

BATH AND NORTH EAST SOMERSET

RESOURCES POLICY DEVELOPMENT AND SCRUTINY PANEL

Wednesday, 23rd November, 2016

Present:- Councillors Sarah Bevan (Chair), Bob Goodman (Vice-Chair), Christopher Pearce, Jasper Becker, Colin Barrett, Andrew Furse and Eleanor Jackson (in place of Chris Dando)

36 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

37 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

38 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor Dando sent his apologies and was substituted by Councillor Jackson.

39 DECLARATIONS OF INTEREST

Councillor Goodman declared an interest in item 9 in that he sometimes acts for clients involved in the Commercial Estate.

Councillor Jackson mentioned that, as a member of the Development Management Committee, she would not take part in any debate regarding an East of Bath Park and Ride.

40 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

The Chair, Councillor Sarah Bevan announced that she had accepted an item of urgent business on to the agenda. She explained that item for discussion involved the two specific financial aspects of the invalid call-in regarding 'E2900 Getting Around Bath Transport Strategy'. These relate well to the panel's remit and given the urgency, together with the level of interest, she as Chairman had agreed that they should be discussed. She also emphasised that the discussion would not involve a consideration of the strategy or the East of Bath Park and Ride options. These would be on a Cabinet agenda in the early part of the new year. She asked all present to keep their remarks relevant to the agenda and the Panel remit.

Andrew Pate, Strategic Director for Resources and Tim Richens, Divisional Director for Business Support and 151 officer introduced the item. It was explained that there are numerous examples of projects where provisional approval is converted into full approval. It was explained that this process is set out and is commonly done through the Single Member Decisions. Regarding risk, it was confirmed that it is appropriate for the decision maker to consider the risks involved and take them into account.

This has been done. Following a question, the Strategic Director explained that paragraph 5.8 in the panel's paper refers to the reversion risk.

Councillor Furse stated that it could be seen as suspicious that every draw down of money is a tranche of £300k and maybe above this level would bring scrutiny. He asked how much had already been spent. The Divisional Director confirmed that of the £1.1M budget £941k has been contractually committed and that the fact that each tranche of draw down had a similar value had no specific relevance. Councillor Furse asked if the Cabinet had overcommitted themselves before the extra £300k. The Divisional Director explained that transport officers had advised that £300k was the additional sum needed to facilitate the Cabinet decision. The Strategic Director for Place explained that the aim had been to get to a position where the cabinet member did not need to request more financial approvals but instead could progress to a decision report in the new year. Councillor Barrett asked how much has been spent on public consultation on the sites. The Strategic Director for Place explained that an element of the expenditure was on the Scrutiny Inquiry Day and the LDF work.

Councillor Jackson stated that the issue is complex but that the process must be transparent for residents and it is good that the issue is being given a good amount of scrutiny. She further explained that when members criticise the process, it is not a personal criticism of officers.

Councillor Furse asked if the Heritage Impact Assessment was part of the cost so far. The Strategic Director for Place explained that all sites have now had Heritage Impact Approval and she has a further meeting with Historic England next week. The Strategic Director for Resources confirmed that the costs include this.

Councillor Furse asked if the risk register for this project has been seen by Corporate Audit, also has the revenue reversion risk been seen and where will this be scrutinised. The Strategic Director explained that capital projects are generally not on the Corporate Risk Register and but that for each project there are procedures to analyse risk and these procedures do not routinely involve internal audit or the Audit Committee. He confirmed that the 151 officer will consider the financial impact when a decision report is drafted in the new year.

Councillor Furse stated that he had sent a request to the Divisional Director for Business Support (S151 officer) asking for financial information on how much money has been spent on the Park and Ride on a year by year basis. He recommended that the Panel see this information. It was **RESOLVED** that:

- Information on the public spend on the East of Bath Park and Ride (analysed between years) be brought to the Panel; and
- The Panels concern on £300k tranches being taken to fund this be referred to the Cabinet Member.

41 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

- Councillor Karen Walker made a statement to the Panel regarding the budget and Peasedown St John. *A copy of the statement is appended to these minutes.*

The Panel and Cabinet member for Efficiency and Finance noted the statement.

- Nicolette Boater made a statement to the Panel regarding 'The adequacy of Overview and Scrutiny with respect to current and future challenges'. The Panel also noted Nicolette Boater's question and the answer provided. *A copy of the statement and of the question and answer is attached to these minutes.*

The Panel and Cabinet Member for Efficiency and Finance noted the statement.

- Christine Boyd made a statement to the Panel regarding the East of Bath Park and Ride. She stated that nobody had made a formal decision to approve a Park and Ride or identified a need for it yet a large amount of money has been spent. She urged the Cabinet members to produce a fully costed report. *A copy of the statement is appended to these minutes.*

The Chair stated that the Panel will take her comments into account in consideration of this item on the agenda.

