

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Thursday, 10th November, 2016

Present:- **Councillors** Patrick Anketell-Jones, Rob Appleyard, Tim Ball, Colin Barrett, Cherry Beath, Jasper Becker, Sarah Bevan, Colin Blackburn, John Bull, Neil Butters, Anthony Clarke, Matt Cochrane, Paul Crossley, Chris Dando, Fiona Darey, Matthew Davies, Sally Davis, Douglas Deacon, Emma Dixon, Michael Evans, Andrew Furse, Charles Gerrish, Ian Gilchrist, Bob Goodman, Francine Haerberling, Alan Hale, Liz Hardman, Donal Hassett, Steve Hedges, Eleanor Jackson, Steve Jeffries, Les Kew, Marie Longstaff, Barry Macrae, Paul May, Shaun Stephenson-McGall, Alison Millar, Robin Moss, Paul Myers, Michael Norton, Lisa O'Brien, Bryan Organ, Lin Patterson, June Player, Christopher Pearce, Vic Pritchard, Joe Rayment, Liz Richardson, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Peter Turner, David Veale, Martin Veal, Karen Walker, Tim Warren, Karen Warrington and Chris Watt

Apologies for absence: **Councillors** Lisa Brett, Deirdre Horstmann, Mark Shelford and Geoff Ward

45 EMERGENCY EVACUATION PROCEDURE

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

46 APOLOGIES FOR ABSENCE

The apologies are listed above. In addition, Councillor Peter Turner had sent apologies but was able to attend the meeting for consideration of item 9 onwards.

47 DECLARATIONS OF INTEREST

Councillor Paul May declared a disclosable pecuniary interest in item 8 "Your Care Your Way: Full Business Case" as a non-executive Director on the Board of Sirona Care and Health. He withdrew from the meeting for consideration of this item.

Councillor Joe Rayment declared a disclosable pecuniary interest in item 8 "Your Care Your Way: Full Business Case" as a member of staff at Developing Health & Independence, who are currently contracted to provide some of the services under YCYW. He withdrew from the meeting for consideration of this item.

Councillor Sally Davis declared an 'other' interest in item 8 "Your Care Your Way: Full Business Case" in her capacity representing the Council on the Members' Board of Sirona Care and Health.

Councillor Paul Crossley declared an 'other' interest in item 8 "Your Care Your Way: Full Business Case" as a member of the RUH Foundation Trust.

Councillor Lisa O'Brien declared an 'other' interest in item 8 "Your Care Your Way: Full Business Case" as a member of the RUH Foundation Trust. [*This declaration was made just before item 8.*]

Councillor Martin Veal declared an 'other' interest in item 11 "Update on Destination Management Commission" as Vice-Chairman of Bath Tourism Plus.

Councillor Lin Patterson declared that, although she had previously signed a petition opposing the award of the contract to Virgin Care, she was approaching this matter with an open mind.

The Democratic Services Manager made reference to the list of dispensations that had been granted to certain Councillors to enable them to take part in the debate. The list is attached to the online minutes and available on the Council's Minute book.

Council dispensations 10th November 2016

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

The Chairman made the customary announcements regarding mobile phones, webcasting, Councillors accessing meeting papers via their ipads and a comfort break.

He congratulated the Roman Baths on having been named as Large Attraction of the Year and best International Visitor Experience at the Bristol, Bath and Somerset Tourism Awards.

49 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

With the Chairman's consent, and in light of the length of the agenda, Councillor Tim Warren moved the following motion, seconded by Councillor Charles Gerrish it was

RESOLVED under Part 4A, Rule 16, that Rule 48 be suspended to allow for the extension of the meeting to allow resolution of items up to and including item 16, or until 11 o'clock, whichever is the later. The suspension will take effect for the duration of the meeting. All uncompleted business will stand adjourned to be considered at the next meeting.

[Notes;

1. Councillor Joe Rayment wished it recorded that he had voted against the above resolution.]

50 MINUTES - 15TH SEPTEMBER 2016

On a motion from Councillor Tim Warren, seconded by Councillor Charles Gerrish, it was

RESOLVED that the minutes of the meeting of 15th September 2016 be approved as a correct record and signed by the Chairman.

51 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE

PUBLIC

The Chairman referred to the questions from Jay Risbridger, Sian James and Christine Boyd which had been submitted, and the responses which had been circulated to the meeting, and are attached to the online minutes.

Statements were made by the following people;

Dr Ian Orpen, Clinical Chair of Bath & North East Somerset Clinical Commissioning Group, made a statement to the meeting highlighting the patient at the heart of this important decision Councillors would be taking tonight. He urged Councillors to be decisive and consider the risks if a decision was not taken. Councillor Tim Warren asked if Dr Orpen could tell them the scores for the bids to which he replied that there was a significant difference, as the score for Virgin Care was 73% and that for the Link Partnership was 43%. Councillor Will Sandry asked whether the CCG had held their costs over the last financial year and Dr Orpen responded that they had. Councillor Sarah Bevan asked which of the 3 main drivers for change Dr Orpen would consider the most important, to which he responded that treating the person not the condition was key, and delivering on the others would contribute to this one. The Chairman thanked Ian for his statement which was referred to the Cabinet Member for Adult Social Care and Health.

Pam Richards made a statement on behalf of Protect our NHS BANES. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Tim Ball enquiring whether Pam considered that adult social services should be split from this bid, Pam responded that it would be one way of dealing with this, as there was very little evidence that Virgin could deliver this bid. Councillor Sarah Bevan asked whether Pam was aware of the information that had been given in the briefings on Virgin's track record and references from other providers such as Barnardos, to which Pam responded she was aware. The Chairman thanked Pam for her statement which was referred to the Cabinet Member for Adult Social Care and Health.

