

BATH AND NORTH EAST SOMERSET

CABINET

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

Wednesday, 13th July, 2016

Present:

Councillor Liz Richardson	Cabinet Member for Homes and Planning
Councillor Patrick Anketell-Jones	Cabinet Member for Economic Development, Conservative Deputy Group Leader Bath
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Social Care and Health
Councillor Anthony Clarke	Cabinet Member for Transport
Councillor Martin Veal	Cabinet Member for Community Services
Councillor Michael Evans	Cabinet Member for Children's Services
Councillor Paul Myers	Cabinet Member for Policy, Localism & Partnerships

9 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Charles Gerrish, Cabinet Member for Finance and Efficiency.

The Chair welcomed everyone to the meeting.

10 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer drew attention to the evacuation procedure as set out in the Agenda.

11 APOLOGIES FOR ABSENCE

Councillor Tim Warren, Leader of the Council, had sent his apologies for this meeting.

12 DECLARATIONS OF INTEREST

There were none.

13 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

14 QUESTIONS FROM PUBLIC AND COUNCILLORS

There was one question from a Councillor and one question from a member of the public.

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

Appendix 1

15 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Susan Charles read out a statement *[a copy of which is attached to the Minutes as Appendix 2 and on the Council's website]* where she expressed her concerns that there was no warm water pool in the area.

Nicolette Boater read out a statement *[a copy of which is attached to the Minutes as Appendix 3 and on the Council's website]* expressing concerns about the way in which the Park & Ride East decision is being taken.

16 MINUTES OF PREVIOUS CABINET MEETINGS

RESOLVED that the minutes of the meetings held on Wednesday 4th May 2016 and Wednesday 29th June 2016 be confirmed as correct records and signed by the Chair.

17 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

18 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES - UPDATE ON P&R EAST OF BATH AND RESPONSE TO CTE PANEL'S RECOMMENDATION FROM THE SCRUTINY DAY ON 22ND MARCH 2016

Annie Harman read out a statement *[a copy of which is attached to the Minutes as Appendix 4 and on the Council's website]*.

Councillor Dine Romero made a statement by asking for rationale of the update report and requested some sort of clarification on Park and Ride timescales. Councillor Romero also said that transport solutions were not considered as per initial plan and that the whole matter had been diluted into Park and Ride at one of the two sites. Councillor Romero welcomed that a number of smaller sites on the Box Road had been considered. Councillor Romero concluded her statement by asking for clarification on where further £400k would be spent on.

Councillor Anthony Clarke said that an update on Park and Ride east of Bath had been presented to the Cabinet on the work being undertaken to identify a preferred location for a new P&R to the east of Bath, together with a response to the recommendations from the Scrutiny Inquiry day held on 22nd March 2016. Councillor Clarke thanked all contributors who made their statements at the meeting.

Councillor Clarke also thanked officers, Local Development Framework group and Communities Transport and Environment PDS Panel for their contribution on this matter. The Cabinet would be making a decision on Park and Ride in near future.

Councillor Anthony Clarke moved that the Cabinet note the update on the work being undertaken to identify a preferred location for a new P&R to the east of Bath and agree with a response to the recommendations from the Scrutiny Inquiry Day held on 22nd March 2016.

Councillor Charles Gerrish seconded the motion.

Councillor Martin Veal said that he was pleased that the Cabinet had received an update and response to the recommendations from the Scrutiny Inquiry Day. Councillor Veal felt that whole process had been engaging and reflective and that he supported recommendation to increase the use of the Lansdown P&R to use together with a smaller site or sites east of Bath to provide sufficient spaces for current and future need recognising the concerns of the population around the Meadows proposals. Councillor Veal concluded by saying that the Cabinet was well aware of his concerns to the P&R east of Bath, and for those reasons he would not support the motion.

Councillor Liz Richardson said that a response to Scrutiny Inquiry Day recommendations was appropriate and fair and within the required timescale.

Voting: 7 in favour. Councillor Martin Veal abstained from voting.

It was **RESOLVED** that the Cabinet noted the work currently being undertaken by officers to progress this important issue and agreed with the Cabinet's response to the recommendations from the Communities Transport and Environment Policy Development & Scrutiny Panel's Scrutiny Inquiry Day. The next meeting of the Panel is on 25th July 2016 to which Councillor Anthony Clarke would present Cabinet's response.

19 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

20 REVIEW OF THE COUNCIL'S WASTE & RECYCLING COLLECTION SERVICE

Councillor Dine Romero made an ad-hoc statement by expressing her concerns on potential increase in Anti-Social Behaviour; on reduced hours of operation for recycling sites; on consultation; and that wheeled bins would not be suitable for some areas across the authority. Councillor Romero suggested that the Communities Transport and Environment PDS Panel should be more involved and also that the Council should run a pilot scheme to test effectiveness of wheeled bins.

