

Wednesday, 10th October, 2012

**Present:**

Councillor Paul Crossley	Leader of the Council
Councillor David Dixon	Deputy Leader and Cabinet Member for Neighbourhoods
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth

**71 WELCOME AND INTRODUCTIONS**

The Chair was taken by Councillor Paul Crossley, Leader of the Council.  
The Chair welcomed everyone to the meeting.

**72 EMERGENCY EVACUATION PROCEDURE**

The Chair drew attention to the evacuation procedure as set out in the Agenda.

**73 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillors Tim Ball and Roger Symonds

**74 DECLARATIONS OF INTEREST**

There were none.

**75 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was none.

**76 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 20 questions from the following people: Councillors Geoff Ward, Tim Warren (3), Anthony Clarke (3), Eleanor Jackson (2), Vic Pritchard (2), Charles Gerrish (2), Brian Webber (6), Patrick Anketell-Jones.

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

**77 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR**

## COUNCILLORS

Gillian Risbridger made a statement [*a copy of which is attached to these Minutes as Appendix 2 and on the Council's website*] asking Cabinet to support proposals for a 20mph Speed Limit on Wells Road, Bath, and presented a petition to Cabinet of 87 signatures: "We the undersigned wish to show our support for a 20mph speed limit on Wells Road".

The Chair said that he would refer the petition to Councillor Roger Symonds for his consideration and response in due course.

Amanda Leon read a statement on behalf of George Bailey (Radstock Action Group) [*a copy of which is attached to these Minutes as Appendix 3 and on the Council's website*] making a number of points as the group's response to the study

### 78 MINUTES OF PREVIOUS CABINET MEETING

On a motion from Councillor Paul Crossley, seconded by Councillor David Dixon, it was

**RESOLVED** that the minutes of the meeting held on Wednesday 12<sup>th</sup> September 2012 be confirmed as a correct record and signed by the Chair.

### 79 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

### 80 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

### 81 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

There were none.

### 82 GRAND PARADE AND UNDERCROFT

Councillor Brian Webber said that he wished the project well and was delighted that plans were being made to bring the Undercroft back into public use.

Councillor Peter Anketell-Jones agreed, but felt that there was a flaw in the plan because it would not mitigate the coasts of the Guildhall, as was apparently anticipated. The project lacked a clear objective, and not enough detail had been given to enable Cabinet to make an informed decision.

Councillor David Bellotti in proposing the item, said that a successful meeting had been held with the market traders, who were excited about the new opportunities it would provide. He explained that the plans included a mix of retail, leisure and food outlets which would be a valuable use of an area which was currently wasted space. The project would not be about the Council spending large sums of money because the Council was seeking partners to achieve the project. He felt that the timetable

was ambitious but achievable. He explained that he would be moving slightly different proposals from those recommended in the officer report because a further report would only be brought to Cabinet if a further decision was required.

Councillor Cherry Beath seconded the proposal and said that the Cabinet was keen to develop the underused areas of Bath. She was confident that good progress would be made towards bringing the colonnades back into public use.

On a motion from Councillor David Bellotti, seconded by Councillor Cherry Beath, it was

**RESOLVED** (unanimously)

(1) To AGREE that a detailed consultation exercise should be undertaken with key stakeholders and the general public;

(2) To AGREE that a development brief should be produced, taking into account the feedback from the consultation exercise, to enable a development partner to be procured;

(3) To ASK the Chief Property Officer to produce a full viability appraisal and options report on the opportunities under consideration; and

(4) To AGREE that on completion of the above recommendations, if required, a further report will be submitted to Cabinet for approval.

**83 SCHOOL FUNDING REFORM - CONSULTATION RESPONSES FROM SCHOOLS**

Councillor Eleanor Jackson in an *ad hoc* statement expressed surprise that St Mary's Writhlington was apparently not considered to have any pockets of deprivation. She asked for clarification of the definition used for deprivation.

Councillor Dine Romero in proposing the item, said that deprivation was not an exact science; the DfE were proposing to use fewer factors in the definition, including measures of special educational need, free school meals, and others. She thanked the officers for the hard work they had done in preparing the consultation and assessing the responses.

Councillor Romero explained that there would be a cap on losses and gains until 2014/15, to mitigate the effects of the new formula. She moved that option (2) of the 3 options should be the one adopted by Cabinet, because it retained funding at 7% rather than reducing it to 6%, and it balanced the weighting equally between the IDACI index and the free school meals figures. She felt that this addressed concerns that the IDACI index did not adequately reflect rural deprivation.

