

## **BATH AND NORTH EAST SOMERSET**

### **CABINET**

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

Wednesday, 8th November, 2017

#### **Present:**

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Care, Health and Wellbeing
Councillor Paul Myers	Cabinet Member for Economic and Community Regeneration
Councillor Karen Warrington	Cabinet Member for Transformation and Customer Services
Councillor Paul May	Cabinet member for Children and Young People
Councillor Bob Goodman	Cabinet Member for Development and Neighbourhoods

#### **129 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **130 EMERGENCY EVACUATION PROCEDURE**

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

#### **131 APOLOGIES FOR ABSENCE**

Councillor Mark Shelford had sent his apologies for this meeting.

#### **132 DECLARATIONS OF INTEREST**

Councillor Bob Goodman declared an 'Other' interest in agenda item 12 (Adoption of the Supplementary Planning Document on Houses in Multiple Occupation in Bath) as he had over the years done surveys for people with Houses in Multiple Occupation.

Councillor Paul May declared an 'Other' interest in agenda item 15 (Council and CCG Integration- Next Steps) as he was non-Executive Member of the Sirona Board.

#### **133 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

#### **134 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 9 questions from Councillors and 2 questions from members of the public.

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

**Q&A sheet**

**135 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

There were none at this point of the meeting.

**136 MINUTES OF PREVIOUS CABINET MEETING**

**RESOLVED** that the minutes of the meeting held on Wednesday 11<sup>th</sup> October 2017 be confirmed as a correct record and signed by the Chair.

**137 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

**138 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

There were none.

**139 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

**140 ADOPTION OF THE SUPPLEMENTARY PLANNING DOCUMENT ON HOUSES IN MULTIPLE OCCUPATION IN BATH**

Councillor Shaun Stephenson-McGall declared an 'Other' interest as he was an employee of University of Bath and trustee of Bath Spa University Student Union before making an ad-hoc statement. Councillor Stephenson-McGall welcomed the report also said that previous administration had started this process and that there was still a lot of work to be done. The Council would need to continue to work and listen to the community, and the Cabinet should set additional licensing so the students living in HMOs would not be ripped off.

Councillor Will Sandry made an ad-hoc statement as the Chair of the Planning, Housing and Economic Development PDS Panel. Councillor Sandry said that the Panel had looked at the HMO matter and welcomed the consultation. Councillor Sandry also said that Liberal Democrat Group had offered full support to the Council to address shortfall of housing and its close work with Universities in Bath.

Councillor Bob Goodman introduced the report by saying that the Council was not unique with the problem of HMOs though there were clearly far greater problems than many cities had had. In light of the results of the public consultation, the updated evidence and the need for a precautionary approach taking into account the available data and to create awareness of the impact of high concentrations of

HMOs, the Council is proposing amendments to the Supplementary Planning Document, as per report. Councillor Goodman also said that he would not want to be seen as anti-universities or anti-student Member - the Council would continue to work closely with Universities on this matter. Universities had been part of Bath success and students would always be part of the community but if the growth that Bath University would hope to is allowed to be fulfilled then this would be at the detriment of Bath and the wider B&NES area.

Councillor Bob Goodman moved the recommendations.

Councillor Charles Gerrish seconded the motion by highlighting positive work of the cross party working group. Councillor Gerrish also said that he was pleased with the consultation outcomes and pointed that the Council would need to monitor growth of the HMOs.

**RESOLVED** (unanimously) the Cabinet agreed that:

- 1) The Houses in Multiple Occupation in Bath: Supplementary Planning Document is adopted to supplement the Bath & North East Somerset Placemaking Plan, especially Policy H2;
- 2) Responsibility is delegated to the Divisional Director for Development, in conjunction with the Cabinet Member for Development and Neighbourhood, to make final graphic and minor textual amendments prior to adoption of the Houses in Multiple Occupation in Bath Supplementary Planning Document.

#### **141 AMENDMENTS TO THE B&NES LOCAL DEVELOPMENT SCHEME**

Councillor Bob Goodman introduced the report by saying that the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011, requires all local planning authorities to prepare and maintain a Local Development Scheme (LDS). The LDS was a programme for the production of Statutory Planning Documents that the Council had been preparing, or would intend to prepare. The LDS should be kept up-to-date and was last reviewed in May 2016. The revised LDS would help in delivering social and affordable housing.

Councillor Bob Goodman moved the recommendations.

Councillor Tim Warren seconded the motion by saying that the West of England Combined Authority would need additional housing though there would be a need for an adequate infrastructure to be built first.

