

## BATH AND NORTH EAST SOMERSET

### CABINET

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

Wednesday, 10th July, 2013

#### **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 Tim Ball	Cabinet Member for Homes and Planning
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Caroline Roberts	Cabinet Member for Transport
Councillor Dine Romero	Cabinet Member for Early Years, Children and Youth
Councillor Ben Stevens	Cabinet Member for Sustainable Development

#### **28 WELCOME AND INTRODUCTIONS**

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

#### **29 EMERGENCY EVACUATION PROCEDURE**

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

#### **30 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **31 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **33 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 16 questions from the following Councillors: Will Sandry (2); Sharon Ball (3); Geoff Ward (4); Charles Gerrish (3); Michael Evans; Liz Richardson, Anthony Clarke (2).

There were 3 questions from the following members of the public: Sean Moore; Lesley Mansell; Simon Whittle.

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

## 34 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Anthony Acton (Vice-Chair, Corston PCC) in a statement *[a copy of which is attached to these Minutes as Appendix 3 and on the Council's website]* asked for a controlled crossing and pedestrian refuge on the A39 in Corston near the church.

He presented a petition of 170 signatures to Cabinet.

The Chair referred the petition to Councillor Caroline Roberts for her response in due course.

Lin Patterson (Campaign to Save Larkhall Toilets) in a statement *[a copy of which is attached to these Minutes as Appendix 4 and on the Council's website]* reminded the Cabinet of the arguments for retaining public toilets which included public health, equality, environmental and local economy issues. She urged the Cabinet to retain the toilets in response to the 534 signature petition previously submitted.

Lesley Mansell (Chair, Radstock Town Council) in a statement said that a holistic view should be taken about the future of the Victoria Hall but she was disappointed that the views of the Town Council had been ignored. Given that 80% of respondents had asked for community use of the hall, it was not enough that only 20 hours of community use was being offered. She was concerned by the lack of consultation and felt that the hall must be returned to community use.

Councillor Eleanor Jackson in a statement *[a copy of which is attached to these Minutes as Appendix 5 and on the Council's website]* said that she was pleased the Victoria Hall was being renovated but felt that opportunities had been lost to return the hall to community use by moving the library, Town Council and youth hub into the building. She asked Cabinet to refer the issue of community use of the hall to the relevant PDS Panel.

Kirsty Hafford (Radstock Resident) in a statement *[a copy of which is attached to these Minutes as Appendix 6 and on the Council's website]* in which she supported the proposed use of Victoria Hall, Radstock, as an arts centre for community and arts events which she felt would build cross-generational links and boost community cohesion.

Judith Chubb-Whittle (Chair, Stanton Drew Parish Council) in a statement *[a copy of which is attached to these Minutes as Appendix 7 and on the Council's website]* referred to a written statement issued on behalf of Eric Pickles, Secretary of State for Communities and Local Government in which he said that the single issue of unmet demand would be unlikely to outweigh harm to the green belt.

Karen Abolkheir (Stanton Wick Action Group) in a statement *[a copy of which is attached to these Minutes as Appendix 8 and on the Council's website]* made a number of observations about the shale tip at Stanton Wick and explained why she felt that proposals to develop the site should not succeed.

Clarke Osborne (Chair, Stanton Wick Action Group) in a statement *[a copy of which is attached to these Minutes as Appendix 9 and on the Council's website]* referred to the slow progress made on the Gypsy and Travellers DPD. He asked Cabinet to ensure that officers were fully aware of recent guidance from government about the unsuitability of Gypsy and Travellers Sites in the green belt.

The Chair assured the speakers that a Q&A sheet on the Gypsy Travellers DPD would be added to the Council's website and it would be updated with responses to

any questions raised. He assured the speakers that the Cabinet was determined to bring about the right outcome.

### **35 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> June 2013 be confirmed as a correct record and signed by the Chair.

### **36 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

There were none.

### **37 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

The Chair announced that the Resources PDS Panel had referred to Cabinet their recommendations on the Community Asset Transfer. Councillor David Bellotti had attended a meeting of the Panel and had presented the Cabinet's response, which had then been published in the Weekly List.

