectively, and note the technical adjustment made to the capital budget for this project in 2013/14 to reflect grant-funded spend.

15 "GETTING AROUND BATH - A NEW TRANSPORT STRATEGY FOR BATH" PROPOSED CONSULTATION

Councillor Anthony Clarke in an *ad hoc* statement emphasised the need for cross-party support if the transport strategy consultation was to be effective. He felt that particular mention should have been made of north-south travel to school. He observed that report did not address the transport issues across the area and should be seen as the first building block of a wider transport policy.

Councillor David Laming in an *ad hoc* statement supported the proposals although he felt the title should have said "Getting Round and Through Bath". He observed that no mention had been made in the report of river ferries and other ways in which the river would be part of the solution. He asked Cabinet to consider the need for a safe, well-lit cycle path from Pulteney Weir right through to Newbridge.

[David Redgewell (South West Transport Network) arrived after the debate had already started but the Chair at his prerogative agreed that David could still make his statement]

David Redgewell welcomed the consultation and emphasised a number of issues which he felt must be addressed: the Dorchester Street scheme; a strategy for cross-border services; bus fleet upgrade; the public realm and the transport strategies for Bath and the rural areas.

Councillor Caroline Roberts, in proposing the item, said that a lot of hard work had already been done to bring the proposals to consultation and she was pleased to

propose that the consultation period should begin. She asked Councillors and members of the public to feed all their comments into the consultation.

Councillor Paul Crossley seconded the proposal. There had been significant problems but also significant opportunities. He hoped to hear from residents during the consultation period. He reminded the meeting that recent improvements already introduced had been hybrid buses, Park and Ride options, variable messaging about car park places, cycle hire and the electrification of the main line to London. He encouraged Councillor Laming to feed his river ideas into the consultation. He was delighted that Councillor Clarke had offered to support the consultation process and assured him that funds were already earmarked to conduct similar studies of Keynsham and Somer valley.

Councillor Tim Ball observed that in his view very slow progress had been made in developing the city's transport strategy by the previous administration but that it had planned to build a bus route through the back gardens of Newbridge residents with no consultation. He reminded Cabinet that the Council's Core Strategy was dependent on the outcome of the three transport strategies so it was essential to make progress on them as soon as possible.

Councillor David Dixon said that the three main concerns were congestion, air quality and (especially in Larkhall) the river. It would be essential to maintain cross-party support for the consultation to be a success. He emphasised that the strategy could not be only about the city centre.

Councillor Ben Stevens expressed the hope that the Strategic River Group would get involved. He contracted to work with Councillor Laming to enable this. He was determined that the strategy should work for the whole community and said that the residents of Batheaston would remember a plan put forward by a previous administration to concrete over their meadows.

Councillor David Bellotti said that the Rossiter Road scheme, which would remove pressure from Widcombe and was welcomed by local residents, had been held up because of opposition from some Councillors who had not listened to local feelings. He regretted that there had not been cross-party support for the Council's priorities: pedestrians first, cycles, 20mph schemes for safer roads.

Councillor Caroline Roberts summed up by saying she did not intend to score points over transportation. She reminded Cabinet of her commitment to the Rossiter Road scheme, which she had championed since 1999; but regretted that the £250K put into the budget that year had not been used for that purpose and the Council was only now on the verge of delivering the scheme.

With reference to comments made about the scheme excluding Keynsham and north east Somerset, Councillor Roberts reminded Cabinet that funds had been reserved so that these schemes could be developed. She finally reminded Cabinet that the present proposals were not detailed because they were intended to encourage consultation responses.

On a motion from Councillor Caroline Roberts, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To ENDORSE the Getting Around Bath Launch Document for consultation.

16 AWARD OF CONTRACTS FOR SUPPORTED BUS SERVICES

The Chair asked all Cabinet members to confirm that they had read and considered the public interest test (Appendix A replacement). All agreed.

On a motion from Councillor Caroline Roberts, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To AGREE that Appendix A constitutes exempt information according to the categories set out in the Local government Act 1972 (amended Schedule 12A) because it contains information which relates to the financial or business affairs of any particular person (including the authority holding that information) and therefore that the public interest is best served by exemption of the information.

The Chair asked Cabinet members if they would confirm that they would not make reference to exempt Appendix A during the debate, so that the public need not be excluded from the meeting. All agreed.

David Redgewell in an *ad hoc* statement welcomed the proposals. He listed a number of services which he was pleased to note would be saved or extended by the plans, particularly a number of village services. He made particular reference however to the fact that it was necessary for the Council to subsidise cross-boundary services to which Somerset County Council did not contribute although he recognised that these services provided a valuable social benefit and also supported the Bath night-time economy.

Councillor Liz Richardson in an *ad hoc* statement welcomed the fact that service 752 was retained and that the evening service 672 via Chew Magna was being supported.

Councillor Caroline Roberts in proposing the item, said that the proposals would deliver increased services but with a saving of £12K. This had been achieved in two cases by using the Council's own underused fleet. A number of services had been improved but it had also been felt necessary to reduce some services where usage did not warrant the subsidy. She encouraged residents to make use of their local services to ensure their viability.

Councillor Paul Crossley seconded the proposal and said that it was crucial to protect rural communities and to support the night-time economy in the city. He felt that the plans achieved both these aims. He welcomed the support for shopper services – it was very good news for example that the 636 shopper service was being increased from 2 days to 3 days a week.

Councillor David Dixon highlighted the fantastic news that the net budget for supporting bus services was almost £1M. He regretted however that it would still be impossible for him to make a social visit to Chew Magna by bus without going via Bristol.

On a motion from Councillor Caroline Roberts, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(3) To CONFIRM the changes to contract services as set out in the report;

(4) To NOTE the tender prices received, as set out in exempt Appendix A of the report; and

(5) To AGREE the award of contracts as recommended in the report.

