

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **MINUTES OF COUNCIL MEETING**

Thursday, 13th September, 2012

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Michael Evans, Paul Fox, Andrew Furse, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Katie Hall, Liz Hardman, Steve Hedges, Eleanor Jackson, Dave Laming, Malcolm Lees, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, June Player, Vic Pritchard, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Peter Edwards, Alan Hale, Malcolm Hanney, Nathan Hartley, Les Kew, Marie Longstaff and Bryan Organ

#### **39 EMERGENCY EVACUATION PROCEDURE**

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

#### **40 DECLARATIONS OF INTEREST**

Councillors Eleanor Jackson, Vic Pritchard and Sally Davis all declared an 'other' interest in item 12 as Councillor representatives on Sirona Care & Health Community Interest Company. Councillor Loraine Morgan-Brinkhurst MBE declared an 'other' interest as Board Member of Sirona Care & Health Community Interest Company.

#### **41 MINUTES - 19TH JULY 2012**

On a motion from Councillor Paul Crossley, seconded by Councillor Francine Haerberling, it was

**RESOLVED** that the minutes of the meeting of 19<sup>th</sup> July 2012 be approved as a correct record and signed by the Chairman.

#### **42 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman made the following announcements;

1. He asked everyone to turn their phones to off/silent and reminded members of the public that some Councillors were accessing their meeting papers on their iPads.

2. He thanked everyone for sponsoring him for the walk he was doing the following Sunday. He also welcomed the news that Cllr Dave Dixon was intending to run the Bath Half Marathon and was hoping for volunteers to join his team. The Chairman hoped that they might choose one of his chosen charities.
3. He informed the Council of the death in early August of former Labour Wansdyke District and Peasedown Parish Councillor, Mrs Esme Latchem and asked for condolences to be passed to Mrs Latchem's family.
4. He referred to the agenda timings, and asked everyone to keep contributions relevant and not to repeat comments already made.
5. He indicated that he proposed to waive Council Rule 37 so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished to speak, to do so when they seconded the motion or amendment. The Council indicated its agreement.
6. He invited Councillor Paul Crossley to announce the new Cabinet appointment of Councillor Dine Romero as Cabinet Member for Early Years, Children and Youth, which he duly did.

*[A referral was made to the Monitoring Officer to bring to Council in the next review of the Constitution an amendment to Council Rule 37 so that the above point 5. does not need to be agreed at each meeting.]*

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

There were no items of urgent business.

#### **44 REPORT OF URGENT DECISION - ACQUISITION OF PROPERTY AT MILSOM STREET, BATH**

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

**RESOLVED** to note that, in accordance with the rules within the Constitution concerning Chief Officer's action (Urgency - Part 4 (G) rule 3), the Chief Executive took a decision on 2 August 2012 to authorise the acquisition of a property at Milsom Street; to authorise capital spend on the acquisition of the property and the necessary adjustments to the 2012/13 capital budget to reflect this approval; and to permit a temporary increase in the Council's authorised borrowing limit to provide for the financing of this investment (albeit the operational borrowing limit does not need to be increased as there are sufficient cash balances available in the short to medium term).

This decision was deemed as urgent and was taken following consultation with Political Group Leaders and the Chair of the Resources Policy Development and Scrutiny Panel; Section 151 Finance Officer; Chief Property Officer; and Monitoring Officer.

## 45 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements to the meeting were made by the following people;

- Sarah Ford presented a petition of 1,112 signatures and spoke in support. The petition called for the Council to abandon any idea of charging for parking in Midsomer Norton. In response to a question from Councillor Michael Evans whether Ms Ford considered that retailers and shoppers agreed with the view that increased footfall would be gained by charging for parking and thereby creating a greater turnover of shoppers, Sarah Ford responded that she did not agree with this view as most people want to go into town for longer, perhaps have a meal and stay for some time. Councillor Eleanor Jackson asked if Ms Ford was aware of an analogous situation in Radstock when Radco had started charging for parking leading to some shoppers going to Midsomer Norton instead, and enquired if she thought that this proposed charge might send shoppers back to Radstock. Sarah Ford responded that this might be the case. Councillor June Player asked Ms Ford whether she thought that, if this was implemented, it might lead to small individual traders having to close down. Ms Ford responded that she did think this would be a consequence. She added that some businesses had already had to close and she thought that effort should be made to encourage people to come to the town, not drive them away. The petition was referred to the Cabinet Member for Transport. [A copy of the statement has been retained on the Council's Minute book and added to the electronic record.]
- Simon Douglas, a GP in Radstock and member of the Clinical Commissioning Group, made a statement regarding joint working between the Council and the NHS. Mr Douglas praised the fantastic working relationship that had been established and recognised the significant progress that had been made towards a stronger and healthier route to delivering the best outcomes. As a GP treating patients, he welcomed the value of a response that encompassed not just health but social care too. The statement was referred to the Cabinet Member for Wellbeing.

## 46 YOUTH JUSTICE PLAN 2012-13

The Council considered the annual Youth Justice Plan which sets out work planned to prevent youth offending and re-offending across Bath & North East Somerset.