Lesley Mansell made a statement highlighting her concerns that awarding the social care contract would have a detrimental effect on staff jobs and wages. She gave the example of NHS Direct losing front line staff. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Tim Warren asked whether Lesley was aware that this was not about savings but the way care was delivered, Lesley responded that she was. Councillor Will Sandry asked Lesley to give further examples of her concerns regarding the Equalities Impact Assessment, to which Lesley highlighted a section on disability for which she said there was no evidence. Councillor Robin Moss asked for Lesley's view on the Virgin Equality Impact Assessment, to which she responded that she had not been able to find such a document. Councillor Sarah Bevan asked if Lesley was aware that Sirona's concerns related to their status as sub-contractor rather than prime provider, Lesley responded that it was difficult to figure out the details having only been able to review the documents recently. The Chairman thanked Lesley for her statement which was referred to the Cabinet Member for Adult Social Care and Health.

Jo Hargreaves made a statement in support of keeping Bath Community Academy open. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Tim Ball asked whether Jo was aware of any specific advice that either Cabot Federation or B&NES Council had given to parents who wished to keep their children at Bath Community Academy, to which Jo responded that she wasn't, and that the school needed funding and positive promotion to counter the stigma associated with it. Councillor Joe Rayment asked whether Jo considered there had been an unacceptable level of communication from Cabot Federation to parents, to which Jo agreed that it had been really bad, with the news of closure being delivered only 3 days before the summer holidays. Jo presented a petition of over 1000 signatures calling for Bath Community Academy to be saved from closure. The Chairman thanked Jo for her statement and petition which was referred to the Cabinet Member for Children's Services.

Sian James made a statement posing a series of questions about the merits of an east of Bath Park & Ride. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. In response to a question from Councillor Neil Butters about whether Sian could see any discernible benefits from the proposed Park & Ride site, Sian responded that she could not. Councillor Robin Moss enquired whether Sian was aware that the Park & Ride decision would be one taken by Cabinet, not Council; Sian confirmed that she understood that. The Chairman thanked Sian for her statement which was referred to the Cabinet Member for Transport.

Christine Boyd made a statement against the east of Bath Park & Ride, highlighting the unused capacity at the Odd Down site. Full details can be read in the statement which has been placed on the Council's Minute book and attached to the online minutes. Councillor Tim Warren asked about extra traffic in the city centre for east of Bath residents travelling to the Odd Down site, to which Christine responded that people from the east of Bath don't park at the Odd Down site. Councillor Joe Rayment asked if Christine would agree with the description of Bathampton Meadows as a flat and featureless field, which is what made it ecologically important to which she replied that she would not describe the meadows in those terms. The Chairman thanked Christine for her statement which was referred to the Cabinet Member for Transport.

Andrew Mercer made a statement explaining that there was still no evidence to support an east of Bath Park & Ride and urging Councillors against 'wilful blindness'. Councillor Neil Butters asked how Andrew considered public opinion had changed since the Park & Ride was considered at great length at Council a year ago, to which he responded that, in his opinion, public opinion had hardened against the Park & Ride and, if the consultation were to be run again, he felt sure that it would be reflected in the figures. The Chairman thanked Andrew for his statement which was referred to the Cabinet Member for Transport.

Sally Harris, Deputy Chair of Bath Welcomes Refugees, made a statement expressing support for the proactive and positive approach from B&NES Council in supporting refugees but calling on Councillors to recognise the different types of unaccompanied children and the implications of that. She urged the Council to secure extra funding for Housing from the Home Office (as Bristol City Council had

recently done) and committed to continue to support the Council in all its efforts supporting refugees. Councillor Sarah Bevan asked Sally whether there were any more fundraising events coming up; Sally responded that there was nothing in particular although directed Members to the fundraising page. The Chairman thanked Sally for her statement which was referred to the Leader.

Pat Mason made a statement calling for re-instatement of the subsidy for the 6 and 7 bus routes. In addition to the petition that would be presented, a recent meeting of 150 local residents had demonstrated the strength of feeling about the isolation, loneliness and damage to local shops and businesses that resulted from these routes being withdrawn. Councillor Neil Butters asked if Pat was aware of a potential solution from First with buses via the Guildhall; Pat responded that she was aware but that it was unsatisfactory if an onward journey was needed. Councillor John Bull asked whether the subsidy had originally been time-limited or ongoing to which Pat responded that the following speaker should be able to address that. The Chairman thanked Pat for her statement which was referred to the Cabinet Member for Transport.

Mike Parr also made a statement in support of keeping the 6/7 buses. He disputed the accuracy of the survey as not reflecting actual use of the the buses. He questioned the lack of consultation and transparency of the decision making process for an important matter affecting the lives of local people. Councillor Anthony Clarke asked whether Mike was aware that First Bus had been asked to check the results of the survey and had found the usage figures to be correct. Mike responded that he was not aware of that. Councillor Dine Romero asked if Mike knew the average passenger number on each bus; to which he replied that he did not. Councillor John Bull asked for clarity on Mike's comments about the nature of the decision to cut the subsidy to which Mike explained that the decision had not been made in a formal meeting so it had been difficult to understand exactly what had been decided, but his understanding was that the subsidy had been subject to renewal and could have been continued. The Chairman thanked Mike for his statement which was referred to the Cabinet Member for Transport.

Public statements & questions

52 'YOUR CARE, YOUR WAY': FULL BUSINESS CASE

The Council considered a report presenting the Full Business Case for integrated community health and care services for people living in Bath & North East Somerset.

On a motion from Councillor Vic Pritchard, seconded by Councillor Tim Warren, it was

RESOLVED

1. To approve the award of the contract to become the Prime Provider of community health and social care services to Virgin Care from 1st April 2017; and

2. To delegate authority to the Strategic Director, People and Communities, in consultation with the Cabinet Member for Adult Social Care and Health to agree any required post contract award variations to the Prime Provider contract, provided they do not represent a significant variation.