The meeting ended at 8.19 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

Cabinet Single-Member Decisions and Responses to Recommendations from PDS Panels

published 9-May-14 to 30-May-14

Further details of each decision can be seen on the Council's Single-member Decision Register at <http://democracy.bathnes.gov.uk/mgDelegatedDecisions.aspx?&dm=3>

Date	Decision Maker
Reference	Title

29-Apr-14 Cllrs Tim Ball, Paul Crossley

E2623 Housing Services Charging Policy

The Cabinet members agreed to adopt the Housing Services Charging Policy

12-May-14 Cllr Paul Crossley

E2666 (R16) Dorchester Street Bus Gate Trial period

The Leader of the Council agreed to cease the Bus Gate trial; to cancel any unpaid parking tickets; and to refund any fines already paid

13-May-14 Cllr Caroline Roberts

E2627 Area 7 Radstock/Westfield 20mph TRO

The Cabinet Member agreed to implement the speed limit order, with some amendments

14-May-14 Cllrs Tim Ball, Paul Crossley

E2612 World Heritage Site Attributes

The Cabinet members confirmed the attributes as a material consideration in Development Management and plan-making

14-May-14 Cllrs Caroline Roberts, Paul Crossley

E2664 Skip & Scaffold License Charge Review 2014/ 2015

The Cabinet members agreed the schedule of fees and that future increases would be linked to a nationally recognisable price index

Date	Decision Maker
Reference	Title

17-May-14 Cllrs Dine Romero, Paul Crossley

E2634 Procurement of new client data system for Children's Services

The Cabinet members approved the capital funding for procurement of a new IT/data system for Children's Social Care Services

17-May-14 Cllrs Paul Crossley, Tim Ball

E2662 WoE Duty to Cooperate over Planning, Housing and Communities

The Cabinet members agreed the principle of strengthening the existing Planning Housing and Communities Board to become a Committee subject to a Joint Working Agreement

21-May-14 Cllrs Tim Ball, Paul Crossley

E2647 South Stoke Conservation Area Appraisal

The Cabinet Members agreed that the South Stoke Conservation Area Appraisal should be formally adopted by the Council for planning purposes; and that the two extensions to the Conservation Area should be designated with immediate effect

28-May-14 Cllrs David Bellotti, Paul Crossley

E2644 Lease of Timber Drying Shed, Spring Gardens Road

The Cabinet Members agree that a tenancy of the building to The River Regeneration Trust for 16 years at an abated rent of £500pa be granted and that the abatement will be reviewed every 4 years only to ensure that the Articles of Association remain unchanged from those existing at grant of the lease

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet Cllr Paul Crossley, Leader	
MEETING/ DECISION DATE:	11 June 2014	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
		E 2649
TITLE:	Approach to shared services and Co-operation agreement with North Somerset Council	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1 – Draft co-operation agreement		

1 THE ISSUE

- 1.1 This paper sets out a high level approach to joint working with other organisations and then sets out joint working that is taking place with North Somerset Council and proposes a Co-operation agreement to steer and enable the two Councils to work positively together to identify further opportunities to work together

2 RECOMMENDATION

- 2.1 That the Cabinet approves the Co-operation agreement attached as Annex 1 and authorises the Leader to sign it on behalf of Bath & North East Council.
- 2.2 That cabinet receives a progress report in 12 months on the joint work that is developing.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 There are some costs of developing joint working, some limited programme management is needed to ensure that the organisations are appropriately prioritising opportunities and ensuring proper process are followed. Additionally there will be the need for specialist advice on some of the potential activities concerning procurement of any shared services or systems and the respective responsibilities of the two Councils in the arrangements. At this stage the two Councils have proposed earmarking £100k each from their respective reserves to enable this work to be pursued.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 Under section 2 of the Local Government Act 2000 the Council has the power to do anything which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of the area. There are additional powers to work together in the Local Government Act 1972 and the Localism Act 2011
- 4.2 The arrangement proposed is not a contract nor in itself a procurement of service. It does however provide a framework under which a number of activities can be pursued. These projects would still need to be appropriately signed off under the respective organisations constitutions.

5 THE REPORT

- 5.1 The term Shared Services has been used to cover a spectrum of working arrangements from sharing information and intelligence, through joint procurement of services or systems to one service delivering for more than one organisation.
- 5.2 Bath & North East Somerset has a tradition of joint working with others including work with the Primary Care Trust and now the Clinical Commissioning Group.. The One Stop Shops accommodate a wide range of voluntary sector public sector partners, and the range or partners is increasing to include the police. The new office accommodation arrangements for the Council will include workstations and facilities for Fire, Police, Sirona and many others. Services like Pensions are already joint being run by this Council for the whole of the West of England.
- 5.3 Local authorities have under successive governments been encouraged to work together and at various points initiatives been developed to drive this further from Local Government Reviews and boundary changes to programmes like Total place and Community Budgets.

With the scale of change faced by Local Government, collaboration and sharing services has emerged as an area where we need to look actively at the range of opportunities that might exist. In B&NES this approach already happens at essentially three levels

- Removing silos and creating one set of joined up services across the Council to avoid duplication, e.g. Council Connect, ICT centralisation,

Corporate Landlord role, Think Local procurement – a One Council approach

- Sharing and collaborating locally within B&NES with key partners and communities, e.g. CCG, advice agencies, DWP, One stop shop
- Sharing and collaborating across boundaries with other LAs. e.g. North Somerset on Audit and Building Control.

Our proposed approach is that we consider (1) further opportunities to join up internally, (2) to work better with our local partners in B&NES as well as (3) with other Councils.