- Annie Kilvington made a statement to the Panel regarding the East of Bath Park and Ride. She stated that large sums of money had been spent delivering a commercial agenda and asked for transparency on this spend. *A copy of the statement is appended to these minutes.*

The Chair stated that the Panel will take her comments into account in consideration of this item on the agenda. Ms Kilvington questioned why any Panel concerns are sent to the Cabinet Member for Transport, she stated that this is not appropriate. The Monitoring Officer, Maria Lucas explained that this is how Scrutiny works and set out in legislation.

- Sian James made a statement to the Panel regarding the East of Bath Park and Ride. She spoke about the risk on this project and asked what would be cut to pay for the work done on it so far. She asked if the Panel had seen the Risk Register and stated that the risk of reversion is real. The Strategic Director for Resources explained that the Panel does not routinely see the Risk Register and that Corporate Audit Committee would have sight of it.

The Chair stated that the Panel will take her comments into account in consideration of this item on the agenda.

- Councillor Rayment made a statement to the Panel. He questioned why the recent call-in was judged invalid by unelected officers. He thanked the Chair for taking this item but stated that the call-in should not have been judged invalid and that this represented an attack on democracy. He stated that the

Labour and Liberal Democrat Groups will not stand for this and urged other groups to join them in order that the call-in system be effective.

The Monitoring Officer explained that Group Leaders will be asked to clarify the Constitution in relation to future call-in requests. She further explained that the call-in would not have necessarily stopped implementation of the decision, if a call-in is upheld by a Scrutiny Panel, the issues goes back to the Cabinet Member for consideration.

Councillor Furse stated that there is no history of frivolous call-ins in this Council and those that have happened have extracted further information on the issue and sometimes the Cabinet Member has amended their view.

Councillor Rayment stated that the Panel have Legal and Democratic Services in their remit. The Strategic Director for Resources explained that two matters from the invalid call-in are on the agenda today, the Councils constitution is not.

- Councillor Millar made a statement to the Panel. She endorsed the comments made by Councillor Rayment and added that Scrutiny is an important role. She stated that the decision in question should not have been taken under the Single Member Decision (SMD) process and should have been a key decision. She asked that the money spent on consultants on the Park and Ride be made available. She further asked why officers cannot defend the money spent in public. The Monitoring Officer explained that the decision in question was in fact a key decision and it was taken in public by a single member.
- Councillor Romero made a statement to the Panel. She stated that call-ins should not be feared and the total spend on the Park and Ride is large and not all has been done publically. She asked the Panel to launch an investigation on how much has been spent.
- Councillor Moss made a statement to the Panel. He questioned the decision that the call-in was not allowed and stated that it is about the rights of backbench Councillors to ask legitimate questions. The Monitoring Officer explained that a briefing note will be sent to all Councillors settling out how the Constitution works which will reference Article 13 in the Council constitution as well as the rules of public law. The Strategic Director of Resources stated that it is not for this Panel to rule on the Constitution. Councillor Furse asked that the Panel be sent a copy of the legal advice on this call-in. The Monitoring Officer confirmed that written legal advice would be obtained from the QC. Following a query from Councillor Millar, the Monitoring Officer confirmed that a public law QC had been consulted.

Councillor Barrett expressed concerns about the criticism made about officers in this meeting, as officers are professionals and cannot fully reply in public.

(Please note that the issue on the Park and Ride in some of the above statements and debate is minuted under item 5 on this agenda, minute number 40)

42 MINUTES

The Panel confirmed the minutes of the previous meeting as a true record and they were duly signed by the Chairman.

43 2016/17 BUDGET MONITORING AND THE PROGRESS WITH STRATEGIC REVIEW IMPLEMENTATION

Tim Richens, Divisional Director for Business Support introduced the report.

Panel members made the following points and asked the following questions:

Councillor Furse mentioned three aspects of the report; he noted the income from the Thermae Spa; he asked about the payroll shortfall and about the overspend on SEN home to school transport. The Cabinet Member for Finance and Efficiency, Councillor Charles Gerrish explained that regarding payroll, the technical project known as ITrent did not create the planned saving in the timescale that was envisaged. He explained that part of the income from the Spa was due to a one off payment. Regarding SEN transport, he explained that schools within the authority are oversubscribed so there are more children being taken to schools outside the authority.

Councillor Barrett asked to be sent the business plan for two weekly waste collections. The Cabinet Member explained that there is no business case yet as the process does not start until next year. Councillor Barrett asked to be sent the business plan when it is produced and asked for it to come to this Panel. The Strategic Director explained that it would normally go to the Communities, Transport and Environment Panel if requested and in any case this would be part of the Budget Report for next year which would be brought to this Panel.

Councillor Jackson asked about Adult Social Care. The Cabinet Member stated that there was additional funding from the 2% Council Tax 'precept' last year.

Councillor Becker asked about the overspend on Community Services. The Cabinet Member explained that the reason is that the tenders for getting rid of waste came in higher than expected.