Councillor Paul Crossley seconded the proposal. He emphasised that changing any funding formula was always difficult which was why the Cabinet had wanted to consult with schools before making the changes. The proposals would meet the government's requirement that the funding formula must recognise social deprivation.

On a motion from Councillor Dine Romero, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To AGREE that option 2 is submitted as the methodology to be adopted by Bath and North East Somerset Council from April 2013. This reflects an amendment to the

proposal for the funding of Deprivation changing the split of resources between the Income Deprivation Affecting Children Index and free schools meals to 50:50 split. (Compared with the 75:25 split in the consultation proposal)

#### **84 DCLG WEEKLY COLLECTION SUPPORT FUND**

Councillor Michael Evans in an *ad hoc* statement said that he hoped the Council would support weekly collections, even if the funding application was not successful.

Councillor Eleanor Jackson agreed with Councillor Evans that weekly collections were important to local communities.

Councillor Geoff Ward in an *ad hoc* statement emphasised that there was good evidence that moving to fortnightly collections increased the pest problems associated with waste.

Councillor David Dixon in proposing the item, said that weekly collections were a luxury rather than a statutory service; but the Cabinet had high hopes of retaining weekly collections at least until 2016/17 if the application for £1.6M from DCLG was successful. He observed that the food waste collection was weekly and gave credit to Councillor Charles Gerrish, who had introduced that scheme. He said that Cabinet still aimed to increase the recycling rates in the authority.

Councillor Paul Crossley seconded the proposal. He said he was passionate about recycling and hoped the government would keep its pledge. He pointed out that if the funding was not awarded, then the issue of weekly residual waste collection would have to be considered by the Council.

On a motion from Councillor David Dixon, seconded by Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To AGREE that if a funding award is made by DCLG from the weekly collections support fund:

(a) The Council commits to keeping a weekly refuse collection service until 2016/17 and, assuming that the award is for the full amount of the bid, allocates £1.6 million to do this;

(b) The Council allocates the remainder of the funding awarded to projects which are designed to minimise and recycle more waste.

(2) To DELEGATE authority to the Divisional Director of Environmental Services in consultation with the Cabinet Member for Neighbourhoods to agree the detail of the award and the delivery of associated projects with DCLG; and

(3) To NOTE that Council as part of its budget setting process will consider the allocation of resources towards achieving its waste and recycling objectives in the light of the money available from DCLG and the conditions attached thereto.

#### **85 HOUSES IN MULTIPLE OCCUPATION IN BATH - SUPPLEMENTARY PLANNING DOCUMENT**

Councillor Will Sandry in an *ad hoc* statement thanked the Cabinet for addressing the issue. He felt that the report contained a robust study of the issues and the consultation. He recognised that some students would have concerns but he hoped that when they saw the full details they would be persuaded that the proposals were fair.

Councillor Geoff Ward said he appreciated that Councillor Tim Ball had involved him at an early stage of thinking. He remained concerned however that the Article 4 approach would generate a high volume of applications and appeals which would prove very challenging to the Planning Department. He was not convinced that special licensing would solve the HMO problem and felt that the money would have been better spent on enforcement.

Councillor Paul Crossley in proposing the item, said that he and the Chief Executive had met recently with students and the Vice Chancellors of both universities. They had called on homes in Lawn Road and Shaftesbury Road to get a measure of the balance between HMO and family houses. He explained that the enforcement route would have the effect of reducing student accommodation and would damage some communities.

Councillor Crossley emphasised that the proposals would not reduce the number of HMOs, but would make communities more mixed. He emphasised that Cabinet was being asked to agree to consultation, not to make a final decision. He asked Councillor Ward to submit his comments on enforcement during the consultation period.

Councillor Simon Allen seconded the proposal.

Councillor David Dixon said that the issue was not only the impact of HMOs but was about bringing homes back into use for families. He related that people selling their homes are often inundated with offers from landlords wanting to convert the home to an HMO and felt that this created a false market which he hoped would soon level out.