5.4 Any sharing of services will involve a clear understanding of risks and benefits, clarity around governance and leadership and for respective partners to have a thorough understanding of each other. Any contractual arrangements would require appropriate “Due Diligence” to have been carried out.

5.5 Members and officers have been informally exploring opportunities with a range of Councils. The most substantial progress to date has been with North Somerset and the following sets out a proposed approach to enable collaboration, sharing of systems and possibly services to develop further similar arrangements with other Councils are possible in the future where there are shared objectives and opportunities.

5.6 The Council is part of the Public Service Transformation Network which is facilitated by Government to bring together leading Councils and their partners to work together to deliver services better and more efficiently through collaboration and sharing.

6 CO-OPERATION WITH NORTH SOMERSET

6.1 The respective leaders of the B&NES and North Somerset have agreed to look proactively at opportunities for the two Councils to work together on strategic opportunities and shared services. This relationship has been developing over a period of time in a number of ways:

- The two Councils have met to look at opportunities for joint procurement to get better value and maximise greater purchasing power and share skills.
- B&NES is currently evaluating an offer from N Somerset to share the HR/payroll systems and services.
- Collaborative work around Regulatory and trading Services to improve service resilience and look at shared processes and procedures.
- A range of joint working has developed that we now need to take a view of, such as collaboration around aspects of Children’s Services.
- Joint working arrangements – such as the B&NES Head of Audit leading the delivery of the Internal Audit function for both councils and the manager of North Somerset’s Land Charges Team now managing the B&NES operation.

6.2 *in the Council Budget* The key purpose of this agreement is to set out how the parties will cooperate in order to:

- Assist both councils to deliver our respective priorities and ambitions for local communities as set out in our corporate plans
- Assist both councils to build our community leadership roles and profiles, in order to secure and protect resources for our communities
- Maintain or improve outcomes for our communities, with fewer resources
- Build resilience across our organisations and our communities in order to protect and enhance services wherever possible
- Share skills and opportunities, enabling us to be more innovative, entrepreneurial and opportunistic.

7 The Chief Executives have both now informed staff through blogs that the discussions are happening and the next steps are to develop some agreement to capture the purpose and ways of operating and to develop some tangible examples of positive working.

8 RATIONALE

8.1 This approach forms one of a number of approaches the Council can take to meeting the existing and future demands facing it. It is an enabling arrangement and while assisting us to focus our joint efforts does not preclude either organisation from pursuing other approaches to the challenges it faces.

9 OTHER OPTIONS CONSIDERED

9.1 The proposals in this report are enabling and other options remain open and are able to be considered.

10 CONSULTATION

10.1 The Chief Executive met the Trade Unions on 29th May

11 RISK MANAGEMENT

11.1A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

Contact person	<i>David Trethewey Divisional Director Strategy and Performance 01225 396353</i>
Background papers	<i>List here any background papers not included with this report, and where/how they are available for inspection.</i>
Please contact the report author if you need to access this report in an alternative format	

COOPERATION AGREEMENT

This Cooperation Agreement is made in June 2014.

BETWEEN: Bath and North East Somerset Council of Lewis House, Manvers Street, Bath, BA1 1JG, United Kingdom (“**B&NES**”);

AND: North Somerset Council, of Town Hall, Weston-super-Mare, Somerset, BS21 1UJ, United Kingdom (“**NSC**”)

Collectively referred to as the “**Parties**” and each a “**Party**”.

1. Introduction

B&NES and NSC have worked together for the mutual benefit of our residents on many initiatives since 1996, covering services as diverse as libraries and information services, strategic planning and economic development.

This cooperation agreement formalises the working relationship between the two authorities, and provides a basis for us to consider further opportunities for us to work together for mutual benefit, given the service and financial challenges both organisations face. Our shared ambition is to maximise the strengths of the two organisations by sharing skills, capabilities and commercial opportunities for mutual benefit.

Under Section 2 of the Local Government Act 2000 B&NES and NSC have the power to do anything which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of their areas. In addition, there are a range of other powers (including the Local Government Act 1972 and the Localism Act 2011) available to the parties to work in a variety of ways together.

2. Purpose

The key purpose of this agreement is to set out how the parties will cooperate in order to:

- Assist both councils to deliver our respective priorities and ambitions for local communities as set out in our corporate plans

Appendix 1

- Assist both councils to build our community leadership roles and profiles, in order to secure and protect resources for our communities
- Maintain or improve outcomes for our communities, with fewer resources
- Build resilience across our organisations and our communities in order to protect and enhance services wherever possible
- Share skills and opportunities, enabling us to be more innovative, entrepreneurial and opportunistic.

3. Principles

The key principles of our working arrangements through this agreement are that:

- We will continue to collaborate where it makes sense. We will always consider collaboration and/or joint provision when considering options for service re-provision or re-design
- we will be open and transparent with each other
 - we will be flexible in our approach, work with the model that provides most value for the two authorities, this means:
 - NSC may buy services from B&NES in some areas, B&NES may buy services from NSC in other areas
 - we may jointly procure services, to increase opportunities to secure value from the market
 - we may jointly commission services
 - we will look to provide flexibility in new contractual arrangements to enable the authorities to work together in the future if opportunities present themselves to do so
 - we will consider various delivery models, ranging from informal partnering arrangements to joint venture companies, depending upon what makes most sense for our councils
 - we will be open and transparent with staff and residents over how we plan to work together
 - while we will focus on developing our working relationship between the two authorities, the relationship is non-exclusive, and does not preclude either authority working with others or in wider partnerships
 - this is not about organisational merger, this is about driving efficiency. Our democratic and organisational cores will remain separate.

