

# Council

**Date: Thursday, 10th September, 2020**

**Time: 6.30 pm**

**Venue: Virtual meeting**

**To: All Members of the Council**

Dear Member

You are invited to attend a meeting of the **Council** on **Thursday, 10th September, 2020** in **Virtual meeting**.

The agenda is set out overleaf.

Yours sincerely



Jo Morrison  
Democratic Services Manager  
for Chief Executive

**Jo Morrison**

**Democratic Services**

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## NOTES:

1. **Inspection of Papers:** Papers are available for inspection as follows:

Council's website: <https://democracy.bathnes.gov.uk/ieDocHome.aspx?bcr=1>

2. **Details of decisions taken at this meeting** can be found in the minutes which will be circulated with the agenda for the next meeting. In the meantime, details can be obtained by contacting as above.

3. **Recording at Meetings:-**

The Council will broadcast the images and sounds live via the internet  
<https://www.youtube.com/bathnescouncil>

The Council may also use the images/sound recordings on its social media site or share with other organisations, such as broadcasters.

4. **Public Speaking at Meetings**

The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group.

**Advance notice is required not less than two full working days before the meeting. This means that for meetings held on Thursdays notice must be received in Democratic Services by 5.00pm the previous Monday. Any questions to Council must be submitted no later than four full working days before the day of the meeting ie; by 5pm on the previous Thursday.**

The Council now has a maximum time limit for this, so any requests to speak cannot be guaranteed if the list is full.

Further details of the scheme can be found at:

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12942>

5. **Supplementary information for meetings**

Additional information and Protocols and procedures relating to meetings

<https://democracy.bathnes.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13505>

**Council - Thursday, 10th September, 2020**

**at 6.30 pm in the Virtual meeting**

**A G E N D A**

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to complete the green interest forms circulated to groups in their pre-meetings (which will be announced at the Council Meeting) to indicate:

- (a) The agenda item number in which they have an interest to declare.
- (b) The nature of their interest.
- (c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**,  
(as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

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

3. MINUTES - 23RD JULY 2020 (Pages 5 - 16)

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

4. ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

These are matters of information for Members of the Council. No decisions will be required arising from the announcements.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

If there is any urgent business arising since the formal agenda was published, the Chairman will announce this and give reasons why he has agreed to consider it at this meeting. In making his decision, the Chairman will, where practicable, have consulted with the Leaders of the Political Groups. Any documentation on urgent business will be circulated at the meeting, if not made available previously.

6. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

7. PLANNING REFORM CONSULTATIONS (Pages 17 - 24)

The Government issued two consultation papers in August, one on [Changes to the current planning system](#) (consultation deadline 1<sup>st</sup> October 2020) which would have a more immediate impact and the other, a white paper on a more fundamental reform to the Planning system entitled [Planning for the Future](#) (Consultation deadline 29 October 2020). The Government has indicated that it will seek to introduce the changes to the current system before the end of 2020.

8. POLICY DEVELOPMENT & SCRUTINY ANNUAL REPORT (Pages 25 - 44)

This report presents the Policy Development & Scrutiny Annual Report for 2019-20, which provides an opportunity to highlight some of the positive work carried out by the Panels and Committee both internally / externally, and particularly with partners and agencies involved with scrutiny throughout the year.

9. LABOUR GROUP MOTION - PARENTAL LEAVE POLICY (Pages 45 - 50)

10. CONSERVATIVE GROUP MOTION - RESTORING COUNCIL SERVICE LEVELS (Pages 51 - 52)

11. LIBERAL DEMOCRAT MOTION - LOCAL ELECTRICITY BILL (Pages 53 - 54)

12. QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

The Democratic Services Manager will announce any submissions received. The Council will be invited to decide what action it wishes to take, if any, on the matters raised in these submissions. As the questions received and the answers given will be circulated in written form there is no requirement for them to be read out at the meeting. The questions and answers will be published with the draft minutes.

The Committee Administrator for this meeting is Jo Morrison who can be contacted on 01225 394358.

**BATH AND NORTH EAST SOMERSET COUNCIL**

**MINUTES OF COUNCIL MEETING**

Thursday, 23rd July, 2020

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Grant Johnson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Michelle O'Doherty, Bharat Pankhania, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

Apologies for absence: **Councillors** June Player

**14 DECLARATIONS OF INTEREST**

Councillor Dine Romero declared an 'other' interest in item 10 regarding the amendments to the Planning Delegation scheme as a shareholder of Aequus Developments Limited. [This declaration was made at the start of item 10, after which Councillor Romero withdrew from the meeting for the duration of the item].

The Monitoring Officer granted a dispensation for all Members of the Planning Committee to enable them to debate and vote on item 10 concerning the Planning Delegation scheme.

**15 MINUTES - 26TH MAY 2020 AND 16TH JUNE 2020**

On a motion from Councillor Dine Romero, seconded by Councillor Karen Walker, it was

**RESOLVED** that the minutes of the meetings of 26<sup>th</sup> May 2020 and 16<sup>th</sup> June 2020 are confirmed as a correct record. [These will be signed by the Chair in due course.]

**16 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman informed Councillors that the Council had been shortlisted for a prestigious award by the Municipal Journal for providing 'Leadership in responding to the Climate Emergency' and offered his congratulations to all those involved, and the Cabinet Member leading this work.

The Chairman invited the Leader of the Council to update Councillors on the latest Covid related issues and government funding. Councillor Dine Romero gave an update on 4 issues; finances and compensation schemes (details yet to be confirmed), plans in the event of a local outbreak (the Local Outbreak Management

plan) and the potential role of ward Councillors in this, the use of Local Authority powers (with no additional funding) and economic recovery and renewal.

## **17 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business.

## **18 URGENT DECISION TO NOTE - AEQUUS LOAN AUTHORISATION**

The Council noted that the Council Leader had made an urgent Shareholder decision on 28<sup>th</sup> May 2020 to authorise an Aequus Bounce Back Business Loan. This decision was made under Part 4G, rule 4 of the Constitution which requires that, following the decision, it will be reported to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Further details can be accessed here;

<https://democracy.bathnes.gov.uk/ieDecisionDetails.aspx?ID=1397>

## **19 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

Statements were made by the following members of the public;

David Redgewell made a statement to Council about transport issues in the South West (a copy of which is attached to the online minutes). David highlighted the need to recover bus services (a WECA function with the involvement of the Cabinet Members), transport funding, cleaning and covid safety on transport infrastructure. Councillor Neil Butters asked David if he was aware of the update from WECA today discussing changes from 2<sup>nd</sup> August, to which David responded that he was, and he was grateful for the pressure being applied on WECA in this area. The statement was referred to the relevant Cabinet Members.

Mark MacDonnell made a statement to Councillors expressing his concern about the Council's finances and the vulnerable position B&NES finds itself in due to its particular income streams. He called upon the Council to look further ahead in its financial planning. He also expressed concern that the Guildhall remained closed when he felt the Council should be showing leadership and courage to the community. In response to a question from Councillor Richard Samuel asking if Mark was aware that the Financial Recovery plan approved earlier in July was only intended to stabilise the Council's Finances in this financial year and that longer term financial plans would be coming forward in the autumn, Mark responded that he was very glad to hear that. Councillor Paul Myers asked if, as a resident, Mark would feel more reassured if the Council got on with preparing a longer term Covid recovery plan now, to which he replied that he absolutely would. Councillor Karen Walker asked if Mark felt that a 5 year financial plan was needed, to which he replied that he did. Councillor Robin Moss asked Mark if he was aware that Public Health advice was currently to work from home if possible, to which Mark responded that he was aware but felt that the Council should set an example and show that the city is open by opening up the Guildhall.

Emilio Pimentel-Reid made a statement (a copy of which is attached to the online minutes) as a concerned Bath resident about the future of Bath as a tourism destination. He questioned what measures the Council was taking to attract tourists to visit Bath and called upon the Council to give more support to the independent shops that make Bath unique. He asked for an alternative plan in the light of the Christmas market not going ahead and for further information to be made available about other measures the Council was taking for attracting tourism. Councillor Paul Myers asked if Emilio considered if the new arrangement for tourism (Visit Bath and Destination Bristol combining) would serve the interests of Bath and North East Somerset, to which Emilio responded that he doubted attractions in Radstock and Midsomer Norton would be a priority. The statement was referred to the relevant Cabinet Members.