[Notes:

1. *During debate, an unsuccessful amendment was moved by Councillor Eleanor Jackson and seconded by Councillor Robin Moss, requesting this item be deferred until the Health & Wellbeing Select Committee could consider the matter. This was lost on a named vote with 23 Councillors voting in favour and 34 Councillors voting against, as set out below;*
Councillors voting in favour; - Councillors Rob Appleyard, Tim Ball, Cherry Beath, Sarah Bevan, John Bull, Neil Butters, Paul Crossley, Chris Dando, Doug Deacon, Andy Furse, Ian Gilchrist, Liz Hardman, Steve Hedges, Eleanor Jackson, Alison Millar, Robin Moss, Lin Patterson, June Player, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Shaun Stephenson McGall
Councillors voting against; - Councillors Patrick Anketell-Jones, Colin Barrett, Jasper Becker, Colin Blackburn, Anthony Clarke, Matt Cochrane, Fiona Darey, Matthew Davies, Sally Davis, Emma Dixon, Michael Evans, Charles Gerrish, Bob Goodman, Francine Haerberling, Alan Hale, Donal Hassett, Steve Jefferies, Les Kew, Marie Longstaff, Barry Macrae, Paul Myers, Michael Norton, Lisa O'Brien, Bryan Organ, Chris Pearce, Vic Pritchard, Liz Richardson, Brian Simmons, Martin Veal, David Veale, Karen Walker, Tim Warren, Karen Warrington, Chris Watt.
2. *During debate, a further unsuccessful amendment was moved by Councillor Lin Patterson and seconded by Councillor Will Sandry proposing that the decision on this item be moved to a future Council meeting to allow time for due diligence. This was lost, with 20 Councillors voting in favour, 35 Councillors voting against and 2 abstentions.*
3. *The substantive motion was carried with 35 Councillors voting in favour and 22 Councillors voting against, as set out below;*
Councillors voting in favour; - Councillors Patrick Anketell-Jones, Colin Barrett, Jasper Becker, Sarah Bevan, Colin Blackburn, Anthony Clarke, Matt Cochrane, Fiona Darey, Matthew Davies, Sally Davis, Emma Dixon, Michael Evans, Charles Gerrish, Bob Goodman, Francine Haerberling, Alan Hale, Donal Hassett, Steve Jefferies, Les Kew, Marie Longstaff, Barry Macrae, Paul Myers, Michael Norton, Lisa O'Brien, Bryan Organ, Chris Pearce, Vic Pritchard, Liz Richardson, Brian Simmons, Martin Veal, David Veale, Karen Walker, Tim Warren, Karen Warrington, Chris Watt.
Councillors voting against; - Councillors Rob Appleyard, Tim Ball, Cherry Beath, John Bull, Neil Butters, Paul Crossley, Chris Dando, Doug Deacon, Andy Furse, Ian Gilchrist, Liz Hardman, Steve Hedges, Eleanor Jackson, Alison Millar, Robin Moss, Lin Patterson, June Player, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Shaun Stephenson McGall.
4. *Following conclusion of this item, a comfort break was taken and the Council re-convened at 21:20pm.]*

53 THE LOCAL COUNCIL TAX REDUCTION SCHEME 2017/18

The Council considered a report setting out the preferred Local Council Tax Reduction scheme and seeking formal adoption, so that it can be taken into account as part of the annual Tax Setting process.

On a motion from Councillor Charles Gerrish, seconded by Councillor Paul May, it was

RESOLVED to approve the Local Council Tax Reduction Scheme as detailed in Appendix 1 to the report [subject to an insertion to Schedule 6, Part 4 Sub-section D

to insert paragraph 26 of Schedule 5], for application to Council Tax accounts with effect from 1st April 2017.

[Notes;

1. *During debate, an unsuccessful amendment was moved by Councillor Joe Rayment and seconded by Councillor Robin Moss to delay a decision on this policy until certain concerns had been addressed in policy terms rather than by increasing discretionary funds. This amendment was lost, with 19 Councillors voting in favour, 35 Councillors voting against and 2 abstentions.*
2. *The substantive motion was carried with 47 Councillors voting in favour, 8 Councillors voting against and 1 abstention.]*

54 PROCUREMENT OPTIONS - EXTERNAL AUDIT

The Council considered a report setting out the background and statutory requirements for the Council to approve the procurement route for the External Auditors to the Council.

On a motion from Councillor Charles Gerrish, seconded by Councillor Andy Furse, it was unanimously

RESOLVED to approve the use of Public Sector Audit Appointments Limited (PSAA Ltd) to manage the procurement process for the appointment of External Auditors to the Council.

55 UPDATE ON THE DESTINATION MANAGEMENT COMMISSION

The Council considered a report seeking approval for the Council to take sole ownership of Bath Tourism Plus to ensure the ongoing viability of Bath Tourism Plus and the successful delivery of Destination Management Services. In introducing the report, Councillor Patrick Anketell-Jones corrected a typo in paragraph 3.1.3 of the report – the figure of £47K should read £472K.

On a motion from Councillor Patrick Anketell-Jones, seconded by Councillor Paul Myers, it was

RESOLVED

1. To delegate to the Strategic Director (Place) authority to extend the existing contractual arrangements between the Council and BTP (the Company) until the ownership issues (resolution 3 refers) are resolved;
2. To delegate to the Chief Executive and Strategic Director (Place), in consultation with the Leader, the Cabinet Member for Economic Development, the s151 Officer, and the Monitoring Officer, authority to finalise and agree the Articles of the Company and other such matters necessary for the Council to;
 - i. take sole ownership of the Company
 - ii. deliver the objectives identified in this report
 - iii. finalise the new contractual arrangements for the Destination Management contract.

3. To delegate to the Leader the exercise of all Council functions as sole shareholder representative of the Company, with the exception of disposing of ownership of the Company.
4. To delegate to the Strategic Director (Place) authority to finalise service provision arrangements between the Council and BTP for all required support services, including officer support.