4 Governance and accountability

This agreement is to be formally signed off by our respective Cabinet / Executive. Cabinet/Executive will receive an annual report on overall progress. Any significant policy or service delivery changes arising from specific projects being considered as part of our joint-working approach will be reported through the relevant Cabinet/Executive Member, and to policy and scrutiny panels as appropriate

Appendix 1

Our officer management teams (B&NES Strategic Management Team, NSC Corporate Management Team) will oversee the development and delivery of projects. A list of current projects and projects for consideration will be maintained, and reviewed on a regular basis.

B&NES Strategic Management Team and NSC Corporate Management Team will meet at least twice a year to review progress on achieving the aims of this agreement and to overcome any barriers encountered.

5. Publicity and communications

Both councils will work to ensure consistent messaging on projects/activity progressed through the principles of this agreement, to councillors, residents, staff and partner organisations.

Communication material relating to this agreement or any of the joint work referred to within it will be shared and agreed by both parties.

6. Costs and resources

The resources and costs associated with the delivery of activity through this agreement will be shared on an agreed basis between the two authorities, on a project by project basis. Normally it will be expected that each authority is responsible for bearing its own costs associated with a project.

To assist with the development and implementation of joint projects and initiatives, a joint project fund will be created. Each authority will commit an initial £100,000 to the joint project fund. Any spend associated with the project fund requires Steering Group sign-off (Joint CMTs), and political/S151 sign-off as per respective schemes of delegation.

7. Freedom of Information

B&NES and NSC are subject to the requirements of the Freedom Of Information Act and the Environmental Information Regulations and will cooperate to enable both councils to comply with these Information disclosure requirements.

8. Status of agreement

This agreement is a statement of intent and does not create legal obligations between the parties.

Appendix 1

Signed

On behalf of B&NES:

Signature _____

Name _____

Position _____Leader of the Council_____

Signature _____

Name _____

Position _____Chief Executive_____

On behalf of NSC:

Signature _____

Name _____

Position _____Leader of the Council_____

Signature _____

Name _____

Position _____Chief Executive_____

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	11 June 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2667
TITLE:	Community Regeneration Capital Programme 2014-15	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
None		

1 THE ISSUE

1.1 Within the Council Budget approved at Full Council on 18 February 2014 capital funds were provisionally allocated for a number of Community Regeneration projects. In order to bring forward these projects it is necessary to draw down the provisionally allocated capital funding for:

- River Corridor Fund: £340k;
- Digital B&NES: £350k; and
- Midsomer Norton Business Centre: £125k.

2 RECOMMENDATION

2.1 It is recommended that Cabinet:

- (i) Approve the following provisional items for inclusion within the 14/15 capital programme:
 - River Corridor Fund: £340k;
 - Digital B&NES: £350k; and
 - Midsomer Norton Business Centre: £125k.
- (ii) Delegate authority to draw down the funds to the Strategic Director for Place in consultation with the Cabinet Member for Sustainable Development.

3 RESOURCE IMPLICATIONS

- 3.1 Within the Council Budget approved at Full Council 18 February 2014 capital funds were provisionally allocated to the above items.
- 3.2 The £340k River Corridor Fund is financed through Corporately Supported Borrowing and will comprise a series of small projects. Some of these may involve the creation of new assets and thus require revenue maintenance in future years. It will be ensured, as each project element is drawn down that the responsibility for this maintenance lies outside the Council.
- 3.3 Officer resources in managing and delivering these pieces of work will be covered through existing revenue allocations made through the Council's annual service and resource planning process.
- 3.4 The £350k Digital B&NES provisional budget is financed through £50k Corporately Supported Borrowing and there is potential to lever in grant funding in future in relation to this project, however it will require capital contingency funding of £300k until any future grant funding is confirmed. It is not anticipated that there will be any revenue consequences of this project.
- 3.5 The £125k Midsomer Norton Business Centre budget is financed through Corporately Supported Borrowing. There are not anticipated to be any revenue implications of the completed centre to the Council as the centre will be run as a stand-alone entity.
- 3.6 The first element of work on both the Digital B&NES and the Midsomer Norton Business Centre will be to develop the proposals and undertake feasibility work where technical expertise does not exist within the Council. There is a risk, if the projects do not go ahead, that this initial spend will revert to revenue. This risk will be borne by the service and if the reversion arises, the service will reprioritise revenue budgets to manage the charge.
- 3.7 Funding will be provided for Capital purposes only and Officers will ensure that all funding accords with the Local Government Capital Regulations and the Council Constitution including procurement rules.
- 3.8 No Revenue budget provisions exist for these projects and therefore the Council will not accept any revenue liabilities arising from any grant funded or supported project.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The draft Core Strategy highlights the need to create nearly 7,000 jobs in Bath, the majority of which will be in the Bath City Riverside Enterprise Area. When delivered this jobs growth (combined with 1,600 new jobs in Keynsham) will generate an additional £400m of GVA per year to the economy.
- 4.2 The proposals will promote job creation and a sustainable economy for the future of B&NES residents, thereby promoting a number of corporate objectives and promoting equality, sustainability and enhancing both the quality of life and the quality of the environment as set out below.

5 THE REPORT

5.1 This report seeks approval to draw down three Community Regeneration provisional capital programme allocations as below.

Digital B&NES

5.2 Business surveys have indicated that access to superfast broadband and digital information is a key issue for companies when deciding on locations for business expansion or relocation. To this end officers have been progressing three main strands of work :

- Implementing a Wireless Connectivity network to enable Wi-Fi and 3G/4G coverage across the centres of Bath, Keynsham, Midsomer Norton & Radstock;
- Facilitating ultra-fast broadband to key sites in the Bath City Riverside Enterprise Area through the commercialisation of the Council's duct network as part of a £5m LEP WofE project; and
- Enabling access to the WofE R&D Mesh for academia and high-tech businesses as part of a £15m LEP WofE project.