## **20 PETITION - STOP 5G IN BATH**

Statements were made by the following members of the public at this item;

Fiona Williams, lead petitioner, addressed the Council. She called upon Councillors to halt the rollout of 5G in Bath and North East Somerset. She explained that many of those who had signed had queried the need for the technology in the first place and wondered why there had been no consultation or risk assessments about the rollout. She mentioned Bath being involved in a smart test site, using a frequency which is known to be harmful to bees. Fiona described 5G problems being experienced by phone users in South Korea leading them to revert to 4G and expressed her view that 5G was really about collecting data providing companies with highly detailed and lucrative marketing profiles. This is part of a wider agenda threatening the right to freedom and to privacy. She discredited the claims that 5G provides no danger to health. Surely a precautionary approach is warranted in the Council's duty of care to its residents and she called upon the Council to pause the rollout while investigation takes place on all relevant aspects.

Vanessa Williams-Grey made a statement to Council about the health impacts of 5G, a copy of which is linked to the online minutes. Vanessa called for precautionary measures to be taken, particularly for vulnerable groups. She mentioned a number of studies citing links between health problems and exposure to wireless radiation. The Council has a duty of care to its citizens and must investigate this further.

Sarah Greensides had submitted a statement to Council about wildlife and the environmental aspects of 5G. As Sarah was unable to join the meeting, the Council noted her statement which had been circulated. A copy of which is also linked to the online minutes.

Samantha Davies made a statement to Council about the insurance, liability and risk aspects of 5G, a copy of which is linked to the online minutes. Samantha mentioned the risk of non-ionising radiation exposure and how the insurance industry now did not provide cover for this and are re-writing contracts to reduce their liability. Samantha called upon the Council to prepare contingency plans against future claims from exposure to radiation exposure.

Paul McLachlan made a statement to Council about the personal effect of 5G on his family's health, a copy of which is linked to the online minutes. Paul described the steps he had taken to establish his electro hyper-sensitivity and asked what effect this will have on the wider population.

Karen Churchill made the closing statement to Council on this issue, a copy of which is linked to the online minutes. Karen described peer review science showing harm, so careful consideration was needed before adding 5G. We are currently relying on telecoms companies self-certifying and there is insufficient regulation. Karen called upon the Council to apply the precautionary principle as described in the petition, risk assess appropriately and establish a working group with them to address this.

Under procedure rule 34, the Chair asked if the Leaders of the 2 larger groups required a 10 minute debate on this issue.

Councillor Dine Romero thanked the petitioners and explained that they would not be able to debate this issue as it was an issue for national government. She recommended the petitioners make contact with their local MPs. She proposed that the petition be passed to the relevant Cabinet Members to respond to the points raised in the petition. Councillor Paul Myers supported this course of action.

## **21 TREASURY MANAGEMENT OUTTURN REPORT 2019/20**

The Council considered the Treasury Management Outturn report 2019/20.

On a motion from Councillor Richard Samuel, seconded by Councillor Mark Elliott, it was

**RESOLVED** unanimously

1. To note the Treasury Management Report to 31<sup>st</sup> March 2020, prepared in accordance with the CIPFA Treasury Code of Practice; and
2. To note the Treasury Management Indicators to 31<sup>st</sup> March 2020.

## **22 AMENDMENTS TO THE CONSTITUTION**

The Council considered a report seeking amendments to the Constitution regarding the Planning Delegation scheme.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Myers, it was

**RESOLVED** unanimously

1. To agree the revised Planning Delegation scheme for adoption (attached at Appendix 1 of the report) in relation to the points as described in section 3.1 – 3.3, with the addition of the words “and Vice Chair”, so that the scheme reads as follows “7. *Any applications for which the Council or ADL (Aequus Developments Limited) is the applicant, involving more than two properties, will be reported to the Planning Committee unless the Chair and Vice Chair of*



*the Planning Committee deem them too trivial, in which case they will be dealt with under officer delegation”; and agree that this revision will apply to all Council and ADL applications pending consideration.*

[Notes;

1. *During debate, an amendment was moved by Councillor Grant Johnson and seconded by Councillor Robin Moss to add wording expressing regret that this change had not come early enough to prevent the building of gas generators. This was lost on a vote of 4 Councillors in favour, 1 abstention and 52 Councillors voting against.*
2. *Council noted that the Advice note on Bullying & Harassment had already been adopted by Council on 10 October 2019 so no decision was needed.]*

## **23 MOTION FROM THE LIBERAL DEMOCRAT GROUP - ECOLOGICAL EMERGENCY**

On a motion from Councillor Jess David, seconded by Councillor Paul May, it was

**RESOLVED** unanimously that

**Council acknowledges that:**

1. On 10 October 2019, the Council's Climate Emergency Progress Report recognised the ecological emergency, noting specifically: species extinction, loss of habitat and the connectivity of habitats, decline in the pollinators that are crucial to food supply, and the loss of and decline in the health and quantity of soil. The Council recognised that the climate and ecological emergencies are both the result of over-exploitation of the earth's resources and poor land management.
2. The report recognised the long and strong history of work on biodiversity, landscape and ecology in Bath and North East Somerset, including a range of strategies, partnerships and projects, both at local and West of England level that are delivering action related to the ecological emergency.
3. In late 2018, the UN's Intergovernmental Panel on Climate Change (IPCC) issued their special report raising the alarm and calling for much more radical and rapid action to reduce carbon emissions from the burning of fossil fuels to avert climate catastrophe, which inspired the School Strikes 4 Climate and Extinction Rebellion and has resulted in over two thirds of UK local authorities declaring a Climate Emergency.
4. In May 2019, the UN's Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services (IPBES) similarly raised the alarm about the urgent ecological emergency the world also faces. The UK's State of Nature 2019 report also highlights the critical decline in biodiversity in the UK.
5. The survival of our society and economy depends absolutely on the health of the natural environment and ecosystems, providing, for example, clean water and air, food, timber, flood protection, mental and physical health and well-being and, as is now being recognised, carbon sequestration.

6. In terms of the relationship between the climate and ecological emergencies, both the IPCC and the UK's Climate Change Committee make clear that whilst reducing carbon from fossil fuels is the top priority for tackling the climate emergency, it is also necessary to find ways to increase carbon absorption, or sequestration, by the natural environment, by, for example, tree planting, peatland restoration, different methods of land management and improved agricultural practices that enable carbon to be drawn down into the soil on a large scale.
7. The October Council report recognised Bath and North East Somerset has an opportunity to increase the sequestration of carbon by trees, grassland and soil, and that further work would be needed, involving a range of stakeholders in order to balance this complex set of natural environment issues:
  - a. Increasing biodiversity and protection of habitats and species, including key pollinators and other insects;
  - b. Increasing carbon sequestration;
  - c. Increasing soil quality and quantity, reducing chemical fertilisers and pesticides and preventing soil erosion;
  - d. Increasing local food production, utilising local productive capacity, through less intensive agricultural methods, as a number of local farmers already do;
  - e. Increasing flood defence, natural flood mitigation measures, natural shading as the climate change;
  - f. Protecting our natural landscape and enhancing the natural capital and ecosystem services it provides, whilst enabling sensitive renewable energy development and enabling more people to benefit from time spent in nature.
8. The Government's Climate Change Committee has set a target of doubling tree cover in the UK by 2050. As part of the West of England Nature Partnership, through its Nature Recovery Network, Bath and North East Somerset has an ambition of doing so by 2060. Work is currently underway to produce a West of England Tree and Woodland Plan on how this could be brought forward, taking into account loss of trees through ash die-back.
9. Through the Bathscape Partnership, led by the Council, work is underway to look at the best ways of managing and increasing tree cover in the Bathscape area and the Council will be producing a Tree and Woodland Strategy during 2020-21, for the whole of Bath and North East Somerset.
10. The Government's new Environment Bill will mandate a requirement for 10% biodiversity net gain (BNG), building on the existing National Planning Policy requirement for new development.
11. The West of England Joint Green Infrastructure Strategy 2020-2030 work programme has produced West of England BNG Guidance and work is now underway to produce a road map for implementation. This work will integrate with delivery of the West of England Nature Recovery Network.

12. There are major opportunities for enhancing nature through regional and local strategies and plans, including spatial polices and strategy for the West of England, the Joint Local Transport Plans and the Bath and North East Somerset's Local Plan Partial Review as well as the West of England Nature Recovery Network and West of England Joint Green Infrastructure Strategy.
13. In February 2020, the Bath and North East Somerset Council Corporate Strategy 2020-24 was approved by Council and contains the new core policy 'tackling the climate and nature emergency', noting that this, alongside the other new core policy of 'giving people a bigger say', 'will shape everything we do'.