### **38 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Chair referred to the report, copies of which had been placed into the public gallery prior to the meeting [*and copies of which are attached to these Minutes as Appendix 2 and on the Council's website*]. Cabinet agreed to note the report.

### **39 TWO TUNNELS PROJECT UPDATE**

Councillor Caroline Roberts reminded Cabinet that the Two Tunnels had opened in April but that the proposals were to complete the remaining northern section and to provide links to Claude Avenue and the Riverside Path. Funding would come from various sources and the project would be fully funded.

She moved the proposals.

Councillor Paul Crossley seconded the proposal. He reported that in its first week of opening, 520 people per day had used the route. People now used the route to commute into Bath. It had become a tourist attraction and he wanted to see the route completed all the way from Bath to Radstock.

Councillor David Dixon said that walkers, joggers, cyclists, families and visitors all used the track which was an excellent way to reach the Odd Down Cycle Track. He knew of some cyclists who had come all the way from Bristol using the continuous cycle track to get to the Odd Down Cycle Track. He congratulated all concerned and said that the track would be improved by additional signage, which he knew was part of Councillor Roberts' plans.

He mentioned, in passing, that the Odd Down Cycle Track would be opened formally the following Saturday at 10:30am by a cycling celebrity and welcomed everyone to attend.

Councillor Caroline Roberts observed that the next paper on the agenda would agree the provision of the signage which Councillor Dixon had asked for.

On a motion from Councillor Caroline Roberts, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To AGREE that, subject to agreement with Sustrans under a Memorandum of Understanding, DfT's Linking to Communities grant be accepted to complete the remaining off road section on Council land through the northern section of Linear Park, with the works to upgrade the existing permissive footpath to a permissive cycle track for use by pedestrians and cyclists to be constructed by the Council using its land ownership powers between the disused Somerset and Dorset Railway Bridge and Bellotts Road (Element 3);

(2) To NOTE that Sustrans under licence to Network Rail WILL re-open the disused Somerset and Dorset Railway bridge for pedestrians and cyclists on a temporary basis until the bridge is replaced as part of the mainline rail electrification works planned from 2015 onwards. The access arrangements on Council land through Linear Park and extent of the Works on Linear Park are to be agreed with the Council.

(3) To AGREE that the Council will enter into agreements with Network Rail for the adoption and maintenance of a new replacement foot/cycle bridge provided by Network Rail as part of the mainline rail electrification works;

(4) To ACCEPT the DfT Cycle Safety Grant for the purpose of implementing the 2 Tunnels Northern Links scheme in accordance with the grant conditions and agreed Memorandum of Understanding with Sustrans;

(5) To AGREE that subject to planning conditions being met, Claude Avenue Cycle Link is constructed by the Council between Claude Avenue and the 2 Tunnels Greenway funded by the LSTF WEST project; and

(6) To AUTHORISE the Divisional Director for Environmental Services:

(i) to negotiate and enter into any necessary agreements with Network Rail to facilitate the adoption and maintenance of the cycle/footbridge and seek to minimise future maintenance costs.

(ii) to agree the Memorandum of Understanding with Sustrans to access funding allocated to Element 3 and Northern Link projects from the DfT Cycle Safety Fund and Links to Communities Fund.

## **40 CYCLE SCHEMES PROGRAMME 2013/14**

Duncan Hounsell in a statement *[a copy of which is attached to these Minutes as Appendix 10 and on the Council's website]* asked for a cycle-path to be installed adjacent to the Keynsham Bypass to complete the route between Saltford and Hicks Gate and asked for it to be included in the cycle audit.

Councillor Patrick Anketell-Jones in an *ad hoc* statement referred to item 20 in the list. He warned that a shared path in the section between North Parade Bridge and

Pulteney Bridge might prove a danger because it was very busy and because it included 2 blind corners.

Councillor Anthony Clarke in an *ad hoc* statement agreed with the reservations expressed by Councillor Anketell-Jones. He felt that it should always be clear that pedestrians had priority. He also referred to the new cycle path near the Globe Inn, which cyclists did not use because they preferred the road surface to the cycle path surface.

Councillor Eleanor Jackson in an *ad hoc* statement observed that there were some problems in Radstock Road. She felt that the list showed a preponderance of schemes for Bath over rural schemes. She referred to paragraph 5.4 of the report, which explained that two proposed safe cycling routes to school had not been included in the list.