5.3 Delivery of the Wireless and Ultra-fast Broadband networks would potentially be through revenue earning contracts with wholesale providers which could underpin further capital investment by the Council in future years.

5.4 In addition access to broadband is vitally important for rural areas both in relation to the expansion of homeworking and allowing residents access to online services and information. The Council is a partner in the Connecting Devon & Somerset (CD&S) rural broadband project which aims to connect 95% of properties across Devon, Somerset, North Somerset & B&NES by 2016. Roll out has commenced in B&NES.

5.5 The Council now has an opportunity to bid, as part of the Connecting Devon & Somerset programme for a share of an additional Government infrastructure fund of £250m to provide Superfast Broadband to 100% of premises by 2020. The CD&S Partners will need to provide match funding for any additional monies.

5.6 It is proposed that the Digital B&NES funding is drawn down to provide :

- £200K of match funding for additional Government broadband infrastructure funds; and
- £150K of resources to support on-going work on the Wireless, Ultrafast Broadband and R&D Mesh projects.

River Corridor Fund

5.7 B&NES has recognised the importance of the River Avon in its draft Core Strategy and Green Infrastructure Strategy. It has worked closely with a range of stakeholders to ensure that the City makes the most of its economic, environmental, cultural and social value.

5.8 A River Corridor Scrutiny Day took place in May 2012, building on the work of the River Corridor Group. The PDS Panel Recommendation was accepted by the Cabinet, the rationale being:

“This Administration is keen to ensure that any future developments near or related to the River will not “turn their back” on the river, but see the river as the excellent asset it is, and enhance the river frontage for public access”

5.9 In addition on 16 January 2014 Full Council accepted a motion to set up the Strategic River Group chaired by the Cabinet Member for Sustainable Development (which has met twice, in March and April 2014):

“Under the leadership and guidance of the Council’s Strategic Director for Place to urgently form a Round Table Working Group from the top level decision makers of the Canal & River Trust, the Environment Agency, Wessex Water, The River Regeneration Trust, and Senior Officers from this Council to discuss the river on a wider basis including flooding issues and proposed flood mitigation projects and other aspects such as usage.”

5.10 The Council will consult with the Strategic River Group on the development of a River Strategy and associated framework of projects which will link with the emerging Enterprise Area Masterplan, Core Strategy and Placemaking Plan

Midsomer Norton Business Centre

5.13 The Midsomer Norton Business centre fulfils an important role in the economy of the local area, providing 5,000 sq ft of managed accommodation and meeting facilities for local businesses to access and utilise. Since its creation in 1993, the business centre has enjoyed over 90% occupancy and housed between 16-20 local businesses consistently during that period.

5.14 Following the termination of the Business Link contract by Central Government, the Centre has struggled to cover its own running costs and cross-subsidisation from Business West is no longer possible. As a result, BANES has been subsidising the running of the Business Centre.

5.15 The situation is not sustainable and so a solution to address this issue is therefore required in order to ensure that the Business Centre can viably operate as a stand-alone entity (without BANES subsidy) and continue to support the business community of Midsomer Norton and the wider Somer valley area.

5.16 In order to secure a solution for the long term future of the Midsomer Norton Business Centre, the Economic Development and Regeneration teams will undertake an initial review of options which would enable the continued operation of the business centre without the requirement for ongoing subsidy.

6 RATIONALE

6.1 The recommendations reflect the Council’s corporate Vision and Objectives through promoting lively and active communities, and unique places with beautiful surroundings.

6.2 The recommendation has been determined via thorough consultation through the Core Strategy process, Economic Strategy review, emerging Enterprise Area Masterplan, emerging Placemaking Plan and discussion with Members and key

stakeholders. Robust governance and partnership working is in place for the three funds through respectively: Connecting Devon and Somerset/Local Enterprise Partnership; the Strategic River Group; and B&NES/Business West/Somer Valley Community Partnership.

7 OTHER OPTIONS CONSIDERED

7.1 The allocated funding could have been taken as a saving or reallocated to other projects. However this option was discounted due to corporate priorities, economic and regeneration imperatives, and existing Council resolutions as set out above.

8 CONSULTATION

8.1 Consultation has been carried out through the Core Strategy process, Economic Strategy review, emerging Enterprise Area Masterplan, emerging Placemaking Plan and discussion with key stakeholders and local members.

9 RISK MANAGEMENT

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

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

9.3 The Community Regeneration Division maintains a risk register, updated and reported regularly to Corporate standards, which captures and seeks to mitigate all project and operational risks.

01225 396353

Contact person	Tim Hewitt, Regeneration Team Leader, 01225 477552
Background papers	<p>Council Budget and Council Tax meeting minutes, 18 February 2014</p> <p>Bath and North East Somerset Council River Corridor Report (Scrutiny Inquiry Day) - Economic & Community Development Panel report</p> <p>Flood Motion to Full Council, 16 January 2014</p>
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/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	11 June 2014	<small>EXECUTIVE FORWARD PLAN REFERENCE:</small>
		E 2668
TITLE:	Ecological Mitigation, Compensation & Management Plan, Radstock	
WARD:	Radstock	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		

1 THE ISSUE

- 1.1 The proposed development of the former GWR lands in Radstock provides 190 new homes including 47 Affordable Housing units. In addition it provides essential infrastructure for the Radstock community including a town centre car park, a new footbridge to St Nicholas Primary School and an integrated walking and cycling route which will form part of the Sustrans route.
- 1.2 The Ecological Mitigation, Compensation and Management (EMCM) Plan is essential to the delivery of the new highway, homes and jobs on the former GWR lands in Radstock.
- 1.3 The EMCM Plan covers the period before and the period up to 20 years after construction has completed within each development area of the former GWR lands. Due to the length of time required within the Plan, the Council is the appropriate organisation to work in partnership with Norton Radstock Regeneration Company and Linden Homes to support the delivery of the actions within it.