**Therefore, alongside the work already underway, this Council formally declares an ecological emergency and will:**

14. Promote its existing core policy of 'tackling the climate and nature emergency' as stated in the B&NES Corporate Strategy and ensure that this policy drives what the Council does.
15. Work with partners locally and regionally in the West of England to drive coordinated leadership and collaborative action on 'tackling the climate and nature emergency'.
16. Ensure the delivery of biodiversity and environmental enrichment and resist destruction of habitats through planning policy and development management.
17. Review the Bath and North East Somerset Green Infrastructure Strategy during 2020-21 and use it as the nature emergency delivery framework and to increase local targets, whilst ensuring these are promoted through local and regional partnerships and embedded in local natural environment delivery projects such as Bathscape and Waterspace and management and connectivity of parks and green spaces and water spaces.
18. Through the Bath and North East Somerset Local Plan Partial Review (2020), consider the potential to increase the percentage of biodiversity net gain beyond that required by the new Environment Bill and promote the same conversation within the West of England.
19. Identify appropriate areas for habitat restoration within Bath and North East Somerset for wildlife.
20. Continue to collaborate with our communities, businesses and other organisations, existing networks and partnerships, schools, colleges and universities, to improve ecological literacy and encourage greater biodiversity, tree-planting and management.
21. Continue to work with our West of England partners to update the existing ecological audit.

22. Continue to support the West of England Nature Partnership, as the region's local nature partnership (LNP), to deliver a Nature Recovery Network at landscape scale.

## **24 MOTION FROM THE LABOUR GROUP - COMMUNITY CONTRIBUTION FUND**

On a motion from Councillor Robin Moss, seconded by Councillor Winston Duguid, it was

**RESOLVED** that

### **Council notes:**

1. The introduction of Community Contribution Fund by Westminster City Council in 2018 which has given residents in the highest valued properties the opportunity to contribute more to their local community on a voluntary basis. The scheme is managed by a Charitable Trust which allows Gift Aid, and any money raised is spent on local discretionary projects in three specific areas: helping young people; extra support for people who find themselves sleeping on Westminster's streets; and tackling isolation and loneliness across all age groups. Since its introduction, the scheme has generated an additional £1M.
2. That a growing number of councils are preparing to follow Westminster City Council's example.
3. That there are currently 437 Band H properties in B&NES (after allowing for adjustments for discounts applied, this equates to an equivalent of 376 dwellings). The B&NES element of Council Tax for Band H properties (i.e. comprising Council Tax and Adult Social Care Precept but excluding police, fire and parish precepts) is £2,913.76. If all Band H Council Tax payers paid 100% extra, the additional revenue would be about £1.096M.
4. Further notes that the Council Tax team has fielded enquiries from Council Tax payers in other Bands who may be willing to make a voluntary contribution.

### **Council believes:**

5. That addressing the chronic underfunding of local government requires a fair and progressive funding settlement. In the absence of this, the Council, in its community leadership role, should enable residents who wish to pay more for additional projects reflecting local priorities to be able to do so.

### **Council therefore resolves:**

6. To agree in principle to introduce a Community Contribution Fund from 2021/22, but to ask the Corporate Policy Development and Scrutiny Panel to consider and report back to Council with recommendations on how it might work in practice including:

- a. Whether to adopt an inclusive approach inviting all Council Tax payers to contribute or whether it should be limited to those in Band H;
- b. The vehicle for managing any new Community Contribution Fund;
- c. The mechanism for identifying local priorities for support; and
- d. The means of consulting with residents on the introduction of any such Fund.

[Notes;

1. *The above resolution was carried with 4 Councillors voting against and 54 Councillors voting in favour.*]

## **25 MOTION FROM THE LABOUR GROUP - BLACK LIVES MATTER**

On a motion from Councillor Grant Johnson, seconded by Councillor Dr Kumar, it was

**RESOLVED** that

### **Council notes:**

- 1 With great sadness the killing of George Floyd in the United States and the justified outpouring of hurt and anger across the globe that followed his death.
- 2 Official figures showing that in 2018-19, the police in England and Wales were three times more likely to arrest a black person than a white person and five times more likely to use force. Black people were more than nine times as likely to be stopped and searched.
- 3 Since 1990, 1,743 people in England and Wales have died following contact with the police. As a proportion of the population, black people are more than twice as likely to die in police custody and force or restraint is more than twice as likely to be involved in their deaths.
- 4 The government's review into the impact of coronavirus has shown that black men and women are nearly twice as likely to die than white people in England and Wales.

### **Council believes:**

- 5 Racism remains a shameful aspect of life in Bath and North East Somerset as elsewhere and must be confronted.

### **Council therefore resolves:**

- 6 To stand in solidarity with protesters who are seeking to challenge the structural racism which exists in our society.
- 7 To play its full part in working to address deep-seated inequalities by:
  - (i) examining the culture of the Council;
  - (ii) consulting stakeholders to ensure that the Council meets the needs of those it serves;

- (iii) reviewing its Corporate Equality Commitment and Equality Objectives to include additional specific race equality actions, including establishing a Race Equality Panel, and identifying the means to monitor progress towards race equality; and
- (iv) considering how the work identified above should be taken forward and the timescales and mechanism for reporting back.

[Notes;

1. *During debate, an amendment was moved by Councillor Karen Walker and seconded by Councillor Paul Myers (which had been circulated to all Members) to re-word various points and remove the establishment of a Race Equality Panel. This was lost with 14 Councillors voting in favour and 44 Councillors voting against.*
2. *The above successful resolution was carried with 56 Councillors voting in favour and 2 Councillors abstaining.]*

## **26 JOINT MOTION - CONSERVATIVE & INDEPENDENT GROUP - 5 YR FINANCIAL PLAN**

On a motion from Councillor Richard Samuel, seconded by Councillor Dine Romero, it was

**RESOLVED** that

1. Council notes and welcomes the decisions taken by the Cabinet to ensure that a balanced budget outcome is achieved for 2020/21 and calls upon the government to fully compensate for losses of commercial income and assistance to outsourced leisure operations currently excluded from the Income Compensation grant announced on 1<sup>st</sup> July.
2. Councils also notes that the Medium-term Financial Strategy will be revised for approval in the coming months and will, in line with recent practice, cover the period to March 2024.

[Notes;

1. *At the start of the item, Councillor Paul Myers sought clarification (under Constitution Part 4A, rule 36) as to whether the proposed Liberal Democrat amendment which had been circulated to all Councillors was valid on the basis that he considered it negated the original motion. The Monitoring Officer confirmed that it had been deemed valid, as it sought to achieve something which could not be achieved by simply voting against the motion. The Chairman confirmed that, on that basis, he would accept the amendment.*
2. *The original motion was moved by Councillor Paul Myers and seconded by Councillor Colin Blackburn.*
3. *Councillor Robin Moss moved an amendment, seconded by Councillor Liz Hardman, to add the words "which does not put the burden on the most disadvantaged and avoids cutting vital services" to the end of the joint Conservative and Independent motion. This was accepted into the substantive by the mover of the motion.*
4. *The above resolution, when moved as an amendment, was carried with 37 Councillors voting in favour and 18 Councillors voting against.*
5. *The substantive motion was carried with 37 Councillors in favour, 13 Councillors voting against and 7 abstentions.]*

## **27 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

There were no items.

The meeting ended at 10.02 pm

Chair .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

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<b>Bath &amp; North East Somerset Council</b>	
MEETING	<b>Council</b>
MEETING DATE:	<b>10<sup>th</sup> September 2020</b>
TITLE:	<b>Planning Reform consultations</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
None	

## **1 THE ISSUE**

- 1.1 The Government issued two consultation papers in August, one on [Changes to the current planning system](#) (consultation deadline 1<sup>st</sup> October 2020) which would have a more immediate impact and the other, a white paper on a more fundamental reform to the Planning system entitled [Planning for the Future](#) (Consultation deadline 29 October 2020). The Government has indicated that it will seek to introduce the changes to the current system before the end of 2020.
- 1.2 The Government has also made significant changes to the Use Classes order (UCO) which came into effect on 1<sup>st</sup> September 2020 that have implications for some of the operation of the Council's existing planning policies.
- 1.3 The changes arising from the white paper would change the role of Local Authorities in the planning process and this report sets out a draft response.

## **2 RECOMMENDATION**

- 2.1 The Council is asked to;
  - a) Agree the responses to the consultations set out in section 3 of this report and delegate authority to the Director of Development and Public Protections to formulate and submit more detailed responses, in liaison with the Cabinet Member for Planning, Housing and Economic Development and in consultation with Group Leaders, and
  - b) Note the changes to Planning system which came into force on 1<sup>st</sup> September 2020.