[Notes;

1. *The above resolution was carried with 54 Councillors voting in favour and 2 abstentions.]*

56 BATH AND SOMER VALLEY ENTERPRISE ZONE

The Council considered a report seeking approval to finalise the site allocations and proposals for an expanded Enterprise Zone to include additional sites in the Somer Valley and Keynsham.

On a motion from Councillor Patrick Anketell-Jones, seconded by Councillor Sarah Bevan, it was

RESOLVED unanimously

1. To approve the extension to the Bath and Somer Valley Enterprise Zone in accordance with the proposals set out in the report
2. To approve the proposed Governance and operating procedures for the Enterprise Zone, which are set out in a Memorandum of Understanding (MoU) and supporting Partnership Agreement.
3. To grant delegated authority to the Strategic Director (Place) in consultation with the Executive Member for Economic Regeneration to:
 - a. Finalise the site allocations for Enterprise Zone status subject to a final decision by DCLG and the West of England LEP following the Government's Autumn Statement;
 - b. Confirm with DCLG that the existing Enterprise Area boundary is protected and clarify the policy on business rate relief;
 - c. Based on concluding the discussions in a. and b., complete the Memorandum of Understanding with the LEP and Government covering the expansion of the Bath & Somer Valley EZ;
 - d. Agree and submit an Implementation Plan for the Enterprise Zone expansion to the West of England LEP prior to the 30th November ahead of submission by the West of England LEP to DCLG on 9th December.

57 AVON PENSION FUND COMMITTEE ANNUAL REPORT

The Council considered the annual report of the work of the Avon Pension Fund for the previous twelve months.

On a motion from Councillor David Veale, seconded by Councillor Shaun Stephenson-McGall, it was

RESOLVED to note the report.

[Notes;

- 1. The above resolution was carried with 55 Councillors voting in favour and 1 abstention.]*

58 CHARITABLE TRUST BOARD - AMENDMENTS TO TERMS OF REFERENCE

The Council considered a report seeking agreement to amendments to the Charitable Trust Board's Terms of Reference.

On a motion from Councillor Martin Veal, seconded by Councillor Robin Moss, it was

RESOLVED

1. To recommend to Council that the Charitable Trust Board's terms of reference are amended as detailed in Appendix A to permit the following:
 - a. Decisions about requests for works to be undertaken, or events to be approved that fall outside of the Charitable Trust Board cycle be delegated to the Chair of the Trust Board in consultation with the Lead Officer to decide (as detailed in Schedule 1 & 2 of Appendix A).
 - b. That urgent works required under health and safety legislation be delegated to the Lead Officer to action promptly (as detailed in Schedule 1 & 2 of Appendix A).
2. That the Terms of reference (TOR) of the Charitable Trust Board are amended so as to move the land, Free Fields (Rainbow Woods) into Schedule 1 of the Board's Terms of Reference so that its responsibilities as trustee are delegated to the Board, now that it has been established that this is a trust for which the Council is sole corporate trustee.

[Notes;

- 1. The above resolution was carried with 55 Councillors voting in favour and 1 Councillor voting against.]*

59 APPOINTMENT OF THE INDEPENDENT PERSONS

The Council considered a report inviting Members to appoint the Independent Persons as required by the Localism Act 2011.

On a motion from a Councillor Tim Warren, seconded by Councillor Dine Romero, it was

RESOLVED to approve the appointment of the Independent Person and the Deputy Independent Person.

[Notes;

- 1. The above resolution was carried with 55 Councillors voting in favour and 1 abstention.]*

60 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2016

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan 2016/17 for the first six months of 2016/17.

On a motion from Councillor Charles Gerrish, seconded by Councillor Paul Myers, it was unanimously

RESOLVED

1. To note the Treasury Management report to 30th September 2016, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 30th September 2016.

61 AGENDA MOTION FROM THE LIBERAL DEMOCRAT GROUP - REFUGEES

The Council considered a motion from the Liberal Democrat group which was moved by Councillor Dine Romero, seconded by Councillor Joe Rayment and

RESOLVED unanimously that

This Council notes that:

1. Bath & North East Somerset Council, on an all-party basis, expressed a strong willingness to the Home Office be involved in the Government's national resettlement scheme. It established an officer working group which established the capacity within the area for this, particular relating to support services, housing supply and medical interventions.
2. The Council accepted 25 individuals (5 families) during 2015/16 under the Home Office Syrian Vulnerable People Resettlement programme.
3. The Council has received 10 unaccompanied asylum seeking children.
4. The Council is grateful to the people of Bath & North East Somerset for the many offers of support from citizens, voluntary organisations, faith groups and other organisations to assist in resettlement and confirms its commitment to build on that spirit of welcome.
5. Refugees contribute a huge amount to local communities throughout the UK.
6. The Council has agreed in principle to sponsor an application by the local group 'Bath Welcomes Refugees' for Community Sponsorship.
7. The Chair of the Local Government Association's Asylum, Refugee and Migration task group has called for Councils to receive more funding from central government to cope with resettlement challenges.

This Council resolves to:

1. Commend the work of Council officers and staff from the Clinical Commissioning Group in responding quickly and efficiently to urgent requests for resettling the most vulnerable of the refugees during 2015/16.
2. Continue to actively address requests from the Home Office for further resettlement of vulnerable people, refugees and asylum seeking children.
3. Work with partners, organisations and local individuals to address the significant problem of lack of housing that is affordable (i.e. within Local Housing Allowance rates).
4. Identify the skills and capacity which Council and partners can contribute to a variety of resettlement options.
5. Call on the Cabinet member for finance and efficiency to consider separating out the budget line for refugees from the Connecting Families project, in the forthcoming budget process, to increase transparency.
6. Request that the Leader write to government and local MPs to once again call for additional funding and support to be made available to help local authorities resettle refugees and to build capacity.
7. Encourage Councillors to sign the "Councillors Statement of Support for Refugee Children" hosted by Liberty, which has already won the support of 300 Councillors from across the country and five Councils.