2 RECOMMENDATION

- 2.1 For B&NES to work in partnership with Norton Radstock Regeneration Company and its development partner Linden Homes Ltd to undertake the responsibility to deliver the Ecological Mitigation, Compensation and Management Plan for the former GWR lands to support the delivery of new highway, homes and jobs in Radstock.
- 2.2 Up to £400k of the existing capital budget allocated for the capital costs of the Ecological Mitigation, Compensation and Management Plan with future revenue costs met from associated savings in corporate borrowing costs.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 In January 2011, the Cabinet approved £1.2m capital budget (including £800k from HCA) to deliver the Radstock Regeneration Highway Scheme to support the regeneration of the town by providing highway capacity to support housing and economic growth. Following public consultation on the road layout, changes to the scheme resulted in the need for a new planning consent to deliver the road.
- 3.2 The 2012/13 budget, approved by Council in February 2012, included an additional £375k for the project to cover the increased costs associated with the new planning application and revised highway scheme.
- 3.3 In summer 2013, the Council successfully secured £1089k grant from the DfT's Pinchpoint programme.
- 3.4 Therefore the current approved budget for the Norton Radstock Infrastructure works is £2,729k funded as follows:
- £800k HCA
 - £1,089k DfT Pinchpoint Grant
 - £400k Council
 - £375k Council Capital Contingency
 - £65k Highways maintenance block
- 3.5 The current forecast for the project is £2,116k giving a forecast underspend of £613k.
- 3.6 It is proposed that up to £400k of the underspend finances part of the delivery of the Ecological Mitigation, Compensation and Management Plan that will facilitate new housing and economic growth for Radstock.
- 3.7 It is proposed to reduce the Council capital funding by £100k; the savings on borrowing costs will then be available to fund the post project ongoing revenue costs relating to delivery of the Ecological Mitigation, Compensation and Management Plan.
- 3.8 The Section 106 associated with the development secures £147k contribution to a new footbridge.
- 3.9 The new housing will generate an estimated £1.4m New Homes Bonus.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The development of the former railway lands in Radstock is included within the Council's Local Plan and emerging Core Strategy. The regeneration of Radstock town centre also forms part of the B&NES Economic Strategy.

5 THE REPORT

- 5.1 The Council supports the regeneration of the former railway lands in Radstock and has secured funding to deliver a new road scheme for the town centre.

- 5.2 The scheme has recently secured Outline Planning Consent (subject to Section 106) for a maximum of 190 homes and 695sqm retail space. In addition, Linden Homes has secured a detailed Full Planning Consent (subject to Section 106) for the first phase of works on Area 2, which will supersede the Outline Consent, if the consent is implemented within 3 years.
- 5.3 The Council proposes to work with NRR and its development partner Linden Homes Ltd to deliver the actions set out in the Ecological Mitigation & Compensation Management Plan, using funds from the existing approved capital budget.
- 5.4 The Council will work with NRR & Linden Homes to guarantee the delivery of the EMCM Plan and will ensure that necessary protection, mitigation and compensation measures will be implemented and that their value to local wildlife will be maintained.
- 5.5 The objectives to be achieved through the actions set out in the ECMP Plan are:
- (1) Protect and enhance key and important habitats within the Site
 - (2) Create new ecological habitat within the Site to support key and important species assemblages
 - (3) Manage habitats along the railway lines to the south and the east of the development Site
 - (4) Protect and enhance key, protected and important species
 - (5) Implement good working practises which will avoid or minimise impacts on ecological features during construction
 - (6) Ensure ongoing management that protects biodiversity on Site and along the compensation rail lands in line with the objective above.
- 5.6 The plan covers the period before and during construction and the period up to 20 years after construction has completed within each development area.

6 RATIONALE

- 6.1 The Council is committed to delivering the regeneration of the former railway land at Radstock and the preservation of the ecological value of the site.
- 6.2 There is funding available within the approved capital programme.
- 6.3 The Council is in a position to ensure the delivery of the 20 year mitigation plan.
- 6.4 The scheme will deliver 190 new homes for Radstock which will generate £1.4m of New Homes Bonus which will be used to protect front line services.

7 OTHER OPTIONS CONSIDERED

- 7.1 Linden Homes to set up management company deliver the EMCM Plan. There is a risk that a company such as this would not have the expertise or longevity to deliver the actions set out in the plan.

8 CONSULTATION

8.1 The report has been prepared in consultation with Finance and Section 151 Officer.

9 RISK MANAGEMENT

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

Contact person	<i>Emily Price 01225 396553</i>
Background papers	
Please contact the report author if you need to access this report in an alternative format	

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	11th June 2014	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2663
TITLE:	Funding Approval for Indicative Affordable Housing Programme	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Appendix 1: List of Indicative Schemes (Exempt Document)		

1 THE ISSUE

- 1.1 The Council has made available capital funding to support the delivery of affordable housing. This report provides the indicative Affordable Housing programme for 2014-15 and the evolving pipeline programme for 2015-18. It outlines proposals for determining the affordable housing projects for funding and seeks to agree an effective and robust delegated authority for funding approval decisions.

2 RECOMMENDATION

That Cabinet:

- 2.1 That Cabinet gives approval to spend the £1.015m Affordable Housing Capital budget for 2015-18, as detailed within Appendix 1.
- 2.2 Agrees that the Director of Place, in consultation with the Cabinet Member for Homes & Planning, is delegated to approve allocations of Affordable Housing Grant and Commuted Sums for developments falling within the scope of the indicative 2014-15 programme.