### 3 THE REPORT

#### Changes to the current planning system

3.1 The more immediate changes to the current planning system cover 4 areas;

- The calculation of a District's Housing need
- The "First Homes" policy
- Site size thresholds for seeking Affordable Housing; and
- The approach to 'Permission in Principle'

#### ***Calculation of Housing Need***

3.2 The calculation of a District's Housing Need is undertaken via the national Standard Methodology. In B&NES, this entails an annual housing need of around 650 homes or 13,000 over 20 years. The revised methodology would nearly double the assessment of housing need in B&NES to around 24,000. The current calculation has a cap which will be removed in the new approach and no account will be taken of local context or deliverability. If the new methodology is introduced, B&NES will no longer have a 5 year housing land supply, despite its very successful delivery record. This is likely to result in increased pressure from predatory planning applications, increased appeals and loss of control over decisions on the location and nature of housing which work contrary to Council's objectives especially the Climate and Nature Emergency. The system inadvertently penalises Local Authorities like B&NES which have worked hard to increase supply.

3.3 **Response:** Object to the introduction of the new Standard Methodology without account being taken of a Local Authority's capacity to deliver, local context and past delivery record.

#### ***Affordable Housing and First Homes***

3.4 The Government is seeking to prioritise its First Homes approach ('lower cost' home ownership) in the delivery of Affordable Housing. It is also proposing to raise the site size threshold of sites which need to contribute affordable housing from 10 dwellings to 40 or even 50 dwellings. The stated objective is to ease the burden on small and medium sized developers.

3.5 **Response:** These changes would significantly undermine the Council's ability to secure affordable housing and especially for social rent which are primarily delivered through the planning system. Most of the need in B&NES is for social rented homes which would be further impacted by the First Homes approach. The First Homes proposal is less affordable than the existing Affordable Home Ownership product.

#### ***Permission in Principle***

3.6 Developers already have the option to secure planning permission via the permission in principle route, although this is not commonly used by developers and it has not been used at all in B&NES. The Government is seeking to increase the size of sites/schemes to which this applies.

3.7 **Response:** No comment

#### **The Planning White Paper "Planning for the Future".**

3.8 Some of the key changes in the White Paper are highlighted below with a proposed high-level response.

### ***A zonal approach***

- 3.9 The White paper proposes that Local Plans should be simplified and identifies three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected. Areas identified as Growth Areas (suitable for substantial development) would automatically grant outline planning permission. Renewal Areas would entail automatic permission for “pre-specified forms of development”, and Protected Areas would have a regime not dissimilar to the existing discretionary system.
- 3.10 **Response:** The Council agrees that current plan-making can be unduly onerous as a consequence of the regulations placed upon it causing unnecessary cost burden on local authorities and other participants in the process. The simplification of the examination process, when applied alongside outline planning permission for growth areas, must avoid the risk of unsuitable and unsustainable growth being permitted. The removal of one process of scrutiny alongside the reduction of another could potentially represent an over-simplification of the processes that provide insurance against poorly planned and poorly located development. It is important that development in renewal and regeneration areas supports Climate and Nature Emergency objectives.
- 3.11 The role and process for Green Belt review needs clarification. It is not clear how the Green Belt will be assessed, changed or enhanced and how it will influence the calculation of the housing requirement, particularly where other constraints exist such as flood zones, ecological sites and AONBs.

### ***Development Management policies to be established at national scale***

- 3.12 Development Management policies are to be established at national scale and not set by Local Authorities in their Local Plans which will focus instead more on sites and design.
- 3.13 **Response:** Whilst there are efficiencies in a more streamlined approach to Development Management, and repetition of similar policies across Local Plans can be avoided, the ability for LPAs to reflect local circumstances and priorities through their local plans will be lost. A nationally defined set of Development Management policies will need to be high level to cover the range of development settings across England. There is a risk this will lead to an interpretive and in the long run, legally burdensome system, as policies will ultimately be tested through case law. It is not clear how far they will prioritise issues such as the Climate and Nature Emergency

### ***Determining Planning Applications***

- 3.14 Decision making should be made more efficient by digitalising further the application process, using shorter more standardised applications, nationally standardised data requirements, clear and consistent planning conditions and greater delegation of planning decisions to planning officers where the principle of development has been established.
- 3.15 **Response:** Whilst upgrading the digital tools available and standardisation of data platforms might allow increased transparency the reduced role of the Planning Committees might give the public perception of less accountability

### ***Statutory timetable for Plan-making***

- 3.16 Local authorities and the Planning Inspectorate will be required to meet a statutory timetable for key stages of the process, with potential sanctions imposed for those

who fail to do so. This should halve the plan-making timetable to around 2.5 years to adoption with a Statutory duty for LPAs to adopt Local Plans by a specified date.

**3.17 Response:** This approach will offer more certainty to bring forward development. However, in meeting this ambitious timescale, the following points need further detail or clarification:

- a) Clarification of the transitional arrangements, particularly where Mayoral Spatial Development Strategies will come forward in advance of local plans.
- b) How delays to plan-making outside of the control of local authorities will be addressed, for example through the examination process, particularly if plans across England are likely to come forward to similar timescales.
- c) How the reskilling and the development of professionals across the planning sector will be resourced in order to support a changed focus of the planning process to 'front loading' at the plan-making stage, including the provision of local design guides and codes. This issue should not be underestimated, particularly as with a reduced Development Management role, 'getting it right' at the plan-making stage is increasingly important and therefore a robust process must be in place.

### ***Neighbourhood Plans***

**3.18** Neighbourhood Planning will be retained and continue to be supported.

**3.19 Response:** This is supported as it is a valuable means of community input. However, there is an issue around coverage of Neighbourhood Plans not being even, with particular gaps in urban communities. Sufficient central government resource will need to be provided to maintain this work and encourage greater coverage.

### ***Good Design***

**3.20** The new zonal approach will be accompanied by a stronger emphasis on design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development. A new body will be established to oversee creation of local design codes, and each local authority will be expected to employ a chief officer for design and place-making to oversee quality. Local design codes must have community input to be valid. The government has also promised the imminent publication of a National Model Design Code "setting out more detailed parameters for development in different types of location: issues such as the arrangement and proportions of streets and urban blocks, positioning and hierarchy of public spaces, successful parking arrangements, placement of street trees, and high quality cycling and walking provision".

**3.21 Response:** The focus on development quality is welcomed, provided this includes responding to the Climate and Nature Emergencies. As mentioned above, ensuring the right skills and resource to bring forward the proposals, particularly to encourage coverage at the appropriate scale will be a challenge. Model codes and guides are a useful starting point but must allow flexibility for local character and identity to be reflected in new development. Some of the proposals (without further detail available) appear to run counter to the aspiration to move away from repetitive housing design. For example, permitted development for pattern book designs – local authorities should have a role in determining which pattern books are appropriate for their context or developing their own pattern books.

### ***Heritage***

- 3.22 The White paper continues to emphasize the need to conserve and enhance our historic buildings and areas. Local Plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well locally important features such as protected views. Government will review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.

### ***Energy efficiency standards for buildings***

- 3.23 The White Paper states that the Government will facilitate improvements in the energy efficiency standards for buildings to help deliver its commitment to net-zero by 2050.
- 3.24 **Response:** It's not clear how this would affect the ability of Local Authorities to respond to their own Climate Emergency and define local energy efficiency standards. The proposal to commence the amendment to the Planning and Energy Act 2008 to restrict local planning authorities from setting higher energy efficiency standards for dwellings could be counter to the local authorities Climate Emergency target of carbon neutrality by 2030 and the national 2050 carbon neutrality target. The proposal to remove the Fabric Energy Efficiency standard (FEES) from Building Regulations may also lead to lower building fabrications standards which would not be welcomed.

### ***Community Infrastructure Levy (CIL)***

- 3.25 The Community Infrastructure Levy will be reformed to be charged as a fixed proportion of the development value above a specified threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished. A minimum size threshold for charging will be introduced.
- 3.26 **Response:** There are a number of detailed CIL issues in the white paper which will require further analysis. However, in high value areas like B&NES, a high level of income from CIL has been generated, and a more standardised approach is likely to reduce the income and hence the funding for infrastructure in the District. This will be further affected by the abolition of s.106 contributions which tend to bring in more income than CIL and can be tailored to specific circumstances and help residents to see the how the direct impacts of developments have been addressed.
- 3.27 Whilst the current system would benefit from improvement, abolishing S106 has significant implications for Affordable Housing delivery unless its replacement is fit for purpose. The narrative in the consultation is that the reformed approach will continue to deliver on-site Affordable Housing at least at current levels, but the level of detail is not available to demonstrate that this is deliverable in practice. Whilst the national position is just under 50% of Affordable Housing is delivered under S106, this is by the most significant generator of Affordable Housing in B&NES. The Levy approach is likely to benefit the poorly performing Local Authorities and dis-benefit high performers.