Councillor Barrett asked how much the Council are getting for recycling this year. The Cabinet Member explained that part of the contract with Keir enables them to sell the recycling and they take the return on the sale.

Councillor Jackson stated that the reason for the underspend in the housing and planning is because the Development Management and Enforcement Team have won every appeal in the last 12 months.

Councillor Furse asked about the cost of the relocation of the street cleaner depot. The Cabinet Member explained that this cost also relates to the planned move to Pixash.

44 COMMERCIAL ESTATE

Derek Quilter, Divisional Director Property and Project Management gave a presentation to the Panel which covered the following:

- Overview of the Commercial Estate
- Key Facts
- Gross Income Growth (Including Acquisitions)
- Gross Income Growth (Excluding Acquisitions)
- Breakdown of portfolio by type
- Property types
- Commercial Estate Ownership – Bath
- Interesting facts
- Current Commercial Estate Objectives
- Statutory powers
- Performance of the Commercial Estate
- Performance
- Gross Revenue Return Performance
- Rent Arrears
- Voids
- Management Cost
- Management Team of the Commercial Estate
- Internal Staffing
- Critical Partner
- Acquisitions and Estate Development
- Acquisition and Restructures
- Office Development – BQS
- Major Commercial Estate Development
- Investment Funding
- Emerging Strategy for the Commercial Estate
- Context – Strategic Review Targets
- Performance Targets
- Existing Estate Management
- Acquisition – future approach
- Commercial Estate Objectives

Panel members made the following points and asked the following questions:

Councillor Barrett asked about the residential section and asked how many properties have been purchased, for how much and what is the income. The officer explained that 15 properties have been transferred to ADL. He added that ADL are producing a business plan that could come to this Panel if requested. He also indicated that Commercial Estate is nevertheless separate from ADL and this needs

to be understood as the distinction is important, each having separate governance and objectives.

Councillor Pearce asked if the Council operates on a level playing field with other commercial landlords. The Strategic Director explained that the Council are subject to FOI requests, procurement rules and public scrutiny but that the Council's tax status is beneficial as is its ability to borrow at exceptionally low rates.

Councillor Furse stated that diversity in the city centre estate is good, the Council should value diversity and local businesses.

Councillor Goodman asked David Stubbs – BNP Paribas if this report is the same as the one that came to the Panel in July. David Stubbs explained that it is a different report addressing different issues. The Strategic Director explained that the report that was brought to the Panel in July was written by officers, informed by work with BNP Paribas and 10% of the report was not included as there were references that were not suitable for publication. He further explained that today the Panel have an updated report which responds to requests for a lot of background information so there is more detail in this report. Councillor Goodman stated that the Panel do not have the full original report that he requested in July. He asked David Stubbs how the department could get the higher figure. David Stubbs explained that the Council could always do better and the key to future success is that targets should be constantly challenging. He explained that there is a big difference in the private sector as there are shareholders and drivers that are hard to inject into the Property department of a local authority. He explained that Shaftsbury Estate is a good exemplar.

Councillor Paul May, Cabinet Assistant (Finance and Efficiency) stated that we are a fortunate local authority to have the volume of property. He suggested a session on Commercial Estate property to explore if we are getting enough out of our properties and also are we investing enough. Councillor Becker supported the idea. He suggested also exploring the suggestion from BNP about premium and luxury brands.

Councillor Goodman asked if we have a strategy for working with shops who are struggling. Richard Long, Head of Property Services explained that officers have a good relationship with tenants and try to monitor rent arrears closely plus have agreed practices to support those that are in difficulty.

45 CABINET MEMBER UPDATE

The Cabinet Member for Finance and Efficiency Councillor Charles Gerrish stated that he had mainly been working on the budget.

46 PANEL WORKPLAN

The Panel noted the workplan with the following additions:

- Commercial Estate Property Strategy

It was noted that the Chair and Strategic Director would meet to discuss the workplan and feed back to the Panel.

The meeting ended at 7.30 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Statement to the 23.11.16 Resources PDS Panel meeting of B&NES Council

Thank you Chair.

I do not live East of Bath, nor am I a member of a political party, but I am a resident who cares passionately about the economic, environmental and social wellbeing of this locality. I am also an economist with policymaking and implementation experience in infrastructure investment and sustainable development.