Councillor Paul May said that although the document had suggested some welcome principles, he would not support this paper and would vote against the proposal.

**RESOLVED** that the Cabinet agreed:

- 1) With the revised LDS 2017 – 2020.
- 2) To delegate authority to the Divisional Director for Development, in consultation with the Cabinet Member for Development and Neighbourhoods to make minor amendments to the LDS for clarity and to correct errors.
- 3) That the revised LDS will be effective from 10<sup>th</sup> December 2017.

#### **142 B&NES COMMUNITY INFRASTRUCTURE LEVY (CIL) SPENDING**

## **ARRANGEMENTS 2018/19**

Councillor Dine Romero made an ad-hoc statement by asking for an assurance that there would be no opportunity for CIL to be reduced by re-selling the development; that the Cabinet would seek other plans to fund affordable housing; and, what sort of projects would be supported from CIL.

Councillor Shaun Stephenson-McGall made an ad-hoc statement by saying that in Bath, which is unparished, CIL spend decisions would be made by Cabinet with the advice of the Bath City Forum and asked the Cabinet to take seriously an advice from the Forum.

At this point of the meeting Councillor Paul Myers declared an 'Other' interest on this report as he was Chair of the Midsomer Norton Town Council who would be recipient of CIL money.

At this point of the meeting Councillor Vic Pritchard declared an 'Other' interest on this report as Parishes within his Ward would be recipients of CIL money.

Councillor Bob Goodman introduced the report by saying that the Community Infrastructure Levy (CIL) had come into effect in B&NES on 6th April 2015 following adoption of the CIL Charging Schedule by Council on 17 February 2015. CIL had largely replaced Section.106 contributions as developer-provided funding for infrastructure projects. Only Affordable Housing and site-specific requirements were now covered by s.106 obligations. Education, highways and other strategic schemes could be funded by CIL unless they entail on-site provision. Based on the Core Strategy/Placemaking Plan growth trajectory, the forecast CIL income from housing development over the next 5 years should be around £13,300,000. However, this was an estimate and would depend on the actual rate of development.

Councillor Goodman also assured Councillor Stephenson-McGall that the Cabinet would take seriously any advice from the Bath City Forum in terms of CIL spend. Councillor Goodman also said that report on CIL payments would be presented at the next meeting of the Cabinet.

Councillor Bob Goodman moved the recommendations.

Councillor Charles Gerrish seconded the motion by saying that the report had proposed changes to the arrangements for agreeing how CIL income is spent. CIL allocations would be presented at the next meeting of the Cabinet.

The rest of the Cabinet welcomed the report outlining that this would be of community benefit.

**RESOLVED** (unanimously) that the Cabinet agreed with the revised B&NES CIL Spend Protocol.

## **143 COUNCIL AND CCG INTEGRATION- NEXT STEPS**

Councillor Dine Romero made an ad-hoc statement by welcoming several points in the report, such as making system to work for residents without them knowing how it works and for efficient transitions from children to adult services. Councillor Romero

expressed her concerns that this plan would not deliver all of its aims and objectives and asked what would be payback to the Council taking into consideration estimated costs to support integration. Councillor Romero also requested that the Health and Wellbeing Select Committee should continue to scrutinise integration and future processes and also spending of public money including the Better Care Fund.

Councillor Vic Pritchard introduced the report by saying that the Council and the local NHS had had a long history of constructive joint working. Joint health and social care structures had been in place in B&NES since 2009, with commissioning arrangements implemented in that year and provider arrangements consolidated by the creation of an integrated health and social care provider in 2011. This was supported by a formal Partnership Agreement that described how the then Primary Care Trust (PCT) and Council would work together to deliver improved outcomes for the population.

Joint financial arrangements, primarily pooled budgets, were implemented alongside the original joint structures and have expanded and developed since. Following NHS reconfiguration, the CCG and Council reconfirmed their commitment to joint working and agreed a Joint Working Framework. The commissioning arrangements were reviewed and redesigned in 2013 in response to the creation of the CCG and the reaffirmation of the commitment by both CCG and Council to joint working and to the integrated commissioning and provision of services. The overarching aim of this report was to describe the role the two key organisations, B&NES Council and BaNES CCG, could play in leading the extension and enhancement of integrated commissioning for the benefit of the population of Bath and North East Somerset and to create a more sustainable approach to the commissioning and provision of Health and Care going forward.

Councillor Pritchard also assured Councillor Romero that the Health and Wellbeing Select Committee would continue to be involved throughout this and future processes.

Councillor Vic Pritchard moved the recommendations.