On a motion from Councillor Tim Ball, seconded by Councillor Simon Allen, it was

**RESOLVED** (unanimously)

(1) To AGREE the Houses in Multiple Occupation in Bath: Supplementary Planning Document (Consultation Draft) for public consultation;

(2) To DELEGATE authority to the Divisional Director of Planning & Transport, in conjunction with the Cabinet Member for Planning and Housing, to make final graphic and minor textual amendments prior to publication of the Draft Houses in Multiple Occupation in Bath Supplementary Planning Document;

(3) To NOTE the responses from the Article 4 Direction public consultation in response to the "intention to implement" notice (Appendix B) and the findings presented in the Stakeholder workshop report; and

(4) To NOTE the Equalities Impact Assessment of the draft SPD and the draft Sustainability Appraisal Scoping Report.

## **86 PERSONAL BUDGETS: REVIEW OF POLICY FRAMEWORK & RESOURCE ALLOCATION (PROGRESS REPORT)**

Councillor Charles Gerrish in an *ad hoc* statement declared that he had a non-prejudicial interest in the issue. He said that he understood the aims of the proposals but was concerned that it was intended to achieve those aims within a 12-month period. He felt that this would lead to difficulties and that this would then increase the costs of residential care. He asked Cabinet to consider increasing the transitional arrangements to a longer period.

Councillor Simon Allen in proposing the item, said that the report was a progress report only. The Council had been a pilot council for the introduction of personal budgets, the aim of which was to give more choice and control to the individual. During the pilot scheme, the Council had developed its own policies which it now found were not totally in line with the national policies. The Council needed therefore to agree ways to come into line with national policies.

He thanks Councillor Gerrish for his comments, which would be fed into the consultation, and promised that the item would come back to Cabinet at a later date for adoption to ensure a fair and equitable process.

Councillor Paul Crossley, in seconding the proposal, said he felt that personal budgets were an important way to empower clients and he was pleased that after being involved in the pilot scheme the Council was now taking steps to catch up with best practice.

On a motion from Councillor Simon Allen, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To AGREE that, based on the modelling contained in the main report, the percentile model for calibrating the national RAS locally is further explored and tested;

(2) To AGREE that, based on the above recommendation, further engagement and consultation with service users, carers and social care staff takes place;

(3) To AGREE that, based on the modelling contained in the main report, scenario 4 of the five transitional scenarios is adopted when roll out of the national RAS begins; and

(4) To AGREE that implementation of the national RAS should take place in early 2013 following a period of statutory consultation.

## **87 LOCALISM ACT 2011- ASSETS OF COMMUNITY VALUE**

Councillor Paul Crossley in proposing the item, reported that an issue raised with him during consultation related to criterion C2 of Appendix 1, with a request which would have the effect of broadening the evidence base for satisfying the criterion. He explained that he intended to pass on the request to the Divisional Director, Policy and Partnerships, if Cabinet agreed to delegate to him the power to amend the document.

Councillor Simon Allen seconded the proposal. He felt that the proposals were evidence of one of the most positive aspects of the Localism Act and would be very beneficial to communities in the area.

On a motion from Councillor Paul Crossley, seconded by Councillor Simon Allen, it was

**RESOLVED** (unanimously)

(1) To DELEGATE authority to the Divisional Director, Policy and Partnerships for decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011, drawing on the decision-making guidance as set out in the report (or, in the event of this Divisional Director having a conflict of interest, to a Divisional Director nominated by the Strategic Director-Resources);

(2) To DELEGATE authority to the Divisional Director Policy and Partnerships for decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law;

(3) To AGREE that the internal review process in relation to listing be undertaken by a Divisional Director not involved in the initial decision;

(4) To DELEGATE authority to the Divisional Director Property Services to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in the report; and

(5) To AGREE that an Annual Review of listing decisions be prepared.

## **88 BETTER BUS AREA GRANT**

David Redgewell in an *ad hoc* statement asked the Cabinet for assurances about accessible buses. He reminded Cabinet of a number of authorities which had achieved 100% accessible buses and asked how long the Council would hang on to its old buses. Since the Council had pioneered quality partnerships, why had it not worked with First to ensure DDA compliance? He stressed that in all of its contracts the Council should insist on the use of low floor buses.

Councillor Charles Gerrish in an *ad hoc* statement expressed concern that First Bus had recently cut services further. The Council should be working to increase the number of people served by buses, but the proposals were only enhancing existing routes instead of expanding services.