As such, I have five major areas of concern about the way the P&R East decision is being made. In brief¹, these are

1. Its presentation as a solution to a predominantly transport² problem, meaning that the broader policy implications and wider importance of the decision have been underestimated. (In this regard, you may have heard on the radio³ this morning, a National Infrastructure Commissioner, emphasising the importance of leveraging policy crossovers and aligning projects with demonstrable public needs, so as to ensure that major transport infrastructure projects generate the desired future economic benefits);
2. Inadequate consideration of the risks and uncertainties inherent in the project, leading to an over reliance on modelling and spurious accuracy in forecasts of required P&R capacity - when actually the complex, evolving and multi-stakeholder nature of this sort of decision demands a different⁴ type of approach;
3. The assumption⁵ that the P&R East project is “critical” to the 2014 Bath Transport Strategy, and associated with this, the apparent inseparability of the Council’s budgetary decision-making processes with those relating to a more particular project;
4. Inadequate consideration of the full range of stakeholder interests⁶ and concerns, and in particular the impact on residents who don’t own or have access to cars;
5. A major disparity in power⁷ between those making the P&R East decision and those impacted by it, and a growing perception⁸ that this will be used to push the project through regardless of whether it is in the best or enduring interests of Bath & North East Somerset residents.

This is why in scrutinising the issues underlying last week’s “rejected” call-in, I hope you won’t confine yourself to the points the Cabinet would prefer you to debate, but in keeping with the “Overview” part of your remit, you will also focus on the broader strategic risks associated with the P&R East project, considering not only whether budgetary processes have been complied with, but also whether they are the right processes for a decision of this nature. Lastly, I trust that with the same rigor and attention to detail that this panel has previously scrutinised the Council’s use of consultants, you will scrutinise what⁹, when¹⁰ and why this £1m of developmental capital expenditure has been or will be spent.

That way not only will you help allay my fears around the adequacy¹¹ of the Council’s Overview and Scrutiny arrangements, but more importantly, current and future generations of B&NES residents will thank you.

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



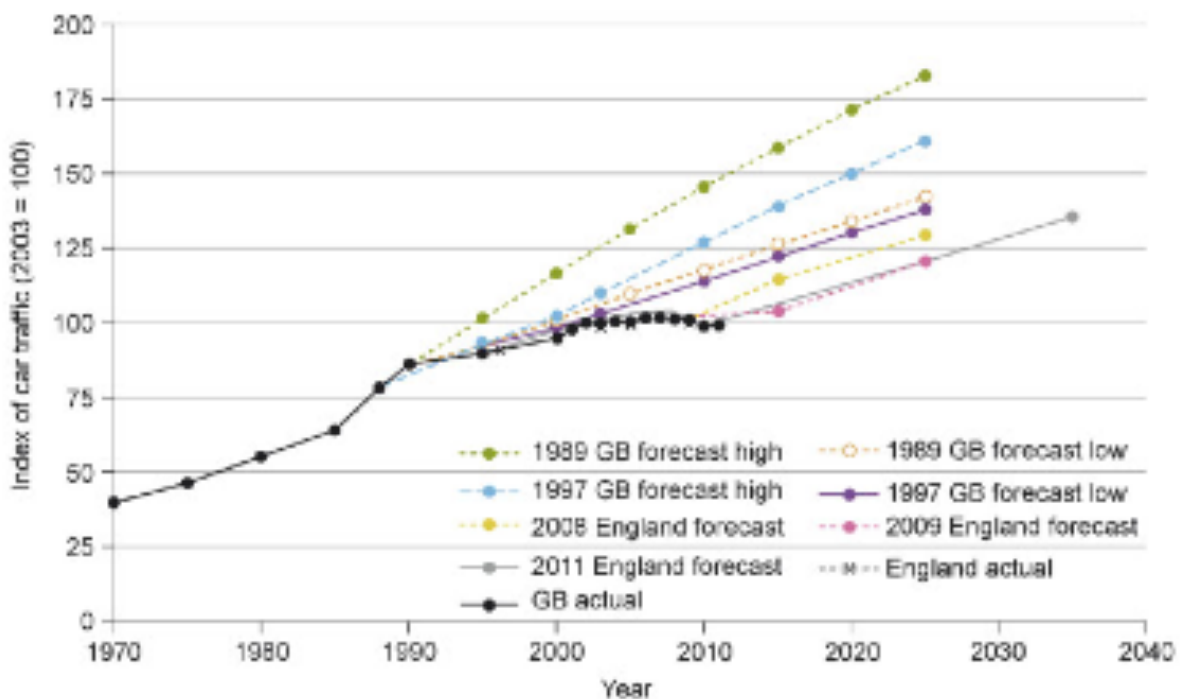
1 As it is impossible to convey the substance or depth of these concerns within a 3 minute spoken statement, more detail is provided in these footnotes.

2 To date the principal decisions relating to P&R East have fallen within the Cabinet Member for Transport's portfolio, with the Lead Officer, the Group Manager for Planning Policy & Transport.

Even in much wider policy contexts, P&R East issue is portrayed as, and only as, a transport issue. However, whilst P&R East may well have a role to play in delivering some important transport objectives, it is also an environmental and social issue with potential adverse and much longer lasting effects on such as flood resilience, air quality and community wellbeing.

3 Namely at around 7.30am on BBC Radio 4 Today programme in context of the anticipated announcement of significant public money being allocated to infrastructure investment in the Autumn Budget statement later in the day.