3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

- 3.1 In February 2014 Council gave provisional approval to the £1.015m Affordable Housing budget in the Budget Report. This is funded by Corporately Supported Borrowing.
- 3.2 The construction of homes facilitated by the awarding of these grants will attract New Homes Bonus to the Council

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 The National Planning Policy Framework requires local authorities to assess the need for all types of housing, including affordable housing, and to ensure that their Local Plan meets the full assessed need. However, site viability may negatively affect the delivery of policy compliant affordable housing numbers. As such, and to ensure that assessed affordable housing targets are met, local authority subsidy can be used.
- 4.2 The Housing Act 1996 gives the Council the power to provide funding by way of grants or loans to Registered Providers to enable the delivery of affordable housing.

5 THE REPORT

- 5.1 The Council delivers new affordable housing provision through 2 main routes:

- a) planning gain on sites meeting the planning policy threshold; and
- b) affordable housing led sites brought forward by our Registered Providers (RPs)¹ partners.

- 5.2 Planning policy requires affordable housing delivery on s106 sites to be delivered without the need for public subsidy. However, where site specific viability issues adversely affect the delivery of affordable housing public subsidy may be required. This can come from the Council and/or the Homes and Communities Agency as part of the National Affordable Homes Programme (NAHP).

- 5.3 Therefore to support the delivery of affordable housing Council agreed, on the 19th February 2013, to:

'Investment of £550k per annum in 2013/14 & 2014/15 is included for Provisional Approval subject to the provision of a detailed project plan and business case.

This provision is for supporting work on tackling empty homes, increasing the delivery of affordable housing and associated costs. Such provision will contribute towards attracting inward investment through the New Homes Bonus and help achieve aims within the Council's Core Strategy and the Housing and Well-being Strategy. Political and Corporate approval will be sought for each spending proposal to ensure value for money and purpose of outcome'

¹ Registered Providers – often referred to as Housing Associations
Printed on recycled paper

- 5.4 Council, on the 18th February 2014, reaffirmed this budget and agreed the carry forward of the unspent funding from 2013/14. Funding for 2014/15 is therefore £1.015m.
- 5.5 We are currently in the final year of a 4 year programme of delivery of 610 affordable homes. By the end of 2013/14 we had delivered 513 new affordable homes of which 335 have been delivered without local authority grant. This is largely attributed to the successful negotiation of subsidy free affordable housing delivery through the planning system but also because our RP partners brought forward 100% affordable housing schemes through the HCA 2011-2015 NAHP as part of their 'contract' with the HCA to deliver an agreed number of homes.
- 5.6 The 2015-18 HCA programme is not being run in the same way and this leaves much more scope for RPs to bring forward developments for funding outside the HCA programme, using cross-subsidy from open market development and/or Local Authority funding to deliver upon local housing priorities.
- 5.7 Housing Services are working with the Council's RP partners to develop an indicative pipeline of new affordable housing developments that require funding support from the Council. This programme maximises available s106 delivery, delivers both district-wide and local strategic housing priorities and is responsive to new opportunities. The indicative 2014-15 Programme can be found in Appendix 1 and begins also to form the 2015-18 development pipeline.
- 5.8 It is anticipated that as these schemes progress, and perhaps other development opportunities present themselves, the Council will be able to fully allocate the affordable housing budget. How much of this capital will be claimed depends upon planning and "build out" decisions by the developers and RPs. Progress will be monitored through the current reporting system and updates to the Cabinet Member for Homes & Planning.
- 5.9 Any affordable housing development seeking subsidy from the Council is scrutinised by Housing Services to ensure that the proposal:
- Fulfils strategic, Corporate aims and objectives taking into regard:
 - The Sustainable Communities Plan
 - Corporate Strategy
 - Health & Wellbeing Strategy and emerging Economic Strategy
 - Core Strategy/SPD
 - Other relevant strategy documents or delivery plans
 - Represents good value for the Council's money
 - Reduces funding commitments from other Corporate or public budgets.
 - Is helping secure other housing funding
 - Delivers local priorities or meets a very specific targeted housing need.
 - Delivers an affordable product in relation to the local housing market
 - Meets the Council's expectations on design standards
- 5.10 As with all development activity, there are risks to bringing projects forward when predicted and the detail and costs identified at the outset will invariably change. To this end, the Affordable Housing Programme is indicative of the type and scale of development we expect to see come forward this year and into 2015-18. The exact funding requirement and final details of each scheme will be subject to

amendment up until the point at which a detailed capital funding submission is submitted by the RP.

5.11 The indicative 2014-15 Affordable Development programme currently shows a potential pipeline of 92 affordable homes requiring £1.2m of Local Authority funding. These schemes are very varied and comprise of:

- (1) potential for 75 homes provided by RP led developments requiring a mix of HCA and LA subsidy to ensure scheme viability;
- (2) 2 bespoke and specialist disabled commissions for high priority rehousing cases;
- (3) potential for 15 homes achieved by seeking additionality on developer led sites.

5.12 It is acknowledged the development pipeline exceeds the £1.015m capital budget. In the unlikely event that all these schemes come forward for confirmation of funding in 2014/15 then existing commuted sums, ring fenced for spend on new delivery, can be used to meet any shortfall. It should be noted that slippage in and out of the programme is to be expected during the financial year as projects are taken through the development process.

5.13 The Council does not often accept commuted sums in lieu of on-site affordable housing, but when it does these sums are often large and will be ring fenced for the delivery of affordable housing in the District. These sums are not usually restricted in any other way, but if they are, the s106 requirements will take precedence over other plans or proposals for spend. Spend of these sums is not usually time limited and spend is monitored by the Council's Planning Monitoring Officer. It should be noted that Affordable Housing Commuted Sums are sums held by the Council as a result of developer contributions, they do not form part of the Council's Corporate budgets and attract no service borrowing cost. It is proposed however, that the spend and approvals of commuted sums mirrors that of the Corporate budget but that as these sums are not time limited, priority is given to the spend of the affordable housing capital allocation. At present this sum is in the region of £620k.