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

**RESOLVED** (unanimously)

1. To approve the Youth Justice Plan in accordance with the Crime and Disorder Act 1998;

2. To amend the wording of the 'Financial Implications' section of the report (paragraph 3.3) to include the words "including contributions made by other statutory agencies" at the end of the paragraph;
3. To adopt the Youth Justice plan as part of the Council's Policy and Budget framework;
4. To submit the Youth Justice Plan to the Youth Justice Board; and
5. That work is done to ensure that the next version of the Youth Justice Plan has a much more detailed plan on education and training as a means to reduce re-offending rates and prevent young people at risk of offending in the first place.

#### **47 WEST OF ENGLAND LOCAL ENTERPRISE PARTNERSHIP REVOLVING INFRASTRUCTURE FUND**

The Council considered a report asking them to endorse the aims and objectives of the West of England Revolving Infrastructure Fund and to develop and submit bids to the Fund.

On a motion from Councillor Paul Crossley, seconded by Councillor Cherry Beath, it was

#### **RESOLVED** (6 abstentions)

1. to agree that the aims and objectives of the West of England Revolving Infrastructure Fund, as set out in the report, are endorsed and that the Authority develop and submit bids to the Fund;
2. to note;
  - a. The agreed role of the RIF fund as a source of temporary cash flow funding to support development primarily within the agreed Bath City Riverside Enterprise Area and as a catalyst for growth;
  - b. The requirement for the means for repaying this funding to be agreed in advance including the underwriting of the repayment by the relevant host West of England Unitary Authority;
  - c. The need for each B&NES scheme to be approved through Council in accordance with normal practice for any new scheme appearing in the capital programme;
  - d. That the relevant Strategic Director, in consultation with the Section 151 officer, the Leader of the Council and relevant Cabinet Members, has the authority to submit bids for RIF funding but that final sign off for use of the funds will be subject to the approval process for capital schemes as set out above;

3. The Director for Place, in consultation with the Section 151 officer and the Leader of the Council, is authorised to specifically enter into a contract with the LEP for RIF funds to support the delivery of phase 1 of a Strategic Flood Mitigation scheme to enable the development of key river corridor sites in the Bath City Riverside E.A.
4. That the scheme set out in resolution 3. above is included in the Capital Programme for Provisional Approval subject to the Council's capital governance approval process and subsequent consideration for Full Approval by the Cabinet.

#### **48 CORPORATE PARENTING STRATEGY**

The Council considered the draft Corporate Parenting Strategy and offered comments to the Cabinet Member for Early Years, Children and Youth.

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

**RESOLVED** (unanimously)

1. To endorse the draft Corporate Parenting Strategy; and
2. To reaffirm the full Council's commitment to Corporate Parenting and its Pledge to Children and Young People in and moving on from care.

#### **49 FRAMEWORK FOR JOINT WORKING BETWEEN THE COUNCIL AND NHS (CLINICAL COMMISSIONING GROUP) FROM 2013**

The Council considered a report regarding proposed joint working arrangements with the NHS from April 2013.

On a motion from Councillor Simon Allen, seconded by Councillor Vic Pritchard, it was

**RESOLVED** (unanimously)

1. To agree that the Joint Working Framework, attached to the report, is approved as the basis for finalising joint working arrangements with the Bath & North East Somerset NHS Clinical Commissioning Group (CCG), due to be established on 1st April 2013;
2. To agree that the Chief Executive, in consultation with the Monitoring Officer and Chief Financial Officer, is authorised to approve the detailed documentation that will support this framework, such as an agreement for the secondment of staff and specific arrangements for pooled budgets; and
3. To agree that a Joint Committee of the Council and Clinical Commissioning Group should be established to oversee the joint working arrangements.

#### **50 FORMAL PROCEDURES FOR THE ADOPTION OF SCHEDULE 3 OF THE**

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1982**

The Council considered a report seeking agreement on the date upon which Schedule 3 takes effect, establishing transition dates and seeking authorisation for formal notices to be published and the licence fee approved.

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

### **RESOLVED** (unanimously)

1. to agree that Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 shall take effect in the boundaries of Bath and North East Somerset Council as from 25<sup>th</sup> October 2012 and that the Divisional Director for Environmental Services be authorised to publish the requisite notice about the passing of the resolution;
2. to agree that the first appointed day shall be the 25<sup>th</sup> October 2012, the second appointed day shall be the 25<sup>th</sup> April 2013 and the third appointed day the 25<sup>th</sup> October 2013;
3. to agree that an application fee of £3,995 is approved for the grant, renewal or transfer of a licence under Schedule 3 of the above Act; and
4. agree that the conditions contained in the adopted policy for Sexual Entertainment Venues are to be attached to each licence.

## **51 ANNUAL REPORT - CORPORATE AUDIT COMMITTEE**

The Council considered the annual report of the Corporate Audit Committee, detailing its work over the last year. In introducing the report, Councillor Andy Furse, Chair of the Corporate Audit Committee, thanked the Committee and commended the quality of the financial statements.

On a motion from Councillor Andy Furse, seconded by Councillor Geoff Ward, it was

**RESOLVED** (unanimously) that the annual report of the Corporate Audit Committee be noted.

## **52 ANNUAL REPORT OF AVON PENSION FUND**

The Council considered the annual report of the Avon Pension Fund which details the work it has undertaken in the previous twelve months and makes reference to the future work programme. Councillor Paul Fox thanked the Members of the Committee and acknowledged the high quality input from Members and Independent Members.

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

**RESOLVED** (unanimously) to note the report.

**53 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

There were no items from Councillors.

The meeting ended at 8.12 pm

Chair(person) .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**