62 AGENDA MOTION FROM THE LABOUR GROUP - GRAMMAR SCHOOLS

This item was moved to the end of the agenda, and then adjourned to the next available meeting as the agreed end time for the meeting had been reached.

63 AGENDA MOTION FROM THE LABOUR GROUP - PHARMACIES

The Council considered a motion from the Labour group which was moved by Councillor Eleanor Jackson, seconded by Councillor Francine Haerberling and

RESOLVED unanimously that

Council notes:

- That there are 38 community pharmacies in B&NES and these are evenly situated across the local authority area.
- The valuable role local pharmacies play in our communities in providing local people with a vital service to seek medical advice and reducing waiting times at local GPs.

Council further notes:

- That NHS England has a huge challenge in tackling its deficit.

- That the Government previously planned to cut £170 million of funding from community pharmacies.

Council believes:

- That residents should have easy access to local pharmacies.
- That further investigation is required to assess the adequacy of existing services and the impact of any proposed cuts to pharmacy services when demand is on the rise.

Therefore Council resolves:

- To request the Health and Wellbeing Select Committee investigates this matter further.

64 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

Councillor Lin Patterson made a statement (taken earlier in the meeting with the agreement of the Chairman) concerning the withdrawal of the subsidy to the 6/7 bus service and presenting a petition of over 2400 signatures calling on the Council to reinstate the funding and reverse the cut to the route of the 6 and 7 bus serving Larkhall and Fairfield Park due to the serious impact on these communities. Councillor Tim Warren asked if Lin knew the average numbers of bus users per bus, to which she responded that she did not. Councillor Robin Moss asked for information to be supplied to all Councillors about the nature of the decision making process, and was given a commitment that this would take place as soon as possible following the meeting. The Chairman thanked Lin for her statement and petition which were referred to the Cabinet Member for Transport.

The Council noted the question from Councillor Will Sandry and response, which had been circulated to the meeting.

Councillor statements & questions

The meeting ended at 11.00 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services

BATH & NORTH EAST SOMERSET COUNCIL

MEMBERS' CODE OF CONDUCT

Grant of a Dispensation

Name of Member	All Councillors of BANES Council and those on the attached list
Meeting and item of business for which the dispensation has been sought	10 th November 2016 - Agenda Item 8 'Your Care, Your Way' Full Business Case, <i>Item 9</i> and 10 th November 2016 – Agenda Item 18 'Grammar Schools' and Agenda Item 19 'Pharmacies'
Reason for dispensation	For the avoidance of doubt, these dispensations were granted to enable several members with potential discloseable pecuniary interests to take part in the debate.

Having received written applications from the councillors set out on the attached list requesting this dispensation, it was granted.

Signed *M E Lucas*

M E Lucas
Monitoring Officer – Bath & North East Somerset Council

Dated *10th November 2016*

BATH & NORTH EAST SOMERSET COUNCIL

MEMBERS' CODE OF CONDUCT

Grant of a Dispensation

10th November 2016

Name of Councillor	Reason
Item 8	
Rob Appleyard	Sits on Boards of the Carers Centre and the CAB
Cherry Beath	Spouse is an employee of AWP Mental Health Trust
Lisa Brett	Close friends with employees of RUH or CCG
Paul Crossley	Spouse has a contract with Sirona
Steve Hedges	Works for a care home
Shaun Stephenson-McGall	Member of the RUH Trust
Caroline Roberts	Spouse employed by RUH Foundation Trust
Nigel Roberts	Employed by the RUH Foundation Trust
Dine Romero	Member of the RUH Foundation Trust
Will Sandry	Member of the RUH Trust; Member of Sirona (Council appointee)
June Player	Relative worked for RUH
Karen Warrington	Worked for a care home
All Councillors	Receiving services from general medical practitioners; hospitals etc which may be affected by "Your Care, Your Way" in BaNES
Item 9	
Tim Ball	Special Guardian
Item 18	
All Councillors	All interests connected with schools and education
Item 19	
All Councillors	All interests connected with pharmacies.

BATH & NORTH EAST SOMERSET COUNCIL

MEMBERS' CODE OF CONDUCT

Grant of a Dispensation

Name of Member	Councillor Robin Moss
Meeting and item of business for which the dispensation has been sought	Council Meeting on 10 th November 2016 (Agenda item 11 – Update on the Destination Management Commission)
Reason for dispensation	Failure to grant a dispensation would impede the transaction of the business of the meeting

Having received a request at the meeting from the above councillor requesting this dispensation, it was granted.

Signed *M E Lucas*

M E Lucas
Monitoring Officer – Bath & North East Somerset Council

Dated 10th November 2016

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COUNCIL 10TH NOVEMBER 2016

PUBLIC STATEMENTS

List of registered public speakers

1. Dr Ian Orpen Your Care Your Way
2. Pam Richards Your Care Your Way
3. Lesley Mansell Your Care Your Way
4. Jake Bishop-Ponte Your Care Your Way
5. Jo Hargreaves Bath Community Academy & the community
6. Sian James East of Bath Park & Ride
7. Christine Boyd East of Bath Park & Ride
8. Andrew Mercer East of Bath Park & Ride
9. Emma Adams East of Bath Park & Ride
10. Sally Harris Refugees
11. Pat Mason 6/7 bus service
12. Mike Parr 6/7 bus service

- Councillor Lin Patterson has registered to make a statement on the 6/7 bus service. At the Chair's discretion, this will be taken immediately after the public statements on the same subject

QUESTIONS FROM THE PUBLIC

P 01	Question from:	Jay Risbridger
<p>As the preferred bidder for the care contract has not provided these services before to this council, it is very easy for them to offer assurances about the scope and benefits of their provisions which cannot be assessed against any previous performance. In order to know whether the new provider is giving value for money and delivering the care services that our residents need, there must be full transparency about the terms and performance of the contract once it is awarded. Can the council confirm that there will be no commercial</p>		

confidentiality clauses in the contractual arrangements with the care provider and that the public and their council representatives, will be able to fully scrutinise the delivery of these services over the full period of the contract?