Councillor Vic Pritchard in an *ad hoc* statement asked if the list would be at the expense of other road schemes. He asked that Cabinet would not agree to any shared use schemes and referred to some of his own experiences.

Councillor Caroline Roberts introduced the item. She responded to Councillor Pritchard's comments by agreeing that some bus drivers in James St West did not properly appreciate the contraflow scheme but arrangements were in place to provide training. In response to Councillor Jackson she agreed that Silver Street would be considered in more detail. She agreed to look at the points made by Duncan Hounsell and by Councillors Anketell-Jones and Clarke.

Councillor Roberts explained that the Council in its budget had allocated £0.5M for cycle projects and the proposals were to allocate those funds to specific projects. Several meetings had been held with cycle groups and the list had been drawn up by prioritising on achievability. She observed that more than half of the funds were being allocated for schemes in the rural area of the authority.

She moved the proposals.

Councillor David Dixon seconded the proposal. He was delighted by the proposals. He reported that he had seen the cycle track by the Globe being heavily used by students during term time. He was delighted to see the substantial allocation of funds to the Batheaston Bridge scheme, which the local community had asked for. He was delighted to note the inclusion of the signage which would enable people to find the Odd Down Cycle Track.

Councillor Ben Stevens referred to the reservations expressed by previous speakers saying that he supported the inclusion of a shared space stretch near the weir, in his ward, because it would encourage all users to be considerate.

Councillor Paul Crossley expressed his respect for Councillor Pritchard, who he knew was a regular cyclist. He said that he was most concerned about the stretch of the Keynsham Bypass at night, which could be very dangerous for cyclists. He did not agree with the reservations expressed about shared use but agreed that great care was necessary to choose the right solution for each scheme.

Councillor Dine Romero expressed disappointment that the two schemes to improve cycling to school had not been included in the list, but said she had been assured that they would be progressed when future funding permitted.

Councillor Caroline Roberts explained that the list had been kept short so as to ensure that it was achievable.

On a motion from Councillor Caroline Roberts, seconded by Councillor David Dixon, it was

**RESOLVED** (unanimously)

(1) To APPROVE the cycle schemes programme.

#### **41 RIVER CORRIDOR FUND**

Councillor David Laming in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 11 and on the Council's website*] gave special thanks to Councillors Crossley, Ball, Bellotti and Stevens for their work, and to Councillor Eleanor Jackson who was steering it through the PDS review. If agreed, this would make the Council the first in the country to undertake a detailed task and finish review of boat dwellers and their needs.

Councillor Ben Stevens introduced the item by thanking Councillor Laming for his kind words. There had been a good relationship with the Trust so far and he had been struck by what a difference could be made for angling, rowing, canoeing, boating and walking. The paper was a key part of the regeneration of the whole riverside.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He referred to the hard work also put into the issue by Councillor Cherry Beath. He reminded Cabinet that the paper was about finding solutions, at last, to the long-running problem of the riverside. He was delighted that the outreach past Newbridge contained 3 rowing clubs, plus pubs and other community facilities. He had been made aware by Councillor Laming of the opportunities afforded by the loop of river near to the Fry's site in Keynsham.

Councillor Tim Ball said the proposals were an exciting start. He said that anglers, and those living on the river, must not be forgotten. He also mentioned the wildlife aspects of the riverbank which must be protected. It was salutary to remember also that the river provided Bath's drinking water.

Councillor Ben Stevens summed up by agreeing that the issue related to all aspects of the usage of the river.

On a motion from Councillor Ben Stevens, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To APPROVE the £100,000 provisionally allocated within the 13/14 capital programme, which will be allocated by the Council to ensure the river becomes a key cultural, economic and social asset for Bath and beyond.

#### **42 YOUTH JUSTICE PLAN 2013-14**

Councillor Dine Romero introduced the item by saying that success was to be measured by progress in the 3 National Outcome Indicators shown in the Plan at paragraph 2.2. She was delighted that in All 3 measures, the south west had improved against the indicator. She moved the proposals.

Councillor Simon Allen seconded the proposal. He quoted a parent who had recently said to him that the youth offending team had "helped us during a rough time".