Councillor Paul May seconded the motion by saying that the Council and BaNES CCG had worked well together. Councillor May also highlighted support to families in order for children and young people getting help they needed.

Councillor Karen Warrington also supported the motion by saying that she was keen on integration which would bring positive impact on the health and wellbeing of the community.

Councillor Tim Warren also supported the motion by saying that the Council had always been for integration with BaNES CCG and for an increase in prevention and early intervention.

**RESOLVED** (unanimously) that the Cabinet agreed to:

- 1) Support the development of stronger integrated arrangements between the Council and CCG and approve further work to develop the governance proposals so that they can be taken forward to the full Council meeting in May 2018;

- 2) Delegate to the Strategic Director for People and Communities to set up shadow arrangements in January 2018 in consultation with the Cabinet Members;
- 3) Support the resource request to develop the integration proposal to the next stage.

#### **144 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2017**

Councillor Charles Gerrish introduced the report explaining that it had been produced before Bank of England's rate rise last week. Nevertheless, an increase of 0.25% in rate rise was in line with expectations.

Councillor Gerrish said that this was a routine report which sets out the satisfactory position of the Council. Councillor Gerrish highlighted that the average rate of investment return for the first six months of 2017/18 was 0.26%, which was 0.10% above the benchmark rate. The Council's Prudential Indicators for 2017/18 were agreed by Council in February 2017 and performance against the key indicators had been presented in the report. All indicators were within target levels.

Councillor Charles Gerrish moved the recommendations.

Councillor Paul May seconded the motion by welcoming the report.

**RESOLVED** (unanimously) the Cabinet agreed that:

- 1) The Treasury Management Report to 30<sup>th</sup> September 2017, prepared in accordance with the CIPFA Treasury Code of Practice, is noted;
- 2) The Treasury Management Indicators to 30<sup>th</sup> September 2017 are noted.

The meeting ended at 4.55 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**

## **CABINET MEETING 8<sup>th</sup> November 2017**

### **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.

NOTE: No registered speakers for this meeting.

## QUESTIONS AND ANSWERS - COUNCILLORS

<b>M 01</b>	<b>Question from:</b>	Councillor Neil Butters
Would the Cabinet Member for Transport please confirm that he has ruled out the possibility of a link road between the A46 and the A36 impinging on either Bathampton or Freshford/Limpley Stoke Valley?		
	<b>Answer from:</b>	Councillor Tim Warren
<p><i>At its meeting on the 30 October 2017 the West of England Combined Authority approved funding for the development of a feasibility study and business case for a road project linking the A46/A4 and A36, alongside the prospectus for North South Connectivity which was also launched as a joint document between various South West councils.</i></p> <p><i>This will form part of the a case to encourage the Secretary of State for Transport to mandate Highways England to carry out a Strategic Study in the imminent second Road Investment Strategy.</i></p> <p><i>These studies will identify which are the viable routes to consider and this will include an assessment of the issues relating to potential routes for the missing link between the A36 and A46.</i></p>		
<b>M 02</b>	<b>Question from:</b>	Councillor Neil Butters
It is understood that the Cabinet Member has been considering options to ensure that people can safely access Bath on foot and cycle from the South of the city in the Churchill Street gyratory area. Can the Cabinet Member please update us on developments?		
	<b>Answer from:</b>	Councillor Tim Warren
<p><i>I understand that Cllr Shelford, along with an officer, has met with the 'Sought Out Subway' campaign group and officers have carried out a feasibility study on the options to provide an alternative road level, signal controlled crossing or refurbish and improve the existing subway. I believe that a further meeting with the group is planned before Cllr Shelford makes a final decision on the preferred solution.</i></p>		
<b>M 03</b>	<b>Question from:</b>	Councillor Tim Ball
Can the Cabinet Member for Highways confirm that, after the successful works that were carried on Kelston View this year, that sufficient money will be allocated in the Highways capital budget 2018 to carry out the works on North Way that are essential to stop this road collapsing?		
	<b>Answer from:</b>	Councillor Tim Warren



*As in previous years, requests for resurfacing and improvement works on our highway network always exceeds the funding available for highway maintenance and improvement, despite the increased investment in our highway network that we have made available through the West of England Devolution Deal. Officers will develop a programme of the highest resurfacing priorities for consideration by full Council at the budget setting meeting in February 2018, based on the usual assessments. All roads are subject to periodic inspection and officers will continue to regularly inspect and carry out any necessary work to keep North Way safe.*

<b>M 04</b>	<b>Question from:</b>	Councillor Richard Samuel
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Will the Cabinet member set out what action he has taken since July to comply with the Council's wish to declare a Bath Clean Air Zone?