Councillor Martin Veal said that the Cabinet were asked to implement in 2017, following a period of public engagement, a new waste & recycling collection service using tried and tested methodology, which would prioritise a weekly recycling service and most closely would meet the Council's objectives detailed within the Waste Strategy. Councillor Veal also said that current methods of waste collection did not encourage residents to maximise recycling, and had contributed negatively to street cleansing issues. In the current financial climate, with the ending of central government funding subsidising our collection service, the Council must assess alternative options to keep the service affordable, and to meet objectives to recycle as much waste as possible whilst reducing litter on our streets.

Councillor Martin Veal moved the recommendations.

Councillor Patrick Anketell-Jones seconded the motion and said that the Council would be working with much more emphasis towards recycling, aiming to recycle 80-90% of waste. Councillor Anketell-Jones also emphasised the importance of public engagement.

Councillor Charles Gerrish welcomed the introduction of wheeled bins so that waste could be stored and presented safely for collection, whilst also being better protected from gulls and other scavengers to reduce problems with littering. Councillor Gerrish also said that the Council would need to improve residents' education on recycling food waste.

RESOLVED (unanimously) that the Cabinet decided:

- 1) To implement in 2017, following a period of public engagement, a new waste & recycling collection service using tried and tested methodology, which prioritises a weekly recycling service and most closely meets the Council's objectives detailed within the Waste Strategy.
- 2) To ensure the retention of a weekly collection service, continuing to deliver one of the most comprehensive recycling services in the UK which includes the following items:
 - Food waste
 - Plastic bottles, pots, tubs and trays
 - Glass
 - Paper and cardboard
 - Aluminium and steel cans
 - Aerosols
 - Foil
 - Tetrapaks
 - Textiles
 - Batteries
 - Small electrical and electronic items
 - Spectacles/mobile phones/used engine oil.
- 3) To provide residents with additional recycling containers (lidded green boxes and lockable food waste containers) as required, to enable easy storage and collection of this material. To clearly mark the boxes so it is easy to understand what can be collected.

- 4) To phase out the current blue bag for cardboard over time, and replace with a recycling box to help with storage and collection for residents.
- 5) To continue with the opt-in fortnightly garden waste recycling service.
- 6) To collect the small amount of non-recyclable waste that remains after all of these materials are recycled, every other week (detailed in section 6) in containers provided by the Council.
- 7) To issue residents with a wheeled bin (at properties that can accommodate them), so that waste can be stored and presented safely for collection, whilst also being better protected from gulls and other scavengers to reduce problems with littering.
- 8) To issue all other properties (those which are unable to accommodate a wheeled bin, or are within an area deemed unsuitable for wheeled bins) with reusable, durable and pest-proof rubbish bags (where practical) to help reduce street litter.
- 9) To agree that the default size for wheeled bins should be 140 litres, whilst recognising that a 'one size fits all' approach is not possible in a diverse district with a multitude of housing types, and to therefore instruct the Divisional Director of Environmental Services to work up alternative proposals that will enable households with larger families/ occupancies to request a larger bin, with the details and criteria of the scheme to be delegated to the Divisional Director of Environmental Service in consultation with the Cabinet member for Community Services.
- 10) To delegate and instruct the Divisional Director of Environmental Services in consultation with the Cabinet member for Community Services, to enter negotiations for a short term extension (up to 2 years) to the recycling contract with Kier (pending site consolidation for the refuse and recycling services) - subject to agreement on the financial and staffing arrangements. Failing this agreement, the Divisional Director of Environmental Services are instructed to make arrangements to bring the kerbside recycling service in-house.
- 11) To agree that the Divisional Director of Environmental Services to carry out further detailed work into vehicle & plant replacement on the recommended option, and to report back to Cabinet members to enable decisions to be taken to release the capital required.
- 12) To agree a neutral budget movement through implementation of strategic review proposals initially highlighted within the Place Directorate Plan in November 2015.

21 REVENUE AND CAPITAL OUTTURN 2015/16

Councillor Charles Gerrish said that this report had provided information about the Council's financial performance against its revenue and capital budgets in 2015/16. The report had identified that after carry forwards and transfers to reserves, the Council had underspent by £270,000. This had represented a significant achievement in the context of the continuing government's public sector deficit recovery plan which had resulted in a revenue savings requirement of over £9.7

million for 2015/16. In addition to this, a further £1.695m of in-year rebasing was actioned removing the requirement to use reserves to balance the 2015/16 budget. The capital spend in 2015/16 was £39.999m against a budget of £61.455m giving a variance of £21.456m, primarily reflecting the delivery time to complete projects moving into future financial periods. Of this variance, £20.296m was requested for carry forward to 2016/17 to cover re-phased costs of capital projects.