Answer from:

Councillor Vic Pritchard

As commissioners, the CCG and the Council have a legal responsibility to hold all of our contracted providers to account on behalf of the public, ensuring that services provide a high quality of care for users and deliver value for money for the tax payer. A number of existing mechanisms will continue to be used to assure the Council and CCG of the performance of services including Cabinet Member Briefings to Select Committee, reports to Select Committee, Health and Wellbeing Board and CCG Board, Finance and Performance Committee, Quality Committee as well as formal contract review meetings between Commissioners and Providers.

Virgin Care will be required to deliver a set of outcomes for the health and wellbeing of the local population and will publish their performance against these outcomes using an online dashboard which everyone will be able to see. They will also be subject to regular inspections by the Care Quality Commission (CQC) with the results made publically available online.

Virgin Care will be subject to the same public accountability as any other independent provider delivering publicly-funded services. Freedom of Information requests relating to the services provided by Virgin Care can be submitted to the CCG or the Council and these will be dealt with in line with our current FOI procedures.

P 02

Question from:

Jay Risbridger

For many observers Health and Care services in the UK are underfunded by about £30 billion or 10% of budgets and it is unlikely that changes in management or requiring junior doctors to work longer hours will fill this funding gap. In order to provide the first class care services our residents should receive, it may be necessary to increase the level of care funding over the lifetime of the proposed care contract. What provision has the council made to allow for an increase in the value of the contract, if it becomes clear that the services being provided are inadequate due to an under-estimate of the funds required to provide the services?

Answer from:

Councillor Vic Pritchard

Both the Council and CCG recognise the funding pressures on Health and Social Care and the growth for demand driven services is recognised and funded through the agreement of annual budgets and financial plans. A large proportion of the community services contract are block funded services that have fixed running costs, however we recognise that these costs may increase over time, where future growth pressures cannot be funded through contract efficiencies both the Council and CCG will work with the Prime Provider to understand the funding requirement and incorporate investment requests into future financial planning.

P 03

Question from:

Sian James

City centre car park provision - according to the visitbath website there are currently 3500

car park spaces in central Bath. Adding up the car parks listed, I make it long term 2854 (Charlotte st, Southgate, Avon st, Manvers st, cricket club, train stn) short term 876 (podium, sports centre, kings mead, broad st, cattle mkt, claverton st) total 3730 city centre car park spaces.

What is the current assumption regarding future numbers of city centre car parking spaces (post central development) for;
a) short term parking
b) long term parking?

Answer from: Councillor Anthony Clarke

The assumption within the Getting Around Bath Transport Strategy was that the redevelopment of the off-street car parks within the Enterprise area will result in a reduction of over 300 space on those currently present, though the final number is subject to the Council's overall parking strategy, planning permissions and the need that no reduction takes place until alternatives are in place. The balance between short stay and long stay is managed through pricing control to discourage long stay commuting to maintain the vitality of the city centre economy. This will continue the Council's long standing policy of reducing parking within the city.

P 04 Question from: Sian James

Why has the Odd Down P&R facility been removed from the bathcarparks.co.uk website (that shows the utilisation data)?

Answer from: Councillor Anthony Clarke

The bathcarparks.co.uk website is externally hosted using data openly sourced from the Council and therefore Odd Down P&R figures should be showing. Thank you for bringing the issue of the missing data to our attention, it seems that the 3g router has failed and we are working with our IT Team and the system supplier to resolve the issue as soon as possible.

P 05 Question from: Christine Boyd

The Bathampton Meadows Alliance has calculated that use of park and ride increases by around 30% during the Christmas Market period.

Does the council agree with this figure or if not, what impact does the council believe the Christmas Market period has on park and ride use?

Answer from: Councillor Anthony Clarke

The average usage across all three park and ride sites during the Christmas Market period is approximately 85% capacity. However, on peak days and at peak times during the Christmas Market period usage of all of the sites is higher than this figure and can exceed capacity. Usage across the year averages at approximately 60% capacity, though again there are peaks at other points during the year when the Park & Rides are at or near

capacity, and this figure is since the recent expansions and is expected to continue to grow in the years ahead.

P 06	Question from:	Christine Boyd
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Last February, the Bathampton Meadows Alliance suggested that the council find ways to manage seasonal demand rather than plan for more P&R spaces that remain unused the rest of the year. What seasonal plans are now in place to manage traffic entering the city during the Christmas Market period, specifically:

- How many extra trains or buses will be provided to meet this demand?
- Has the council secured overflow park and ride spaces for this period?

Answer from:	Councillor Anthony Clarke
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The Christmas market preparations for the Bath P&R include use of eight extra buses on Saturdays and six extra buses on Sundays, as well as the deployment of ticket sellers at the busiest sites. Train operators may increase capacity during the Christmas period. In addition to the overflow spaces at Odd Down P&R, this year we have reserved the car park at Lansdown North Playing Fields (nearly opposite Lansdown Park & Ride) as an overflow car park on the Saturdays of the Christmas market. This should provide an additional 140 spaces for visitors.

Protect Our NHS BANES – statement to Council November 10th 2016

We think the business case (BC) for Virgin Care is in many respects inadequate and we feel that there are clear risks that have not been addressed . These are just some of the most significant.

Timescales .The transition phase is very short and we feel that this will put unreasonable pressure on Sirona staff and the services they deliver. Sirona have no additional resources and staff to meet the requirements of transition. Quite properly their priority will be to concentrate on meeting the challenges of winter pressures and continuing to deliver high quality care. There appears to be no account taken of this in the B.C.