<b>Answer from:</b>	Councillor Bob Goodman
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*Bath and North East Somerset Council has been identified in the National Air Quality Action Plan as an authority where nitrogen dioxide levels will continue to exceed the national air quality objective beyond 2021. As a consequence of this, the Council has been served with an Order of Direction requiring compliance with this objective in the shortest time possible.*

*Council officers are currently working on a feasibility proposal which will provide data and information to inform the possible options which will achieve compliance with the objective in the shortest time possible.*

*The feasibility plan and accompanying business case will inform the options available, and clearly this will include consideration of options for a Clean Air Zone/s. These options will be brought to Cabinet in 2018.*

#### **Supplementary Question:**

Could the Cabinet Member provide assurance that the options which the Cabinet would consider before 31<sup>st</sup> March 2018, in relation to Government's requirements, would be produced in time for the Community Transport and Environment PDS Panel to review before it is adopted?

<b>Answer from:</b>	Councillor Bob Goodman
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*We will be presenting the document and the options in normal way but I cannot tell you when that will exactly be.*

<b>M 05</b>	<b>Question from:</b>	Councillor Richard Samuel
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The use of recently announced temporary ANPR cameras to track vehicle movements in Bath will undoubtedly enhance the data available on traffic movements. However, can the Cabinet member say how and when qualitative data on the purpose of the journey recorded will be gathered, in line with the Council policy adopted in July 2017?

<b>Answer from:</b>		Councillor Bob Goodman
<i>The temporary ANPR cameras are primarily being used to assess vehicle numbers and type and their emissions in relation to air quality as part of data gathering to inform the work being undertaken as part of the National Air Quality Action Plan. However, as part of this work we will be taking the opportunity to quantify the difference in the volume of traffic during and outside school term times. Qualitative data on the origin and destination of vehicle journeys, known as Roadside Interview (RSI) data was last carried out in 2014. It is considered to be valid.</i>		
<b>Supplementary Question:</b>		
Can the Cabinet Member provide assurance that 2014 data, referred to in the answer, is capable of correlating with the outcome of ANPR survey currently on the way?		
<b>Answer from:</b>		Councillor Bob Goodman
Yes.		
<b>M 06</b>	<b>Question from:</b>	Councillor Andrew Furse
I have recently been informed that funding is now available to re-instate the stream feeding the ponds in the Botanical Gardens, Royal Victoria Park. This water source is crucial in preventing the build-up of blue-green algae and preserving the eco-system. Now that funding has been made available through development contributions in the area, will the Cabinet Member please give dates as to when work is scheduled to start and how long it is expected to take? Could this work take place over this winter so that water flows are restored for spring/summer 2018?		
<b>Answer from:</b>		Councillor Bob Goodman
<i>I will provide an answer in 5 clear working days.</i>		
<b>M 07</b>	<b>Question from:</b>	Councillor Paul Crossley
Does the Council have the power to change rules for use of bus gates and bus lanes to allow only locally-approved Taxi and Private Hire vehicles to use them, thus removing this benefit from the many out-of-area drivers currently flooding into the area? If yes, has the Cabinet Member considered doing so?		
<b>Answer from:</b>		Councillor Bob Goodman
<i>Under the regulations that control bus gate and bus lanes the only option available to the Authority is to authorise all Taxis to use the Bus Gates or none at all if the restrictions are to remain enforceable. All bus gate and bus lane restrictions are controlled by Traffic Regulation Order and prescribed signage. The signage regulations under the Traffic Signs Regulations and General Directions 2016 for Bus Gate and Bus Lane restrictions does not provide a specific type of identifier for Taxi's (defined as hackney carriages or private hire vehicles under the Traffic Regulation Order) to identify</i>		

*the licencing authority and thereby inform the driver if he is able to proceed.*

<b>M 08</b>	<b>Question from:</b>	Councillor Caroline Roberts
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Does the Cabinet Member agree that no further Private Hire Licences should be issued to Company Operators that are based on internet apps and without a proper staffed office in B&NES, and if does will he ensure that this is acted on?

<b>Answer from:</b>	Councillor Bob Goodman
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*Reference is made to para 4.14 of the Council report dated 13 July which stated:*

*4.14 It should be noted however, that under section 55 Act where an application for a PHO licence is received by B&NES it shall be granted unless one of the legislative requirements are not met. (NB: Refers to Local Government (Miscellaneous Provisions) Act 1976).*

*Therefore, B&NES as the Licensing Authority must grant licences and it would be acting ultra vires if it did not.*

<b>M 09</b>	<b>Question from:</b>	Councillor Caroline Roberts
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Will the Cabinet Member assure Council that when the Uber licence is considered for renewal it is done in public by the Licencing Committee?