5.14 The Council's current capital funding approvals process is an appropriate framework for the scrutiny of development funding proposals. It is proposed that individual development projects are taken through the Capital Strategy Group (CSG) process. Having regard to the outcome of CSG the scheme funding would then be approved by the Director of Place in consultation with the Cabinet Member for Homes and Planning

5.15 Concern has been expressed about the cost of the HCA Affordable Rent Tenure (ART) product. The affordability of the housing products enabled by the Council is of key importance to both officers and members. Each housing proposal will therefore be scrutinised by officers to determine how the scheme meets affordability targets for the proposed client group and in relation to its location and the local market. When considering the total affordability of housing costs we will consider:

- Rent and, for intermediate housing, mortgage costs
- Service charges - social rents do not include service charges whereas ART rents are inclusive of service charges.

- Utility bills (gas, water, electric) – research² confirms that new homes should cost anywhere between 68-86% less to run than an existing build, thus typically saving an occupier in excess of £600 p.a. The Council requires all affordable homes to be built to a minimum of Code 3, which not only considers energy efficiency but also reducing water consumption, further reducing overall housing costs.

5.16 It is therefore important to recognise that due to the above factors an ART product is not automatically unaffordable. Furthermore given that ART is related to local private rents, and includes service charges, it may, depending upon locality not be higher than social rent. As such each proposal for Council funding support will consider this detail and a clear position statement made on affordability for consideration by the Director of Place and Cabinet Member for Homes & Planning when making decisions on the allocation of funding.

6 RATIONALE

- 6.1 Council has established the parameters for the spend of the Council's Affordable Housing budget which have been further clarified in this report.
- 6.2 Our RPs have been selected based on their demonstrable ability to deliver good quality affordable homes and their registered status means that their development functions are closely regulated and audited by the HCA.
- 6.3 The use of the PID/CSG framework provides an auditable trail of decision making on funding recommendations.
- 6.4 Working within the framework of the indicative programme, the Director of Place, in consultation with the Cabinet Member for Homes and Planning, is able to provide a responsive and flexible response to requests for funding approvals that will fulfil the timescales surrounding RP decision making.

7 OTHER OPTIONS CONSIDERED

- 7.1 Cabinet or Single Member approval of each housing development scheme within the programme. This was rejected as it does not provide a decision-making process that is flexible or responsive enough to deal with rapidly changing scheme details or opportunities.

8 CONSULTATION

- 8.1 Housing & Major Projects Policy Development and Scrutiny Panel; Section 151 Finance Officer; Monitoring Officer; Cabinet Member
- 8.2 Given that the recommendation relates to internal controls, wider and external consultation was neither necessary nor appropriate.

9 RISK MANAGEMENT

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

² Refer to www.sustainablehomes.co.uk

9.2 The Council's PID format considers risk and risk mitigation and will be completed as part of each scheme funding appraisal. It should be noted that the risk element of development will lie with the RP partner and not the Council. The established process behind allocating and paying affordable housing grant ensures the Council's capital funding is not at risk.

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Background papers	None
Please contact the report author if you need to access this report in an alternative format	

Access to Information Arrangements

Exclusion of access by the public to Council meetings

Information Compliance Ref: LGA-0920-14

Meeting / Decision: Cabinet

Date: 11 June 2014

Author: Graham Sabourn / Louise Davidson

Report Title: Funding Approval for Indicative Affordable Housing Programme

Exempt Appendix 1: List of Indicative Schemes

The Report contains exempt information, according to the categories set out in the Local Government Act 1972 (amended Schedule 12A). The relevant exemption is set out below.

Stating the exemption:

- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

The public interest test has been applied, and it is concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure at this time. It is therefore recommended that the Report be withheld from publication on the Council website. The paragraphs below set out the relevant public interest issues in this case.

PUBLIC INTEREST TEST

If the Committee wishes to consider a matter with press and public excluded, it must be satisfied on two matters.

Firstly, it must be satisfied that the information likely to be disclosed falls within one of the accepted categories of exempt information under the Local Government Act 1972. Paragraph 3 of the revised Schedule 12A of the 1972 Act exempts information which relates to the financial or business affairs of the organisations which is commercially sensitive to the organisations. The officer responsible for this item believes that this information falls within the

exemption under paragraph 3 and this has been confirmed by the Council's Information Compliance Manager.

Secondly, it is necessary to weigh up the arguments for and against disclosure on public interest grounds. The main factor in favour of disclosure is that all possible Council information should be public and that increased openness about Council business allows the public and others affected by any decision the opportunity to participate in debates on important issues in their local area. Another factor in favour of disclosure is that the public and those affected by decisions should be entitled to see the basis on which decisions are reached.

Weighed against this is the fact that the exempt appendix contains the options available to the Council. Not all of the options may be pursued. It would not be in the public interest if advisors and officers could not discuss options available to the Council and express in confidence opinions which are held in good faith and on the basis of the best information available.

The exempt appendix also contains details of financial implications of the various options on both the Council and on third parties. The information to be discussed is commercially sensitive and if disclosed at this stage could prejudice the commercial interests of the third parties and the Council.

It is also important that the Committee should be able to retain some degree of private thinking space while decisions are being made, in order to discuss openly and frankly the issues under discussion relating to the investment managers in order to make a decision which is in the best interests of the Council and its residents.

The Council considers that the public interest has been served by the fact that a significant amount of information regarding the Affordable Housing Programme has been made available – by way of the main report. Further information on approved proposals will be put into the public domain at a later date, when its release will not prejudice the commercial interests of the parties.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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