Lack of detail. One of the objectives of the procurement is to make it easier for people to navigate the system. We expected to see in the BC very detailed information about how the Care Coordination Centre will actually operate in practice. It is not clear whether it will be a call centre for all public and professional enquiries about health and social care or how it will relate to GP hubs (about which there is even less information). Will urgent referrals for health and social care also go through this route? Surely a BC should contain further information about how this key element will be delivered, staffed and costed.

Costs . We note that there is already an additional £540K of costs to the Council and CCG outlined in the BC. In addition, there will be costs associated with the migration of data to Virgin's Lumira system. Indeed, the 'Information Sharing Cost' is flagged up in the 'Risks' section of the BC. Will the Council ensure that there is a contractual agreement that there will be no further costs to the Council, either in the transition phase or beyond?

Evidence and experience – There are various references to Virgin's 'tried and tested' approaches. In evaluating the BC we would ask you to bear in mind that Virgin have never run adult social services before. We are relieved that certain AWP mental health services have been removed from the specification as they have little experience in this field. An appendix to the BC showing evidence/outcomes for the Care Co-ordination Centre model and the IT software would give some confidence about the effectiveness of this model.

Prevention and early intervention– We would like to emphasise that many preventive approaches mentioned such as falls programmes, social prescribing, telehealth are already part of what Sirona delivers. To realise the financial benefits of these approaches and reductions in non elective hospital admissions, the BC states (p.73) that 'a partnership wide agreement will need to be in place to allow money to be re-directed when benefits are realised'. i.e money flowing from the RUH into community services. What happens if this agreement is not forthcoming?

Core values – We are disappointed to see so little emphasis on the core business of caring, treating and supporting patients and service users. With an increasing number of very elderly people with complex needs in our community, we would like to know just how Virgin Care will meet these growing demands – will they increase the number of nurses and carers during the course of the contract?

We hope you will take account of the many unanswered questions and the risks associated with this and reject this BC

Pam Richards on behalf of Protect Our NHS BANES

Chair, Councillors Cllr Lesley Mansell – Parish Councillor.

I am speaking tonight to ask you all to think very carefully about the Virgin Care service bid Care before you make a decision. It is a huge contract worth £700 million over 7 years and the decision cannot be taken without proper consideration.

I am sure it seems very attractive to make savings on community health services but the only way this can be done is to cut jobs, wages and or services.

It appears that the way this is managed in other areas is to provide support staff rather than front line staff to make savings – without considering the impact this has on care of individuals

Look at NHS Direct - it was replaced with a helpline staffed by personnel without medical training so it was cheaper. Prompting numerous complaints.

I understand this service bid does not offer an increase in wages over the next seven years. It undermines agreements for health workers by the back door.

NHS is struggling to get staff after a 5 year wage freeze.

Cutting wages particularly hits women, the long term effect of this – is that the local workforce have less to spend now - and in the future they will be short on their pensions – potentially throwing costs back on the council at a later date.

Ask you to check if there are effective break clauses in the contract.

If services deteriorate and we get stuck with this deal, then Council - the electorate will never forgive you.

The Equality Impact Assessment has little evidence to show any kind of impact. Rather it is the prayer wheel approach.

It is very poorly carried. out potentially this leaves the council open to expensive legal challenge.

For example Virgin say they provide disability training for senior leaders via “Dining with a difference events” - which are specific senior manager training sessions to raise awareness around disability issues)

This specific training is planned for 2017.

The Disability Discrimination Act came in 1995. A mere 21 years ago!

Services seem to rely on the computer - How accessible will the proposed computer system be and will it work?

Many older people and disabled people struggle to use computer systems.

In parts of NES the system is incredibly slow and promised faster broadband – is still that – a promise.

For sexual orientation- it says: "...see section 3.3 for Trans above."

This shows a complete lack of understanding of LGB & T issues.

Virgin's evidence is that they went on the Pride March in 2016 so what does that prove?

This is inappropriate, inadequate and insulting.

There are plenty more examples I can't detail here. The EIA is not fit for purpose so I wonder what else is? This is open to legal challenge.

I ask you all to take more time to consider very carefully this bid and to extend the time to do that.

There has been less than a week to consider the papers. And I would ask you think about making a decision when all Councillors have had more time to look at the proposal and checked the quality of it.

Otherwise Council - the electorate will never forgive you.

Cllr Lesley Mansell

Jack Latkovic senior democratic services officer BaNES council

Jo Morrison BaNES.

THE FUTURE OF BATH COMMUNITY ACADEMY.
Speaker Ms Joanne Hargreaves, parent from BCA. 10.11.16

An effective system operates and is well established at BCA. The school situated on the South West side of Bath is a requirement for the surrounding community. If BCA is condemned for closure, this could be seen as an unjust act that will effect the already over populated schools in this city.

Housing estates in the area are being built and future families will need a school close to their homes. Schools in Bath are under pressure. Teachers are becoming less able to manage over sized classrooms and individual needs.

BCA took direct action this year, to ban the use of mobile phones, which has already limited bullying, via text, face book and other online outlets. BCA staff operate to a high standard and provide a valuable education. A BCA pupil who was rewarded for 100 per cent attendance last year, said to me yesterday, Einstein quoted 'Creativity is intelligence having fun'. Our phoenix project's give us our own choices, allowing students to learn having fun. It is adding experience and the actual doing, that makes our learning grow.

Ofsted took the decision to close BCA on the 26 per cent exam results of 2015. This years exam results 2016, show a significant climb to 56 per cent.

The children show a progressive attitude toward attendance and have the same goals for the academic year 2016-17, even with the unjust pressure of closure, which was presented to them as an unrewarding, disappointing thought right at the beginning of the summer holiday, where pupils and staff should have been able to relax and reflect upon their rising achievements.