Councillor Charles Gerrish moved the recommendations.

Councillor Paul Myers seconded the motion by saying that this was a significant achievement and a testament to this administration's financial prudence. Councillor Myers paid tributes to Councillor Gerrish and officers for this report.

RESOLVED (unanimously) the Cabinet agreed that:

1. The revenue budget outturn underspend of £270,000 for 2015/16 is noted.
2. The revenue carry forward proposals and write-off requests are approved.
3. Transfers to Earmarked Reserves are agreed.
4. The revenue virements for 2015/16 are approved.
5. The resulting reserves position is noted and that unearmarked reserves remain at the target level of £10.5m (excluding Invest to Save drawdowns).
6. The provisional outturn of the 2015/16 capital programme, and the funding as laid out in the report is noted.
7. The capital rephasing and write-off of net underspends are approved.
8. The adjustments to the 2015/16 to 2020/21 capital programme, and the final capital programme for 2015/16 are noted.

22 TREASURY MANAGEMENT OUTTURN REPORT 2015/16

Councillor Charles Gerrish said that this was a routine, though pre-Brexit report which sets satisfactory position of the Council. Councillor Gerrish also said that officers would continue to monitor interest rates and act appropriate to the management of short and long term borrowings.

Councillor Charles Gerrish moved the recommendations.

Councillor Vic Pritchard seconded the motion by paying tributes to Councillor Gerrish and to officers for this report.

RESOLVED (unanimously) the Cabinet agreed that:

1. The 2015/16 Treasury Management Report to 31st March 2016, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
2. The 2015/16 Treasury Management Indicators are noted.

23 FUTURE OF ADOPTION SERVICES; ADOPTION WEST PROPOSALS AND ENGAGEMENT

Councillor Charles Gerrish informed the meeting that this report may be discussed in exempt session, and the public may be asked to leave the room during duration for this item only if the Cabinet debate is likely to disclose information contained within confidential section of the report.

Councillor Michael Evans said that improvement of adoption services was a priority of central Government and part of the manifesto from the current administration. This proposal would involve formal collaboration with six local authorities to establish a Regional Adoption Agency in line with Government requirements. This proposal would meet the requirements placed upon the Council to develop a new form of service to deliver our statutory adoption functions. The preferred model would secure best outcomes for children, prospective adoptive families and it would enable the Council to ensure that its excellent record and reputation in relation to adoption is secured into the future.

Councillor Michael Evans moved the recommendations.

Councillor Liz Richardson seconded the motion by saying that adoption was one of the best forms of permanent care for children who cannot remain with their birth family. Nationally, the Government have placed a priority on improving local authority adoption performance with a view to securing more adoptions and speeding up the process.

RESOLVED (unanimously) that the Cabinet:

1. Agreed the outlined proposal for the development of a Regional Adoption Agency (RAA) in the form of a Local Authority Controlled Company.
2. Agreed public and stakeholder engagement and consultation to secure this development.
3. Agreed to receive a further report on a final proposal in Autumn 2016.

The meeting ended at 5.00 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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CABINET MEETING 13th July 2016

REGISTERED SPEAKERS

Where the intention is to speak about an item on the Agenda, the speaker will be offered the option to speak near the beginning of the meeting or just before the Agenda item.

Statements about issues NOT on the Agenda

- Susan Charles on the subject of warm water exercise and swimming pool in Bath

Statements about issues on the Agenda

- Nicolette Boater re: Cabinet response to CTE PDS recommendations on Park and Ride
- Annie Harman re: Cabinet response to CTE PDS recommendations on Park and Ride

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Andrew Furse
<p>With the reduced parking area for coaches in Riverside coach park, the city now is subject to random uncontrolled coach parking. What plans does the cabinet have to:</p> <ol style="list-style-type: none"> 1. Immediately control random coach parking? 2. Provide a suitable drop off and pick up, in line with current facilities at Riverside? 		
Answer from:		Councillor Anthony Clarke
<ol style="list-style-type: none"> 1. <i>All coaches are expected to park in accordance with the regulations in place and any vehicle in contravention of parking restrictions is subject to the issue of a Penalty Charge Notice. Information on coach operators parking illegally or in locations where it may have a detrimental effect on the city as a whole is being collated and operators are being written to reminding them of their responsibilities and copying in the Traffic Commissioner. Additionally, where the vehicle is an obstruction the Police are being informed to allow them to take any appropriate action.</i> 2. <i>To support the Council's Economic Strategy and Place Making Plan and facilitate the regeneration of Bath Quays, the Council is currently procuring specialist support to develop a sustainable coach parking and drop-off strategy for the City of Bath. The strategy will support the delivery of Bath Quays by identifying solutions that enable the relocation of the Riverside Coach Park with an effective long term plan for management of coaches in the City and adequate infrastructure provision. The strategy will consider best practice from around comparator Authorities, the wider county and Europe to define the necessary actions to ensure that coach management within the city helps support the retail and visitor economies and reduces any impact on residents and other road users.</i> 		