4 At the Council's 22.3.16 Scrutiny Inquiry, Professor Parkhurst, alluding to the fact that the Department for Transport has consistently over forecast traffic growth,



Dept for Transport forecasts versus real trend

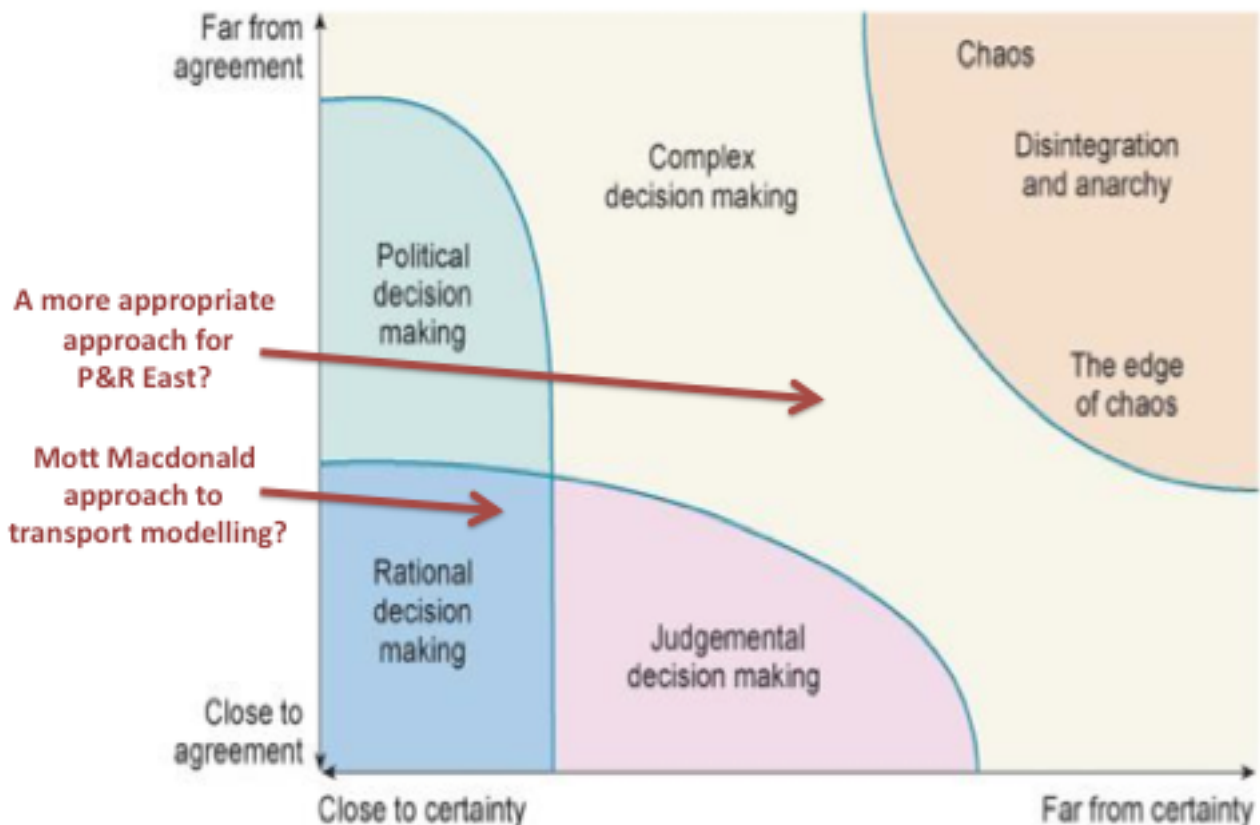
cautioned against reliance on Park & Ride usage projections derived from the Treasury's transport forecasting approach. Instead he took a "backcasting" approach to sustainable and integrated transport. (Slides 2,3,5&14 of his presentation define a desired sustainable future, slides 4-13 describe the present situation and slides 15-18 suggest how Bath may realise its desired future.)

Leading UK policy-makers are also questioning the value or reliability of the traditional "predict and provide" approach to infrastructure investment. For example Bridget Rosewell (OBE, MA, MPhil, FICE, former Chief Economic Adviser to the Greater London Authority and a member of several Commissions looking at the future of public services, cities, infrastructure and local finance) writes

"Unintended consequences bedevil policy making and implementation. Carefully constructed cost benefit analyses often do not produce the expected results in practice. The economist's answer to this conundrum has so far been to construct still more complicated models to include more variables and produce larger and harder to understand results. However, in the real world, uncertainties still abound which both are not and cannot be captured by such approaches. Successful policy making

needs to address such uncertainties, and the potential for many outcomes, especially when making assessments of investments and policies with long term impacts” (PREP, September 2016),

In my statement to 4.5.16 Cabinet, I also highlighted that "The complex, changing and controversial nature of this decision and the consequent scope for unintended consequences and/or irreversible environmental damage, demands a more cautious approach, where incremental changes in accordance with the vision and range of measures identified in the Bath Transport Strategy, are holistically planned and rigorously monitored"



SOURCE:

Adapted from Stacey, R. D. (2002) "Strategic management and organisational dynamics: the challenge of complexity".