Councillor Paul Crossley in proposing the item, agreed that there must be a clear aim to work towards having all low floor buses. He said however that if the alternative was to have no bus at all, that was not a desirable option. He stressed that the Council would not allow itself to become dependent on one large service provider and would continue to work with the smaller providers. The approach would be to secure the grant funding and then continue to improve.

Councillor David Dixon in seconding the proposal said that he agreed that it was important to move towards accessible buses.

On a motion from Councillor Paul Crossley, seconded by Councillor David Dixon, it was

**RESOLVED** (unanimously)

(1) To ACCEPT the Better Bus Area Grant funding to:

(a) Upgrade bus stops on A431 Kelston Road;

(b) Expand Real Time Information; and

(c) Promote multi-operator ticketing scheme.

## **89 DEVELOPMENT, REGENERATION, SKILLS AND EMPLOYMENT AGENDA**

David Redgewell in an *ad hoc* statement emphasised the importance of upgrading the rail corridor and felt that there was not enough in the report about this.

Councillor Eleanor Jackson in an *ad hoc* statement said that she was pleased to see that the report in paragraph 4 acknowledged the importance of developing local action plans for Radstock, Westfield and Midsomer Norton. But she felt that the

Radstock Economic Forum had done little and asked for real action in future. She welcomed the plans for a creative hub for Bath, but said that the Somer valley must also be given similar opportunities. She referred to paragraph 5.23c where Radstock and Midsomer Norton regeneration were listed as priorities, but asked Cabinet to explain how and when the £500K promised for the area in the budget would be spent.

Councillor Cherry Beath in proposing the item, said that she was delighted to bring the proposals to Cabinet. The report had a very wide ranging scope and showed that the Council's new priorities had people at the heart. She agreed with David Redgewell that transportation improvements would be crucial to economic growth. Cabinet were trying to link up the rail networks, in addition to creating employment opportunities.

Councillor Beath responded to Council Jackson by saying that there were plans for the promised £500K which would become clear soon. She reminded the previous speakers however that this report had not been intended to be a detailed report about the sources of funding, but rather was an indicator of how the Council was working with possible partners to achieve its aims.

Councillor David Bellotti said that he was delighted to second the proposal. He observed that economic growth would be derived from investment by the private sector. He referred to paragraph 3.1 of the report, which made it clear that all the proposals were subject to funding agreement in the Council Budget. He was delighted to see the intention to introduce apprentices in the key development sites.

Councillor David Dixon referred to appendix 1 paragraph 1.14, which showed that the Radstock Road scheme was a key objective for the next 12 months

Councillor Simon Allen welcomed the socially responsible attitude to regeneration, particularly the commitment to creating more adaptable "homes for life" so that older people could live independently; and the commitment to ensure that new developments would meet the requirements of the Public Health Framework. He responded to Councillor Jackson's comment about the Radstock Economic Forum by observing that the forum had met recently; a wide range of local businesses were involved; and the members were determined to work together for the benefit of the town.

Councillor Paul Crossley responded to David Redgewell by saying that although the report did not give enough detail about the rail corridor upgrade, it had not been intended to be that detailed. However, he reminded the meeting that great progress was being made on the Saltford Station business case and on the Bathampton Park and Ride idea. This was evidence that the Cabinet was taking steps to link communities. He responded to Councillor Jackson's enquiry about the plans for the £500K by saying that he would soon be putting out ideas for discussion because he believed that the Council had an opportunity to meet the needs of Radstock along with the whole of the area.

On a motion from Councillor Cherry Beath, seconded by Councillor David Bellotti, it was

**RESOLVED** (unanimously)

(1) To AGREE the underlying principles and outcomes the Cabinet seeks to achieve by pursuing their Development, Regeneration, Skills and Employment agenda in accordance of the Council's refreshed Corporate Plan, Vision and Priorities;



- (2) To NOTE the change in focus and priority of the Development, Regeneration, Skills and Employment agenda;
- (3) To ENDORSE the programme and priorities for action;
- (4) To AGREE that engagement with the business community, developers, investors, universities, colleges, heritage and conservation bodies and cultural organisations should be carried out to ensure effective delivery of the agenda and integration with the City Identity project;
- (5) To AGREE that specific and focussed capacity is directed to driving forward the agenda through the Service Action Plan process; and
- (6) To AGREE that financial papers be developed to support specific proposals at the appropriate stage.

The meeting ended at 8.15 pm

Chair \_\_\_\_\_

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

**Prepared by Democratic Services**