### ***Planning enforcement***

- 3.28 The White Paper states that enforcement powers and sanctions will be strengthened to enable local authorities to ensure they support the new planning system. This includes introducing more powers to address intentional unauthorised development and higher fines.

3.29 This also includes implementing national commitments on the Government's response to the consultation on unauthorised development and encampments, to strengthen national planning policy against intentional unauthorised development and ensure temporary stop notices are more effective.

3.30 **Response:** Stronger enforcement powers are welcomed

#### **Changes to the Use Classes order**

3.31 The Government has also changed the Use Classes order which governs when planning permission is needed for a change in land-use. These changes took place on the first of September and in particular they seek to provide more flexibility for changes between commercial type uses. Hence the greatest impact will be on city and town centres. Some of these changes will render adopted planning policies redundant and a schedule is being prepared for publication of the implications for the Council's adopted Local Plan policies. The changes will also have other knock on impacts, and the ability to control parking related to particular uses will be lost. Increased Permitted Development rights, such as retail units to residential, inhibits the Council's control over the quality and standard of new development.

## **4 STATUTORY CONSIDERATIONS**

4.1 The Government expects that the changes to the current planning system can be implemented fairly quickly, once agreed, before the end of the year, whereas the changes in the Planning White Paper will need legislative change

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The changes are likely to affect the level of income from CIL and S.106 contributions generated in the District. CIL has made a significant contribution to the Council's Capital Programme and B&NES should object to this being undermined.

5.2 There will also be a requirement to ensure that the council's professional staff in key Services that work in the development and land use sectors are appropriately trained and skilled to operate the new planning system. In light of current resource constraints, the Council should make it clear in response to the consultation that additional demand on officer time or systems would need to be recovered from planning income / fee levels and any new pressures that cannot be funded from income will need to be recognised and funded by Government.

5.3 The Government will also need to continue to financially support Neighbourhood Planning

## **6 RISK MANAGEMENT**

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

## **7 EQUALITIES**

7.1 If Affordable Housing provision is reduced, this is highly likely to impact negatively on women, people with a disability and people from BAME communities, all of whom are over-represented in needing Affordable Housing. The further

digitalisation of the plan-making and planning application processes will need to take account of the needs of all sectors of the community.

## 8 CLIMATE CHANGE

8.1 The new proposals could impact the Council's ability to deliver its Climate and Nature Emergency objectives. In particular, the nationally prepared set of Development Management policies may not offer the flexibility to allow individual Local Authorities to meet objectives such as those on the Climate and Nature Emergency ambitions. The substantial boost in housing arising from the new standard methodology might create tension with the Climate and the Nature Emergency objectives in the longer term, and may cause more acute problems in the short term as a result of the lack of a 5 year housing land supply and associated predatory planning applications. The new compulsory energy efficiency standards for buildings and model national Design Codes may help meet the national net zero target of 2050 but may not be demanding enough for more ambitious local authorities such as B&NES.

## 9 OTHER OPTIONS CONSIDERED

9.1 The Council is not obliged to respond to the consultations.

## 10 CONSULTATION

10.1 The likely impacts of the changes proposed in the consultations will be further considered in more detail by the relevant council departments before a more detailed response is submitted in response to the consultation.

<b>Contact person</b>	Lisa Bartlett 01225 477550 , Simon de Beer 01225 477616
<b>Background papers</b>	<a href="#">Changes to the current planning system</a> consultation Paper <a href="#">Planning for the Future</a> White Paper
<b>Please contact the report author if you need to access this report in an alternative format</b>	

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<b>Bath &amp; North East Somerset Council</b>	
MEETING:	<b>Council</b>
MEETING DATE:	<b>10<sup>th</sup> September 2020</b>
TITLE:	<b>Policy Development &amp; Scrutiny Annual Report 2019 - 2020</b>
WARD:	All
<b>AN OPEN PUBLIC ITEM</b>	
<b>List of attachments to this report:</b>	
<b>1. Policy Development &amp; Scrutiny Annual Report</b>	

## **1 THE ISSUE**

1.1 To consider the Policy Development & Scrutiny Annual Report for 2019-2020.

## **2 RECOMMENDATION**

**The Council is asked to;**

**2.1** Note the work of the Policy Development & Scrutiny Panels, as set out in the Annual Report attached at Appendix 1.

## **3 THE REPORT**

3.1 As part of its statutory duty the Council is required to appoint at least one Overview and Scrutiny Committee / Panel that will have sole responsibility to discharge the functions under Sections 9F and 9FA to 9FI of the Local Government Act 2000, as relevant to the Council's statutory duties and responsibilities. The current model includes; 3 Policy Development & Scrutiny Panels. They provide a system of checks and balances implemented by Councillors who monitor the activity of the Cabinet members and assist them in developing policy.

3.2 The Policy Development & Scrutiny Chairs & Vice Chairs Group agreed that it would provide an annual report to the Council summarising the work of the Scrutiny over the previous year.

3.3 The PDS Chairs & Vice Chairs Group have an oversight of the work of each of the Panels and responsibility for coordinating the Council's scrutiny activity. Each of the Chairs has provided a synopsis of the work that their committee have carried out this year.

3.4 The Annual Report provides an opportunity to highlight some of the positive work carried out by the Panels and Committee both internally / externally, and particularly with partners and agencies involved with scrutiny throughout the year.

#### **4 STATUTORY CONSIDERATIONS**

4.1 The Policy Development & Scrutiny Chairs & Vice Chairs Group are not required to produce an annual report; however, it is good practice to do so.

#### **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 There are no direct implications arising from this report.

#### **6 RISK MANAGEMENT**

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

#### **7 EQUALITIES**

7.1 The Corporate Panel includes Equalities within its remit and will consult the Race Equality Panel if relevant to the item being scrutinised.

#### **8 CLIMATE CHANGE**

8.1 The report highlights some of the work carried out by the Climate Emergency & Sustainability Panel.

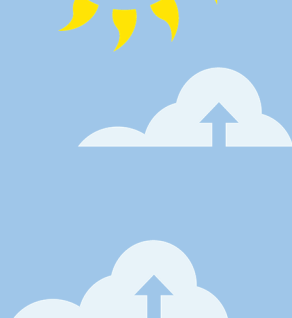
#### **9 OTHER OPTIONS CONSIDERED**

9.1 None.

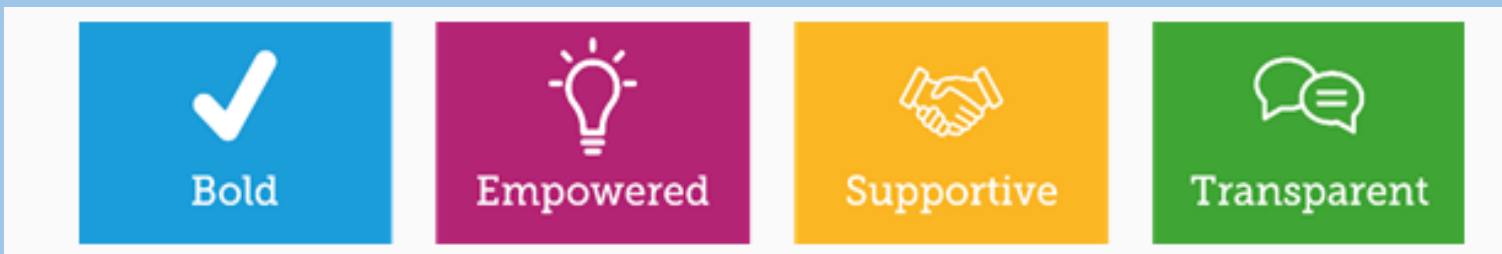
#### **10 CONSULTATION**

10.1 Monitoring Officer.

<b>Contact person</b>	Cllr Paul Myers Chair of the PDS Chairs & Vice Chairs Group
<b>Background papers</b>	None.
<b>Please contact the report author if you need to access this report in an alternative format</b>	



# **Policy Development & Scrutiny Annual Report 2019 — 2020**



# Foreword - Cllr Paul Myers



May I take this opportunity to thank everyone who has played a part, no matter how small, in contributing to the work of the Council's three scrutiny Panels. PDS Panel members have worked with executive Cabinet members to provide both scrutiny and policy development input on a wide range of important subjects on some crucial topics. On behalf of the three Scrutiny

Chairs, I extend thanks to residents, Councillors, businesses who have contributed, and specifically those council officers without whose support we would not be so effective.