5 However, as Councillor Alison Millar expresses very eloquently in her statement to 25.7.16 CTE PDS Panel, and I have evidenced more fully in my 4.5.16, 13.7.16 and 14.11.16 Cabinet statements, **public concern is not about whether the Strategy is appropriate but whether the P&R East project is the best way of delivering the vision and objectives it describes.**

6 In my 4.5.16 Cabinet statement I noted "**serious weakness in the scrutiny process**" underlying the **Council's 22.3.16 scrutiny inquiry** into integrated transport solutions East of Bath. Substantiating this in footnote 1 to that statement, I remarked that "the depth, rigour and openness of the inquiry was impaired by the failure to agree a terms of reference" including (amongst other things) "a comprehensive stakeholder analysis", and that in the absence of this, "Stakeholder participation was heavily skewed towards Council officers and transport professionals with community presentations comprising only 25% or so of the imposed agenda, 12% of attendees commanded around 80% of the rigidly controlled airtime at the six hour inquiry and key stakeholder perspectives were excluded from discussions".

7 The disparity in political power is particularly marked in the current Council administration. Although only 38% of the votes cast at the 2015 Council elections were for Conservative candidates, this has translated into the Conservatives having a comfortable working majority on Council, all PDS Panels and the Development Management Committee. Political control of the Council also brings control over the

decisionmaking agenda, officer and financial resource, which **unless checked by Overview and Scrutiny**, further amplifies the disparity in power between those making decisions and those impacted by them.

8 Annie Kilvington's statement to 14.11.16 Cabinet is an eloquent expression of this perception.

9 Although the data provided in annex 1 of the information report provided to 23.11.16 Resources PDS Panel as "Urgent Business" is not sufficiently disaggregated to be sure, it seems that of the capital funding that has already been spent, of the order of 60% has gone on transport modelling, 18% on site investigations, 13% on project management and 9% on public consultation.

That such a large share of this hitherto unscrutinised expenditure has gone on modelling is particularly disturbing, as this part of the business case for P&R East is strongly contested by residents and professionals. Note for example, how Andrew Lea's analysis of the use of Bath's existing P&R facilities (pages 24 to 55 of Appendix 3 to Item 12 on 4.5.16 Cabinet agenda), drawing on more detailed and up to date data than that underpinning the Bath Transport Strategy, highlights a major gap in the evidence on which both the current Conservative and former LibDem led administrations have advocated the need for P&R East.

10 It is evident from paragraph 3.3 of the 13.7.16 Cabinet report E2890 ("Update on P&R East of Bath and response to CTE Panel's recommendation from the Scrutiny day on 22nd March 2016") that the Cabinet were keen to progress the Single Member Decision required to release further funds as fast as possible. Furthermore in his reply to the first of three questions I submitted to 13.7.16 Cabinet on this subject, Councillor Clarke states "Since this project was approved in November 2014 about £737,000 has been spent" and also affirms in his reply to my 2nd question, that the modelling work had been completed. Consistent with this, paragraph 5.6 of the information report provided to 23.11.16 Resources PDS Panel under the Urgent Business agenda item, asserts that "as a result of [the CTE PDS Panels May 2016] recommendations further [site specific] work *has been* undertaken as outlined in SMD E2900" and annex 1 of this report indicates that £941,936 of the £1.1m of developmental budget for P&R East has already been spent.

These 13.7.16 and 23.11.16 reports raise two major and related concerns, namely (i) that some £204,936 has been spent on site specific expenditure prior to any public decision being made about the amount of additional P&R capacity required, and (ii) that decision E2900 was covertly implemented several weeks before it was formally and publically taken. (If, as entry on the Council's decision register and E2900 decision report suggests it was 15.11.16, then either £141,936 spent in less than a week (and at time when a Call-In had been requested), or, in keeping with 2nd table in Annex 1 of urgent report for 23.11.16 Resources PDS, it was actually implemented in September.)

11 The notified subject of this statement was " the adequacy of Overview and Scrutiny resource with respect to current and future challenges", something I felt well qualified to speak about as one who has observed the workings of the Council's Overview and Scrutiny function from both within and without since 2008, and with a wider interest in its ever changing business and policy context.

That this statement has in fact focused on the P&R East project, reflects not only the subsequent arrival of the urgent item on this meeting's agenda, but also that this project brings to the fore the sort of demands that a controversial and complex policy-related infrastructure investment spanning different council administrations imposes on the Council's Overview and Scrutiny function.