The whole community has faced unsavoury remarks, turmoil, and exclusion by the system to de-value its existence. The true experience of BCA has been completely overlooked and this has disrupted the stability of our children's well being.

The special needs section and child protection both function at an outstanding level, reducing anxiety, to ensure its best individual care. It is evident that BCA has its area's of deprivation and anti-social behaviour, like any other school, but this is strongly assisted by the school and the adult community who work together, to prevent problems, wherever possible.

This reduces health and safety risks and the area needs its familiar devotion of staff and families to help control and maintain it to our best ability.

Society has its dynamics, not everyone will fill the expected mould or fashion... So can we please think again as a city that works together for a meaningful and worthwhile cause that benefits the futures of the school children of Bath?

Thank you Jo Hargreaves.

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There is a theory that there is no point in residents coming here to speak – as you don't listen anyway. To try and do something different I'm going to ask some questions so that you can think about your answers:

Who in this chamber believes that an East P&R will significantly reduce congestion in the city centre?

So you are aware that your own Transport Officer admitted to the Planning Inspector that the E P&R would NOT significantly reduce congestion?

Who believes that the number of car parking spaces available in the city centre will be significantly lower once the redevelopment is complete?

Only if you reduce the numbers of cars parking in Bath will you reduce congestion

Who believes that enough progress has been made to 'Get Bath Moving'?

Given the recent congestion levels – I suggest that no progress has been made

Who believes that a P&R would 'improve the ecology of the meadows'?

Unbelievable claim made on Twitter this week.

Who has walked to the viewpoints around the Meadows within the last year? Solsbury Hill, Browns Folly, Bathampton Down

So you understand the impact that a giant car park would have on the valley, and why our heritage bodies, as well as the BathAvon community, do not support your proposal

Who believes that Bath has a Public Health issue with the pollution levels?

Ben's Corridor of death – and what are you doing about it?

Who has read the Guardian article this week explaining that damage to a child's lungs is irreversible?

I believe that you will be held accountable in the courts for your lack of action

Who in this chamber believes that it is correct to change the bias methodology for recording/reporting Bath's pollution level?

How morally deceitful is this – instead of action we get fiddling with numbers

Who believes that it is right that it is cheaper to park in central Bath for a couple of hours than to get a First bus? For a single person!

Crazy – and you wonder why we have congestion

Who believes that additional carparking to the East of Bath is critical to the success of Bath's redevelopment?

Why has the Planning Inspector told that the P&R is NOT necessary for the PlaceMaking Plan?

Who believes that an East P&R would be a waste of money?

We do – it will NOT deliver the benefits that we want, it's the wrong priority, it will further destroy the bus service - and its OUR MONEY.

Christine Boyd; Statement to council 10.11.16.

Thank you to all those Councillors who contacted me following the launch of Becoming A Ghost Town, the film that shows the shocking truth about Odd Down park and ride.

I particularly liked this quote from one of the respondents;

"I've been up to Odd Down P&R a few times this year and late last, in fact I always drive in when I'm passing. I've seen the same, vast empty areas of weed and occasionally litter strewn. Lansdown is similar, spindly planting flapping in the wind. There seems difficulty maintaining what we've currently got!. It would seem the expansion of the P&Rs under the last administration might have been a step too far."

I won't reveal which Councillor sent this (from their private email account), I will only say that I appreciate the honesty and hope the rest of you are brave enough to come out once the Abbey by election is over.

Meanwhile I take comfort from the fact that you have not attacked my efforts. That job was left to an unnamed council 'spokesman'. who also made the frankly ludicrous claim that Odd Down is well used throughout the year and the area in question is 'overspill'

We all know those claims are rubbish.

- Odd Down is for life, not just Christmas.
- There is no overflow area in Odd Down.
- All areas are open - all year around

Clearly the council spokesman had not read the April 2106 CH2M report on park and ride expansion, which describes Odd Down in these terms;

- The data for the Odd Down Park and Ride site shows that, post-expansion, the average parking utilisation of the site is 53%
- the spare utilisation with the latter usage is still very high (>500 spaces).
- Examination of the maximum occupancy figures show that this only exceeded the former capacity of 1,022 spaces on 12 days in the period considered. (Jan 15 to Jan 16)
- These all occurred in the Christmas period.
- The 230 spaces added to this site by BTP has therefore only been beneficial in the 'peak' Christmas period to-date, and has not served to promote traffic reduction in a typical weekday over that which could have been achieved pre- expansion

It stands to reason that 'well used' parking bays do not need to be strimmed for Christmas. But now the council has wasted even more of our money to cover their embarrassment.

I nipped up there today – lovely job! It now at least looks the part.



But scratch beneath the surface and oh dear there is no surface.



Just lovely turf that will be spouting flowers in the spring once again. Maybe this is a trail run for the greenest park and ride ever at Bathampton meadows?

COUNCIL 10TH NOVEMBER 2016

COUNCILLOR STATEMENTS & QUESTIONS

- Councillor Lin Patterson registered to make a statement on the 6/7 bus service. At the Chair's discretion, this will be taken immediately after the public statements on the same subject

M 01	Question from:	Councillor Will Sandry
<p>Further the success of the Council's ongoing programme to replace streetlights across the highway network with low energy LED bulbs; have the Council's parks team considered the environmental benefits and financial savings that can be gained by upgrading the lights on their estate to LED?</p>		
Answer from:		Councillor Charles Gerrish
<p>The lighting of the Parks falls under the responsibility of Property & Project Delivery. Wherever it is possible to do so, P&PD are replacing broken lights with LEDs. P&PD will undertake a study of the possible cost savings and benefits of pursuing a wider programme of LED replacement particularly if linked in with the highway network programme; however any decision to proceed would be subject to a gaining a clear understanding between the policy implications and the investment requirement.</p>		

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