Scrutiny has experienced many changes since the local elections in 2019, with a reduction in Panels and a reduction in the number of local councillors, this has made the importance of prioritising our work and ensuring that we are able to deliver effective scrutiny to our local community even more important.

During this annual review period the Panels have been working through the developments in the Brexit plans and what this means at a local level for our community and more recently with the impact of the COVID Pandemic which has effected all areas of the Councils work. The panels have played an active role in monitoring the ongoing plans to ensure that Bath & North East Somerset will be able to adapt and recover. Our planning has adapted to reflect these changes and ensure that the panels continue to make a positive impact to the decision making process which remains effective and accountable.

In Bath & North East Somerset Policy Development & Scrutiny is about making a difference and improving the lives of the people who live and work here. This year the panels have been very active contributing to some significant pieces of work over the course of the year and have made great steps in demonstrating how scrutiny can have a real influence and add value to local decision making in the type's of scrutiny work that they have undertaken. From scrutinizing the call in of executive decisions, to developing Task & Finish Groups examining the Council's finances moving forward particularly in the light of not only local issues but national ones such as following the impact of both Brexit and the COVID pandemic.

However, we recognise that there is still more scrutiny work that will need to be done in the coming months ahead and we will be using the Chairs & Vice Chairs Group to discuss and makes plans to ensure that all three Panels we are carrying out their our 'critical friend role' effectively.

I believe that this report provides a flavour of some of the excellent work that the Policy Development & Scrutiny Panels have done this year.

**Cllr Paul Myers**

**Chair of the PDS Chairs & Vice Chairs Group**

# Annual Report — Contents

- **1. Key Information about Policy Development & Scrutiny**
- **2. Snapshot of scrutiny Development 2019/2020**
- **3. The Budget Process and Scrutiny**
- **4. Overview & Scrutiny in numbers 2019-2020**
- **5. Snapshot of some Key Achievements 2019-20**
- **6. Responding to the COVID-19 Emergency 2020**
- **7. Topic List**
- **8. Member Development**
- **9. Call-in of decision**
- **10. Community Involvement**
- **11. Contact**

## The Overview & Scrutiny function is known as Policy Development & Scrutiny (PDS)

### The Function consists of

(3 PDS Panels) :-

- Climate Emergency & Sustainability Panel
- Corporate Panel
- Children, Adult, Health & Wellbeing Panel

## Meetings

- Are open to the public to attend
- Typically last 2-3 hrs
- Meet regularly (during daytime and evenings)
- Have a formal structure, but are run in an accessible way
- Papers published at [www.bathnes.gov.uk](http://www.bathnes.gov.uk) and at Council information points.



## Scrutiny's Role

- To make recommendations to the Cabinet or Council
- Panels do not make decisions about council policies and services
- Does not deal with individual queries or complaints; or investigate planning or licensing decisions.



## Residents and stakeholders can get involved by

- Attending public meetings
- Giving evidence to one of the panels; and
- Sending in comments about a review.





function.

There was difficulty in balancing the amount of focused scrutiny work that a panel is able to undertake and providing the right level of support and resources to deliver the number of panel meetings effectively. The decision was made to reduce the number of Panels from four to three

## Structural changes

In 2018 the PDS Chairs and Vice Chairs Group with senior officers and Group Leaders, explored whether the existing model, number and structure for scrutiny was working, and the different options for future change. The underlying objective was to ensure that the Council delivers an effective scrutiny

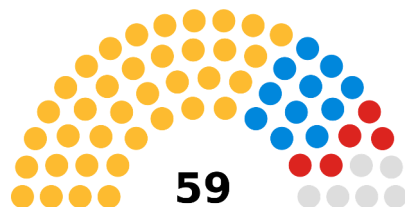
## Pre-briefing meetings

have enabled better member engagement and more focussed debate at scrutiny meetings.



## Local Elections

The Local Elections took place in May 2019 and a new administration took over. At this election the number of Councillors was reduced from 65 to 59, and the number of wards from 37 to 33. (Elected members serve a four year term) .



## Ensuring every scrutiny item adds value

In order to improve the prioritisation of work plan items a prioritisation form was introduced in 2019 for new scrutiny items and discussed at agenda planning meetings to ensure that every item can add value to our overall Council priorities and vision and to improve the prioritisation of work plan items.

### 3 The Budget ( examples of points raised during discussions)

*"We would have liked to have seen some comparative figures from previous years to provide context"*

*"Will the review of empty homes and Houses of Multiple O policy be met through existing budgets?"*

*"How will the proposed £20,000 savings from the Music Service affect low income families and those in receipt of benefits?"*

# Budget

*"Are enough funds in place with regard to Transport Services, in particular Highways, to deal with issues such as localised flooding? And, if funding would be B&NES wide and not solely spent within the city?"*

*"Is the sum of £50,000 sufficient with regard to the matter of Electric Car Charging Points?"*

*"Have specific roads been identified for resurfacing and or drainage works in order to prevent localised flooding?"*



## 4 Overview & Scrutiny In Numbers 2019—20

**15** Scheduled Policy Development &  
Scrutiny Panel meetings held

**3** Special additional  
briefing meetings held

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**2** Call—ins  
received

**15** Questions submitted  
to the three Overview  
& Scrutiny Panels

**37** Topics considered by the  
PDS Panels

## Clean Air Zone (CAZ) consultation

In 2017, the government told Bath & North East Somerset Council to reduce NO<sub>2</sub> pollution in the city to below legal thresholds in 'the shortest possible time' and by 2021 at the latest. Our in-depth technical work (lasting over 18 months) showed that a charging clean air zone – geographical area where a fee is levied to deter drivers of higher emission vehicles – is the only measure that will ensure compliance in the time frame.



Scrutiny has been involved at every stage of the CAZ development.

During 2019-2020 the Climate Emergency & Sustainability Panel have played a key role in the CAZ project through giving officers the confidence that they had conducted the public consultations in a thorough manner, ensuring that they were reaching as many sectors of the community as possible through their own contacts. Members also challenged the plans of how B&NES were approaching implementation of such a complex scheme and provided ideas on how this could be improved further.

# Key Achievements 2019-20

## Climate Emergency Action Planning

B&NES as a Council made a decision to declare a Climate Emergency in March 2019 and pledged to provide the leadership to enable carbon neutrality in the district by 2030. The Climate Emergency & Sustainability Panel received a briefing in March 2019 to bring all members up to date with the timescales and plans for reviewing the Councils strategies and Plans.

The Panel reviewed the action plan of the Climate Emergency work at its March 2020 meeting. Panel Members wanted to ensure that residents could see the action plan and have a clear understanding of all of the different pieces of work going on. Recommending that the branding for all of the climate emergency work is considered, so that the council can show which projects are helping towards this.

*“Retrofitting should be the priority as that is where most carbon emissions come from?”*

*“Are there any quick wins? As it can be useful to be able to point to the practical steps that we are making?”*

**The Panel resolved to play a key role in the alignment of all the Councils strategies and plans where possible.**

# Snapshot of some Key Achievements 2019-20

## Food Poverty Action Plan

The Children, Adult, Health & Wellbeing Panel have been actively involved in the process and timeline for developing a food poverty action plan for B&NES and investigating the refresh of the B&NES Food Strategy. Food poverty is defined by the Department of Health and Social Care as 'the inability to afford, or have reasonable access to, food that makes up a healthy diet.' This was in response to the Council passing a motion on Food Poverty on 11th July 2019 requesting that the Panel work with local organisations and develop recommendations for a Food Poverty Action Plan for Bath and North East Somerset; and that the Cabinet investigate refreshing the Local Food Strategy for Bath and North East Somerset.

A Food poverty Action Plan was presented to the Panel during March 2020. The Panel commented on the proposed approach and indicative timeline for developing the Food Poverty Action Plan and investigation of the refresh of the B&NES Food Strategy.

The Panel considered ways in which elected members can support community engagement in development of the Food Poverty Action Plan. Two members of the Panel volunteered to sit on the formation of a local steering group to help drive the work and support its implementation.