<b>Answer from:</b>	Councillor Bob Goodman
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*The existing private hire operators licence held by Uber Britannia Limited expires on 31 October 2021. If an application for renewal of a private hire operators licence is considered as non-contentious within the meaning of the B&NES Policy, then the renewal is an officer delegated decision. Only contentious applications are referred to the Licensing Sub-Committee (LSC) for determination. A contentious application, within the meaning of the Policy, is where for example, an application from an applicant discloses a history of offending showing convictions or formal police cautions. This is discussed in Para 5.3 of the Council report dated 13 July.*

*To require Uber's licence to be determined by the LSC when it is not deemed to be contentious would be treating Uber in a different way to any other private hire operator and would leave the Licensing Authority open to challenge*

## QUESTIONS AND ANSWERS - PUBLIC

<b>P 01</b>	<b>Question from:</b>	Gillian Risbridger
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The recent draft coach strategy is flawed as increasing the number of drop-off spaces within the centre of Bath is incompatible with the council's stated policies to cut air pollution and reduce traffic. Coach drop-offs should be provided at locations outside the city centre. Can the Cabinet Member for Transport and Environment confirm that they will be rejecting the current plans and direct that a revised strategy is produced which removes coach traffic from the city centre, to assist with reducing air pollution below the legal limit?

**Answer from:**

Councillor Tim Warren

*The Council has been seeking feedback on the draft coach parking strategy and we are currently evaluating the responses received. The coach parking strategy focuses on coach parking and drop off/pick up to address the removal of Riverside coach park. Until the analysis of the consultation is complete and the Council has had the chance to assess all the feedback I am afraid we cannot comment upon the findings or any amendments to the strategy which could result following this.*

**P 02**

**Question from:**

Gillian Risbridger

Vehicle idling is an offence against the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002. The law states that is an offence to idle your engine unnecessarily when stationary. If you fail to turn your engine off after being spoken to, you may be issued with a fixed penalty notice. This legislation covers all vehicles on public roads including buses, taxis and private cars. Recently many cities including most London boroughs have started enforcing this legislation and the fines pay for any additional enforcement officers required. Can the Cabinet Member for Transport and Environment explain why B&NES has not yet implemented this yet and that he will prioritise enforcement with immediate effect?

**Answer from:**

Councillor Tim Warren

*In Bath & North East Somerset, three Air Quality Management Areas (AQMAs) have been declared for nitrogen dioxide (NO2) because national objective levels are being exceeded. An Air Quality Action Plan has been created for each area and a consultation on the review of the Bath Air Quality Action Plan is currently underway.*

*In addition to the action plan consultation, a new National Air Quality Plan was published in July 2017. The UK Government has served a legally binding Direction on B&NES Council to reduce levels of nitrogen dioxide in the 'shortest time possible'; this specifically relates to a location around the A4 London Road but there are opportunities for wider benefits in improving air quality. As such, B&NES Council is mandated to undertake a feasibility study and come up with a nitrogen dioxide compliance plan by December 2018 to achieve compliance with the nitrogen dioxide objective in the shortest time possible. The feasibility study and nitrogen dioxide compliance plan are being developed in close collaboration with the Joint Air Quality Unit (DEFRA and DfT), who are providing funds and detailed guidance. Initial funding has been provided and there will be opportunities for more funding from central government as the project progresses. The Bath Air Quality Action Plan consultation comments will help to inform*

*this process.*

*The Council is aware of the specific legislation referred to and have previously assessed the impacts of use of the legislation for such offences. As a result of the assessment, it was considered at that time that focussing on education thorough awareness campaigns aimed behavioural change was the right approach and we would only consider using powers to issue FPNs under the Regulations as a last resort given the known challenges with prosecuting for non-payment of the FPN. Under the legislation the Council can seek to recover costs for a prosecution from the Magistrates Court but previous opinion suggested that it is likely that the amount awarded would be minimal and as a result the costs incurred in prosecuting will be significantly greater than that recovered.*

*However, in light of the current air quality challenges this approach is being reassessed and Officers are liaising with other Authorities to gather an understanding of the issues being faced when the legislation is used and how these can be overcome.*

*There is, as part of the Bath Air Quality Action Plan consultation process, a need to assess the options available to reduce emissions, the measurable benefits from each approach and prioritise accordingly. As such Bath and North East Somerset Council would welcome any input into the Bath Air Quality Action Plan, which is out to consultation until 26th November and available on the Council's website.*

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