QUESTIONS AND ANSWERS - PUBLIC

P 01	Question from:	Nicolette Boater
<p>AS in some ways the “update on P&R East of Bath” (Item 10 on 13.7.16 Cabinet agenda) raises more questions than it answers, it would be helpful if you could clarify and/or advise :</p> <ol style="list-style-type: none"> 1. What type of activities has/will the £1.2m of approved budget for developing an East of Bath transport solution (detailed in paragraph 3) been/be spent on? For example, what is the balance of adviser/agent fees (property, planning and transport 		

modelling) to stakeholder consultation ones (both Council led consultations and externally commissioned ones such as the current IPSOS Mori survey of residents preferences for different types of transport infrastructure investment?)

2. Will the "new transport model which will provide an analytic basis for the business case for a new P&R " referred to in paragraphs 5.1 & 5.3, together with the assumptions and evidence on which the resulting demand projections are based, be made publicly available for public scrutiny in advance of the Council's "final decision on site(s) selection" being announced "later this year" (Paragraph 5.6)?
3. Given the Council's responsibilities to manage the UNESCO World Heritage Site Setting (within which all but one of the potential sites evaluated by the LDF Steering Group lie) as well as the World Heritage Site, have their diverse contributions to the universal value of the Bath WHS been taken into account when comparing the relative benefits, costs and risk associated with shortlisted P&R sites?

Answer from:

Councillor Anthony Clarke

1. *Since this project was approved in November 2014 about £737,000 has been spent. The majority on the following areas: surveys; base model development; forecasts/business case/consultation; network rail advice; highway design and environmental work; governance; police advice; and Council services. The project has followed DfT national guidance in the development of transportation models which covers the majority of these costs.*
2. *Yes, the forecast reports and model validation reports have been published for some months and available to the public*
3. *Yes, this will be one of the material considerations for the selection of the preferred site(s).*

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WWISE Network presentation to Cabinet Meeting – July 13th 2106

Why is the Council not taking advantage of the opportunity, while the Bath & Keynsham Leisure Centres are being refurbished, to include warm water pools suitable for less-able young people & adults living with long-term conditions?

There has been no such pool since 1996 when the previous warm water pool was filled in in favour of a childrens' activity pool. The main pool was heated to 32°C one day a week until 2004 but then the temperature was capped at 30°C to comply with industry guidelines. Since then these people have not been able to access warm water in order to exercise & go swimming for leisure & recreation as well as to help maintain their health & fitness, & certainly not in their local Leisure Centre like the able-bodied. In 2011 it was agreed by the Council that this should be given serious consideration when the time came to refurbish or rebuild the Leisure Centres and we met with the then Cabinet Members for Neighbourhoods, & also Health & Wellbeing who both agreed this would be a valuable asset to the community because of the many benefits it would provide.

2 years ago we again raised the issue when a new contract for the leisure facilities was being negotiated and there was overwhelming support from Council committees that this should be included as part of the new contract even if the statement from the Council at the time was non-committal.

We have since met then with the consultants & Council officers involved in negotiating the contract, & also GLL once they were awarded the contract, and all were supportive of including such a pool in both Leisure Centres.

It is with dismay therefore that we find it is not in the plans for Bath Leisure Centre nor in the initial proposals for Keynsham. In Bath a second warm water pool has been included but, at 60 – 90cm, it is similar in depth to the Activity pool and so too shallow for young people & adults.

A deep warm water pool would bring a multitude of benefits as well as helping to support the aims of the Council's Joint Health & Wellbeing Strategy, Fit for Life Strategy, Children & Young People's Plan as well as complying with the the Council's Protocol for Decision Making, the Council's Equalities Policy & also its Pledge to Young People.

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Statement to the 13.7.16 Cabinet meeting of Bath and North East Somerset Council

Thank you chair.