Although I hope that as regards P&R East the Council's Overview and Scrutiny arrangements may yet prove adequate, the reasons I am fearful include:

- **Politically-neutral oversight of the overall P&R East decisionmaking process has been too little and too late:**
Note in particular
 - the lack of rigorous and open scrutiny of the extent of role P&R East was envisaged to play in the Draft Getting Round Bath Strategy prior to its approval in November 2014,
 - that only 6 hours were allocated to the scrutiny of East of Bath Transport solutions in March of this year, and that the lead officer for this inquiry was not the PDS Project Lead Officer but the same officer managing the P&R East project on behalf of the Cabinet,
 - the absence (or at least silence) of a scrutiny officer in subsequent meetings in which P&R East has been on the agenda.
- **The erosion of Overview & Scrutiny officer resource over the last 7 years:**
In 2008 the Council had 3 FTE Overview & Scrutiny officers. There now appears to be only 0.8FTE left. Furthermore this doesn't appear to include "The Policy Development and Scrutiny Lead Officer" the

Council "designated" at 15.1.15 Council, " as the Statutory Scrutiny Officer under Section 31 of the Local Democracy, Economic Development and Construction Act 2009". Although there is no mention in the associated 15.1.15 decision-making report of the competences, responsibilities or identity of the post holder, the legislation it references does imply that this would be someone with sufficient expertise and experience to engage with and challenge other statutory officers and senior executive officers, represent the interests of opposition councillors, and one adequately empowered by their job description so to do.

- **The extent of judgement conceded to both the Chief Executive and Monitoring Officer by an ambivalent constitution:**

The manner in which the 14. 3.16 "requested" call-in of decision E2900 was "rejected" raises concerns that the Executive is exploiting ambiguity in the Council's constitution (some of which might be best explained by historical accident e.g. that the constitution has not been adequately revised or tested since the 15.1.15 restructuring of the Legal and Democratic Services directorate). Indeed the apparent timing of the expenditure to which decision E2900 relates, along with the Cabinet's refusal to take questions at October cabinet, is suggestive of why the Executive might have been motivated to interpret the Council's constitution and associated public laws the way they did.

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Question from Nicolette Boater to the 23.11.16 Resources PDS Panel meeting and answer provided.

For over a year now, there has been an unscheduled item on this PDS Panel's Forward plan, namely "Equalities and Performance Impacts of Strategic Spending Review". Whilst there maybe good reasons for this delay, without explanation as to what these are, this repeated postponement lends itself to the suggestion that neither Cabinet nor PDS members are interested in the effectiveness with which the Council is fulfilling its public sector equality duties. Consequently, please can you advise

1. When the Resources Panel will be publically considering these impacts?
2. Whether this consideration will be of evidence and impacts relating to spending decisions made in the 2011-15 Council administration or just those implemented or planned by the current administration?
3. In particular, will the Panel be reviewing the inequality and performance impacts of the apparent shift in Council policy over the last 5 or so years towards redeploying and promoting existing staff rather than recruiting staff on merit in open competition?

Answer

The Council is committed to fulfilling its public sector equalities duties, particularly through its budget and financial planning decision-making process. Our approach is implemented through a proportionate 'equality analysis' applied to budget items, as set out in detail for the 2016/17 budget in the document "Equality Analysis on budget proposals".

This process is of course an annual one and as a result will also be carried out in relation to the budget process for 2017/18. Through this, budget proposals will be considered individually and alongside each other in order to identify and mitigate any unexpected or unintentional cumulative impacts. An update on the budget process for 2017/18 will be given to the Resources Panel meeting on 23rd November. The Council's Human Resources policies also ensure there is proper consultation and consideration of staffing matters and that employment-related equality issues are fully taken into account.

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Statement to Resources PDS Panel – 23rd November 2016

2017/18 Budget – Will Peasedown St John be included?

Dear Panel Members,

Each year we see millions of pounds being spent on numerous projects across the local authority.

All of which are carried out with the desire to invest in our communities and to improve the quality of life of our residents.

I'm grateful that the council uses a budget setting and discussion process that allows all councillors to contribute and make representations on behalf of their constituents.

It's for this very reason that I'm submitting this statement, and these items for consideration in the 2017/18 council budget.

Each week, I, along with my fellow ward councillor, spend time out in the community knocking on doors, meeting residents, and finding out what their desires and aspirations are for Peasedown St John.

This is their 'wish list' for the forthcoming council budget:

- The introduction and/or extension of: Huddox Hill, Wellow Lane, Braysdown Lane and Church Road double yellow line restrictions
- Braysdown Lane safety improvements at the Braysdown Lane/Bath Road junction (*this includes the road surface to be coloured red, bollards on the pavement to stop pavement parking, and dropped kerbs to help pedestrians cross*)
- Funding for minor works to ensure disability and buggy access to Peasedown St John's GP surgery along the St John's Close to Wellow Lane public footpath.
- £5,000 for a new bus shelter at Ashgrove (to replace the previous shelter that was damaged after a road-traffic accident)
- £5,000 to move the bus stop on Dunkerton Hill to a location further down the road, which will make it easier for bus drivers to stop.
- Wellow Lane/A367 'cycle path' improvements

- £30,000 for a car park on the Recreation Ground – which will massively alleviate some of the parking problems in our community.
- £30,000 for play park improvements in the Eckweek Road Play Area. These are long overdue.