## Snapshot of some Key Achievements 2019-20

An update on the progress and key achievements to date and a presentation of the draft food poverty action plan was taken to the panel at its 14th July Panel meeting for comment.

The steering group was set up at the end of March, at the start of the Government lockdown period in response to COVID-19. This helped to coordinate and improve communication around food supply and distribution in the area, and emphasises the increased demand for welfare support, food aid and other forms of support.



*“The chair Vic Pritchard, stated that It’s magnificent that we have been able to get this up and running before the COVID-19 Pandemic lockdown and fulfil our obligations”*

*“Cllr Jess David stated that “One campaign that has been suspended is the fruit & Veg for infant school children and recommended to the group that this area could be potentially looked at locally. For example, looking at growing our own food and working with school networks to improve access.”*

On the 27<sup>th</sup> May 2020, the Corporate Policy Development & Scrutiny Panel and the Chairs & Vice Chairs of the remaining two Panels met to review the COVID-19 update report and position statement. The position statement summarises the Council's local response to the COVID -19 Pandemic. It sets out the interim governance arrangements put in place to enable the Council to take quick and decisive action to effectively manage the impacts of the coronavirus as they arise.

Page 38 The COVID-19 briefing Paper was circulated to members of all three scrutiny Panels before the meeting to allow any comments or recommendations to be fed in through the relevant Chair & Vice Chair.



Despite a full discussion at panel and due to the pressure of time it was agreed to carry out further scrutiny. The Chair therefore proposed that a Task and Finish Group was set up with the membership of the current Policy Development & Scrutiny Panel Chairs & Vice Chairs to discuss in more detail some of the questions raised. The findings of the Task & Finish Group were then discussed at a special Corporate Policy & Development Panel meeting on the 30th June 2020 and then presented to Cabinet at its meeting on the 2nd July.

# Responding to the Covid –19 Emergency 2020

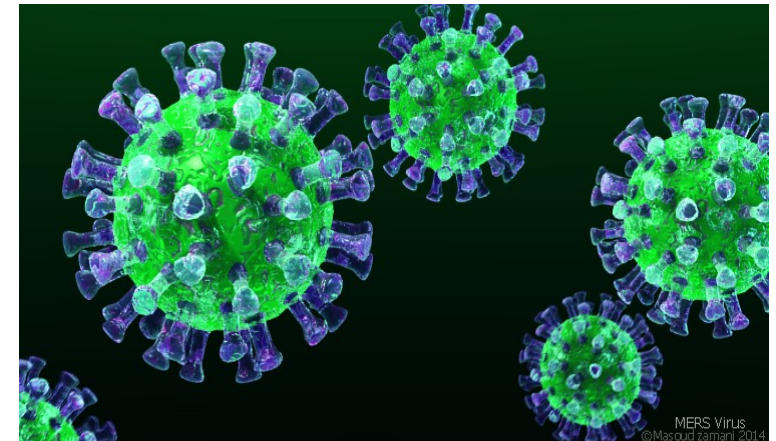
## Recommendations from the Task & Finish Group

1. Further work required to convey the budget deficit in a simple context, which can be clearly communicated to our local community.
2. Explanation is required as to what levers are required to managed our financial deficit.
3. Clarity was requested on the timescales for delivering the different approaches as well as details of the formal process to be used to ensure the effective scrutiny of pre plans and strategies.

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## Conclusions from the Task & Finish Group

The Task & Finish Group concluded that without being able to understand all the assumptions, it was difficult to conclude whether more needed to be done now to avert a deepening of the financial crisis. Or alternatively whether it is justified to take time to see how the situation develops in the coming months.



## 7 Topic List - (May 2019—March 2020)

### Climate Emergency & Sustainability Panel

Clean Air Zone Charging Order  
Review of statement of licensing Policy & Cumulative Impact Area  
Corporate Strategy Framework  
Council House Building  
Programme update  
Pitting Review  
Clean Air Zone update  
Draft Homelessness & Rough Sleepers initiative  
Parking Charges  
Corporate Strategy  
Climate Emergency Action Plan  
Waste Strategy 2020-30

### Corporate Panel

Revenue & Capital Outturn 2018/19  
Corporate Strategy Framework  
Revenue and Capital Budget Monitoring/ Cash limits and Virements ( April 2019-July 2019)  
Medium Term Financial Strategies & Corporate Plan Update  
People Strategy  
Council Company Accounts 2018/2019  
Protocol on Council Company Governance  
The Call in of decision E3181, 23 Grosvenor Place, London Road – Surrender of existing Guinness House Association lease  
Corporate Strategy  
Draft Budget  
E3191 - Proposed Asset Transfer of Land at North Parade Road to the Bath Cricket Club at Less Than Best Consideration

### Children, Adult, Health & Wellbeing Panel

Governance arrangements for community Safety and Safeguarding in B&NES  
Relocating Services from the RNHRD to the RUH  
Virgin Care – Performance Update  
LSCB & LSAB Annual Report 2018/19  
Independent Reviewing Officer (IRO) Annual Report 2018/19  
Children's Services Representations, Compliments and Complaints Report 2018/19  
Care and Support Charging and Financial Assessment Framework  
Corporate Strategy  
Outcome of Maternity Service Reconfiguration  
Care and Support Charging and Financial Assessment Framework  
Food Poverty Action Plan  
Independent View of Virgin Performance  
Exploitation of Children & Adults  
Unregulated Placements



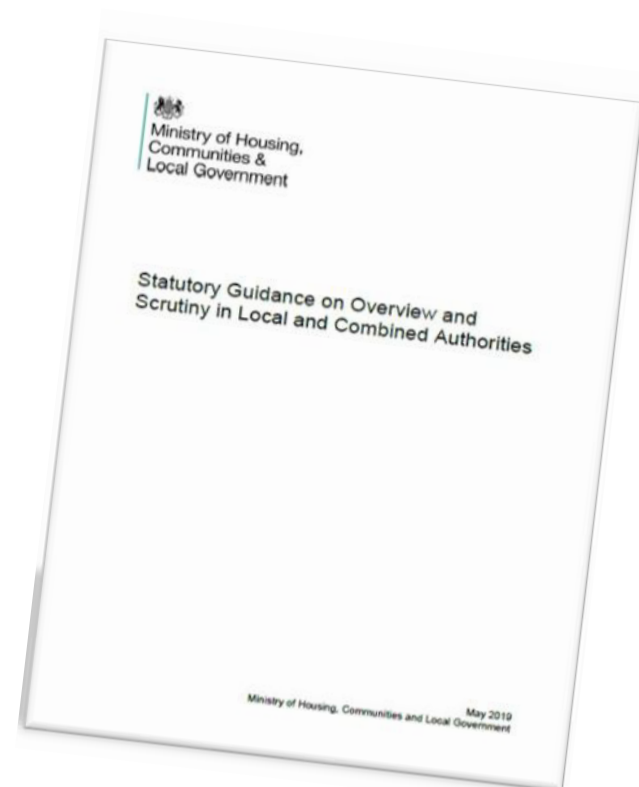
## 8 Member Development

### **New Statutory Guidance for Council and Combined authorities was issued in May 2019**

- The guidance encourages councils to embrace the benefits of scrutiny to achieve value for money, improve services and address the public's concerns.
- First guidance to be issued since 2006
- This was presented to newly elected councillors during the induction training process

The Panels received individual briefings on:-

- **The current Health Partnership**, this was an opportunity to consider key partnership and governance arrangements across the local health and care system and the role of PDS within that.
- **Understanding B&NES progress with the Climate Emergency**
- **Budget Scrutiny training and an understanding of Equalities & Decision making**



### What is a call-in?

Scrutiny legislation allows for a Scrutiny Panel to investigate, make reports and recommendations on Cabinet decisions that have been agreed but not yet put into action. Legislation allows for action on these decisions to be suspended pending such a Scrutiny investigation. This process is referred to as a scrutiny 'Call-in'. Following any scrutiny call-in, the Scrutiny Panel may request Cabinet reconsider its decision on the basis of the further evidence gathered.

The **Corporate Panel reviewed two Cabinet decisions**. The first call-in meeting took place on **January 13th 2020, on '23 Grosvenor Place, London Road'** – which reviewed the original Approval agreement to surrender the existing occupational lease, subject to payment of a reverse premium by the Council to the tenant.

The Panel voted to **uphold the call-in**, which means that the decision was referred back to Cabinet along with a number of recommendations.