At your 4.5.16 meeting (with supporting rationale and evidence in an annotated version of the statement emailed to Cabinet members, relevant PDS members and officers on 9.5.16),

I expressed concern about the way the P&R East decision is being taken, highlighting

- flaws in the consultative and scrutiny process;
- inadequate analysis of and evidence surrounding associated costs, benefits and risks;
- significant policy incoherence.

However item 10 on today's agenda (update on "work to identify an appropriate location for P&R East" and draft response to CTE PDS Members' recommendations), **provides little assurance that the Cabinet is addressing these concerns.**

Is this just a reflection of your not yet being in a position to respond, or of a party-political agenda taking precedence over the long-term interests of our locality? I'm here today to suggest ways you might demonstrate that it is more the former than the latter.

Although there is much consensus around the nature and severity of transport problems in and around Bath, this is less true of the role of P&R East in addressing them. The Bath Transport Strategy is unclear on the subject, transport policy experts are sceptical, and workshop participants at the 22.3.16 Scrutiny Inquiry saw it as a low priority. Yet the Cabinet continues to assert that P&R East is "critical" and "important". In this context the **lack of explanation as to how and why P&R East meets agreed transport objectives better than alternative infrastructure investments or measures** is a serious omission.

The need for a large P&R East facility was cogently challenged in detailed submissions made to the 22.3.16 Scrutiny Inquiry. Consequently, the Cabinet's response to PDS Members' number one recommendation **needs to demonstrate**, and especially to those who gave so generously of their time and expertise to that inquiry, **that the Cabinet has considered and will accordingly disclose and justify its position on the amount of P&R capacity required** rather than imply that you will tell us only when you have finalised the preferred location.

The update report makes scant reference to the risks associated with the P&R East project, (in fact just those associated with revenue reversion and site acquisition). Given what is at stake for the future wellbeing of our locality, this **exclusion of strategic, social and environmental risks is somewhat disturbing**. I say "somewhat" because you may have good reason for deferring this sort of assessment, such as awaiting the results of the West of England Joint Transport Study consultation, or **complying with the amendment you incorporated into your 29.6.16 devolution resolution**, namely that requiring

"equality and environmental considerations" to be "given meaningful weightings in the economic modelling, the criteria used for selecting projects and the metrics that determine whether the projects have been successful"

Indeed, I look forward to such compliance being evidenced, if not in the Cabinet response to PDS Members in 12 days time, well ahead of the announcement of the Cabinet's "final decision on site(s) selection" "later this year".

Nicolette Boater, B.A.(Oxon.), M.Phil.
Strategist, Economist and Policy Analyst
adding lasting value at the public private interface



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Thank you all for this further opportunity to address you. Today's agenda says that:

"The cabinet are still considering how to meet the need for a P&R to the east"

"How to meet the need...". The element of pre-judgement in this one sentence worried me because it assumes that all debate as to whether there is a need, is now superfluous and all that remains is to decide where to put it. I can see how that has come about; the siting of a park and ride has become so deeply controversial, that the Council has become swept up in this single conversation, and lost sight of the bigger question of whether there is a need for it at all.

So please Councillors, take one enormous step back, and ask yourselves where this all began. Bath has a congestion problem, and a pollution problem, and it wants to grow and be prosperous without adding to these two problems. But Officers have promoted a park and ride to the east for so long now that it's rightness is no longer questioned. The desire to deliver a "thing" – a car park- has clouded judgement as to whether the "thing" is a "solution". It is time for Cabinet to take back control of this issue and to ask probing questions of your officers.

Such as why are we proposing a 4th park & ride:

1. When the existing 3 are, on average, under half full? Why, then do officers persist in calling P & R "popular"?
2. Or when the Hill report tells us it will make negligible difference to congestion on the London Road?
3. Or when Mott McDonald told us as long ago as 2009 that it would cause a air quality in Batheaston to worsen, when this has been steadily increasing here since 2010?
4. Or when, to get the demand figures up you have to invent demand from the RUH, who have their own onsite expansion plans, and have never asked for additional parking, let alone from a site on the wrong side of the City;
5. Or when the impact of school run traffic has never properly been modelled, when this is traffic which can never converted to P & R demand;
6. Or why you are now being invited to trust nebulous, theoretical projections of demand out to 2029, by officers who at the same time have told us in writing that they have no forecasting reports to indicate the demand for a P & R in 3, 5 or 10 years, and that demand will simply
7. " *depend on the general prosperity within the city, as well as the redevelopment of key sites within the Enterprise Area.*"

This "let's just build it and see who comes" approach to P& R, is not a sound basis upon which to authorise a £12million investment. You deserve better from your officers, and I urge you to remind them of this, and demand to see proper, substantiated, evidence of need.

By Annie Kilvington: as presented to Cabinet, 13 July 2016

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