Please do consider these financial requests from Peasedown St John residents for the 2017/18 council budget.

Yours,

Cllr Karen Walker

Independent, Peasedown St John

No Politics, just Peasedown

Christine Boyd Statement to Resources scrutiny 23.11.2016

I am going to say something that is quite shocking.

This council has now spent 800k on a P&R to the east and is proposing to spend 300k more **when there has never been a formal council decision to approve this project.**

That's right, there has never been a formal decision to have a park and ride to the east of Bath.

In 2014 council adopted the getting around Bath transport strategy, but that strategy did not commit the council to having another P&R it required the council to

Identify need for increased park and ride capacity and to do a detailed assessment of sites through the placemaking plan as part of a wider parking strategy

I have circulated a paper setting out all other instances where P&R has been considered by a decision making body of this council.

- Cabinet in May 2015 made a decision to consult.
- Council in November 2014 **NOTED** an officer report about P&R, asked the LDF Panel to reconsider sites and asked the CTE scrutiny panel to examine transport solutions to the east of Bath.
- Cabinet on the 4th May 2016 NOTED the LDF and scrutiny reports

None of these bodies actually approved a P&R to the east, nor did they consider or approve a report that identified need for increased P&R.

Nevertheless, financial decisions have been made to spend more than £1.1m

Cllr Clarke and Cllr Gerrish have now approved a 600K spend. Presumably the upper limit for a delegated financial decision is 300k

It is not acceptable to go on drawing down 300k tranches with no decision, no evidence of need, no visible progress and no scrutiny of how money is being spent

It was legitimate to spend money on evidencing need, but in the absence of an approved report setting out that need, it was highly dubious to move on to site selection, less alone procurement, and planning.

You must now urge Cabinet to take back control from Cllr Clarke, demand a full report setting out:

- The aims of the project
- The benefit of the project
- The evidence of need for the project
- The demand for additional park and ride in the short, medium and long term

This should be supported by a fully costed business case.

Only when this report is approved and a formal decision made to have a P&R to the east will the council be in a position to see the risks associated with this project and make a proper assessment of whether further funds should be spent.

Finally I have circulated extracts from the September 2015 consultation leaflet to remind you of the benefits that were supposed to come from P&R. The council now admits that none of the Environmental aims can be met. That alone is a reason to stop and demand that officers justify this project before more money is wasted.

In order to make an informed recommendation to cabinet on whether to proceed with an East of Bath P&R and if so on which Site, the Council needs to spend some money. The question is "on what".

Expenditure designed to determine whether the project is needed, and if so, how to deliver so that public benefit will clearly outweigh harm is legitimate in shaping recommendations to Cabinet. Expenditure to progress commercial negotiations on individual sites is not. This would be to put the cart before the horse.

So, examples of appropriate spend might be:

1. Proper investigation of travel patterns and need
2. An options appraisal that concludes that park and ride best meets this need
3. A robust weighing of planning considerations including heritage and environmental impact in order to exclude sites where the benefit will clearly not outweigh harm.

Examples of inappropriate expenditure would be sums spent on negotiating and securing financial options with landowners of potential sites. Remember that Cabinet has (quite rightly) yet to take a decision to proceed with a Park & Ride to the East. Yet, if I read it correctly, this delegated decision permits council officers to enter into a contracts, for value (so money will change hands), which will commit the council at some time in the future to buy for a price, fixed now, but both undisclosed and unapproved, one or more parcels of land should planning permission be granted. It is astonishing that the delegated decision process can be abused in this way.

So far £600,000 – two tranches of a neat £300k a time (presumably the limit of Mr Clarke's discretionary spend), has been drawn down under cover of the delegated process. We know some of this has been spent on a sequence of transport modelling reports, by different firms, which have concluded that congestion and pollution, the cornerstone of the consultation aims of the project, will remain undiminished by the proposal. But none of this 600k has been spent on a proper Heritage Impact Assessment of any site, despite being told by Historic England in September 2015 that the criteria based strategy in the draft Placemaking Plan meant that a robust assessment was required at this stage, and that existing 2013 Halcrow settings assessments were inadequate.

So a further delegated decision, no doubt for a further neat £300k is doubtless will on its way, to pay fund work which should have been done but for which there is no money because spent large sums have been spent pursuing a commercial agenda before ensuring it has a deliverable project. And all in secret, with the detail unknown to Cabinet, let alone the public. So please, Scrutiny panel, call for full transparency in this spend and an explanation as to why the cart is before the horse.

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