The **Cabinet accepted all the recommendations:**

- *Agreeing consideration to ways in which the transparency of property related decisions can be improved.*
- *The case for any ring fencing of a capital receipt to be reinvested in future social housing schemes.*
- *Discussions will be held with Guinness on reinvestment within B&NES of any receipt they receive as part of the appraisal.*

On **February 10th 2020** the **Corporate Panel** also reviewed the Cabinet decision, the '**Proposed Asset Transfer of Land at North Parade Road to the Bath Cricket Club at Less than Best Consideration**'.

The Panel voted again to **uphold the 'Call-in'**, which means that the decision was referred back to Cabinet along with a number of suggestions to reconsider.

### The Cabinet accepted

- *A new process to ensure that information relating to Council land ownership is clearly communicated to the Cabinet member prior to planning applications being determined.*
- *To publish details of the community benefits at the earliest possible opportunity.*
- *That Bath Cricket Club will also enter into a contractual agreement with the Council, by way of a Deed, obliging the Club to deliver the community benefits and will provide evidence to the Council annually of the activities being delivered.*

**Following the two Call-in's a full review is being carried out of our Property Services team and the findings of which will be brought back to the Corporate Panel.**



Our PDS Panels work closely with a wide selection of groups, organisations and individuals. We welcome the opportunities to hear from members of the public at our Panel meetings whose input is important in understanding the concerns and needs from our community.

In the past individuals, campaign groups and local organisations have been involved in our Call-in meetings, presented at Scrutiny Inquiry Days, fed into scrutiny review work and provided briefings to inform Panel members on key topics.

Without positive, trusting and mutually beneficial relationships, the work of the PDS Panels and the Select Committee would not be nearly as valuable.

## How to get involved in scrutiny

- **Attend meetings** - All our scrutiny meetings are open to the public and you are welcome to come along and listen to the debate and discussion. *Please note that reports may be considered in private if they contain confidential information.*
- **Ask a question or make a point** - All we ask is that if you want a formal detailed response, please let us have details of the question five days in advance.
- **Present a petition** – You can present a petition to a meeting or follow updates on a petition you have submitted.
- **Request a review** - If there is something you think scrutiny should look at, then let us know. Contact a Scrutiny Chair or Member of the Panel/ Committee or contact Scrutiny directly.
- **Consultation and participation** - You could be asked for your views on an issue or be invited to provide specialist knowledge you might have by being a witness in a scrutiny review. You are also free to offer your knowledge on any on-going reviews.

**For further information about this document, or to get involved, please contact:**

**Senior Scrutiny Officer**

**Donna Vercoe (01225) 396053**

**For specific Committee enquiries, please contact:-**

**Democratic Services Officer**

**Mark Durnford (01225) 394458**

Children, Adult, Health & Wellbeing Panel  
Corporate Panel

**Senior Democratic Services Officer**

**Michaela Gay (01225) 394411**

- Climate Emergency & Sustainability Panel

**All correspondence to:**

Policy Development and Scrutiny

Bath and North East Somerset Council

The Guildhall, Bath,

BA1 5AW

If you require this document in a different format (such as Braille, large print etc.) or have any further comments on this report or any aspects of the work of policy development and scrutiny, please contact us.

## Bath and North East Somerset Council

### Full Council 10 September 2020

#### Parental Leave Policy

##### Labour Group to move:

##### Council notes:

- 1 That analysis of the 2019 Local Election results by the Fawcett Society found that only 35% of councillors in England are women, up 1% since 2018. Of the seats that were up for election in 2019, 35% went to women, up just 3 percentage points on 2015 when these seats were last contested.
- 2 As of October 2019, 27 councils have passed the LGA Labour Group's Parental Leave policy, and an additional 9 councils have their own parental leave policy in place.
- 3 In 2019, the LGA co-produced the 21st Century Councils Equalities Toolkit with MHCLG. The toolkit recommends that councils adopt a parental leave policy, and they link to the LGA Labour's Parental Leave policy as a model to adopt.

##### Council believes:

- 4 That the role of a councillor should be open to all, regardless of their background, and that introducing a parental leave policy is a step towards encouraging a wider range of people to become councillors, and is also a step to encourage existing councillors who may want to start a family to remain as councillors.
- 5 That parental leave must apply to parents regardless of their gender, and that it should also cover adoption leave to support those parents who choose to adopt.

##### Council therefore resolves:

- 6 To adopt the parental leave policy (attached) to give all councillors an entitlement to parental leave after giving birth or adopting.
- 7 To ensure that councillors with children and other caring commitments are supported as appropriate.
- 8 To provide the leadership to support town and parish councils to adopt a similar approach.

- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
- *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*

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## **Parental Leave Policy for Councils**

### **Introduction**

This Policy sets out Members' entitlement to maternity, paternity, shared parental and adoption leave and relevant allowances.

The objective of the policy is to ensure that insofar as possible Members are able to take appropriate leave at the time of birth or adoption, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave taken.

Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of local authority councillors. It will also assist with retaining experienced councillors – particularly women – and making public office more accessible to individuals who might otherwise feel excluded from it.

There is at present no legal right to parental leave of any kind for people in elected public office. This applies to MPs as well as councillors, and has been the subject of lengthy debate. These policies can therefore only currently be implemented on a voluntary basis, although Labour Councils are encouraged to implement them as per the Labour Party Democracy Review which has called for Labour-controlled councils and Labour Groups to adopt a parental leave policy. Discussions are ongoing about changing the law to enable compulsory provision, but until then these policies constitute best practice which Labour Groups (and the councils they control) are strongly advised to adopt.

Legal advice has been taken on these policies, and they conform with current requirements.

### **1. Leave Periods**

1.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required.

1.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.

1.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.

1.4 Members shall be entitled to take a minimum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren).

1.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.

1.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 50 weeks. Special and exceptional arrangements may be made in cases of prematurity.

1.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.

1.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six month period.

1.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

1.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

## **2. Basic Allowance**

2.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.

## **3. Special Responsibility Allowances**

3.1 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.

3.2 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.

3.3 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the



next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six month period.

3.4 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.

3.5 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

#### **4. Resigning from Office and Elections**

4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.

4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

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**Bath and North East Somerset Council**

**Full Council meeting 10<sup>th</sup> September 2020**

**Conservative Group Motion on Restoring Council Service Levels**

**To be proposed by Councillor Paul Myers**

**Council:**

1. Recognises residents pay Council Tax to receive in return a range of publically accessible services.
2. Believes that during the Covid19 Pandemic many of these services have continued at reduced levels or they have been stopped altogether. The public have been tolerant and even supported these restrictions but increasingly they are losing patience with such reductions in service and restricted access.
3. Recognises that following the Covid19 Pandemic the Council is a public servant and must honour its obligations to its residents as soon as possible.

**Council therefore requests:**

That this Council commits to restoring to pre-Covid19 Pandemic service levels, as a matter of urgency, all its outward facing services and that Scrutiny be asked to review this in due course.

- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
- *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*

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## **Bath and North East Somerset Council**

### **Full Council meeting 10 September 2020**

#### **Liberal Democrat Motion on the Local Electricity Bill**

**To be proposed by Alastair Singleton**

Council notes:

1. An increase in the provision of locally generated, renewable electricity is needed to help tackle the climate emergency.
2. One of the three immediate priorities for action, identified in the Climate Emergency Progress Report to Council (October 2019) was “a rapid and large-scale increase in local renewable energy generation”.
3. Local renewable energy generation may also support the local economy towards a green recovery from the Covid-19 crisis, supporting jobs, services and energy security.
4. Community-scale renewable energy projects are blocked from becoming direct energy suppliers due to the very high setup and running costs involved as well as excessive regulations.
5. Making costs proportionate to the scale of a renewable electricity supplier’s operation would create significant opportunities for locally generated renewable electricity to be supplied directly to local people and businesses.
6. The Local Electricity Bill would establish a Right to Local Supply, which would promote local renewable electricity supply companies and co-operatives by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply operation.
7. The Bill has received the support of 198 Members of Parliament and is co-sponsored by a cross-party group of MPs, including Bath MP Wera Hobhouse.

Council therefore resolves to:

8. Support the Local Electricity Bill and the Power for People campaign.
9. Write to relevant Government Minister(s) and local Members of Parliament, informing them of the Council’s support for the Bill and request that they support the Local Electricity Bill to become law.
10. Write to the Power for People campaign, expressing the Council’s support for the campaign and the Local Electricity Bill.

- *Unless where specifically set out in the statute, motions approved at Council do not bind the Executive (Cabinet) but may influence their future decisions.*
- *Councillors are reminded of their public sector equality duty which requires the Council to consider or think about how their policies or decisions may affect people who are protected under the Equality Act.*

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