Councillor Paul Crossley felt that the report was a credit to the Council and attracted broad support across all the political groups.

On a motion from Councillor Dine Romero, seconded by Councillor Simon Allen, it was

**RESOLVED** (unanimously)

(1) To AGREE that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998; and

(2) To RECOMMEND the Youth Justice Plan to Council for adoption as part of the Council's Policy and Budget Framework, within the Council budget approved in February 2013 and for submission to the youth Justice Board.

#### **43 JOINT HEALTH & WELLBEING STRATEGY**

Councillor Eleanor Jackson in an *ad hoc* statement said she felt that the report had the right priorities but was too bland and did not explain how big the challenge would be. As an example she cited the "postcode life expectancy" which meant that there were still pockets of deprivation to be addressed.

Lesley Mansell (Chair, Radstock Town Council) in an *ad hoc* statement asked for a copy of the Equality Impact Assessment.

Councillor Simon Allen introduced the item. He drew attention to the 3 themes listed in the Strategy document. He explained that the strategy was the responsibility of the Health & Wellbeing Board, whose overarching aim was to reduce inequality.

He moved the proposals.

Councillor Dine Romero seconded the proposal. She said the strategy was ambitious. It drew together a number of other plans and put health and wellbeing at the centre.

Councillor David Dixon felt that the paper was excellent and that it presented a unified picture of what the community needed. He reminded the Cabinet that health and wellbeing was not only about provision – it could also be about neighbours supporting each other.

Councillor Ben Stevens said that as a Trustee of the Golden Oldies Charity, which encouraged older people to get out and sing in choirs, he agreed with Councillor Dixon.

On a motion from Councillor Simon Allen, seconded by Councillor Dine Romero, it was

**RESOLVED** (unanimously)

(1) To APPROVE the Joint Health and Wellbeing Strategy; and

(2) To NOTE that a final Joint Health and Wellbeing Strategy will be submitted to Council on 14 November for approval

#### **44 GUILDHALL MARKET CHRISTMAS MARKET**

Councillor David Bellotti introduced the item. He explained that a market had been held in the car park every December since 2005. The existing traders took part and had always run it well. The proposal was to delegate authority to the Chief Property Officer to negotiate arrangements for 2013.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He said that the Christmas market had become a real feature of Bath and was always a huge success. He welcomed the market traders taking up the challenge. He emphasised that the needs of local residents must be given consideration.

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

**RESOLVED** (unanimously)

(1) To DELEGATE authority to the Chief Property Officer, for 2013 and in future years (if required), to decide whether to allow a market to be held in the Guildhall Car Park to run concurrently with the period of the Christmas Market, plus two additional days prior to and one day after the Guildhall Christmas Market for setting up and dismantling; and

(2) To AGREE that if consent is given to the use of the car park for this purpose, that consent will be given subject to the following conditions:

(a) that any proposed variations to the format of the market from that held in December 2009 are delegated to the Chief Property Officer.

(b) that Planning Permission and all other statutory consents are obtained and all conditions (if any) are complied with fully before the market is set up.

(c) that all necessary street trading licenses are obtained before the market is set up.

(d) that each year an operator, on behalf of the Guildhall Market Traders Association, enter a licence with the Council covering their use of the car park documenting the term and agreed covenants and obligations of each party.

(e) that appropriate alternative arrangements are made for users of the displaced parking spaces for the disabled.

(f) that if in any year any operational issues arise that are not resolved to the satisfaction of the Chief Property Officer, especially the handling of refuse, then the Council reserves the right to withdraw permission to use the car park.

(g) that if the Christmas Market does not operate the Council reserves the right to withdraw permission to use the car park.

(h) that if the Grand Parade and Undercroft project results in the market not being able to operate, the Council reserves the right to withdraw permission to use the car park.

(i) that the issue of who operates the market is delegated to the Chief Property Officer to determine.

## **45 JOINT RIGHTS OF WAY IMPROVEMENT PLAN**

Councillor Caroline Roberts explained that the plan was a requirement of the 2000 Act. It had been produced in collaboration with Bristol and South Glos. She referred to the 4 big themes shown in paragraph 5.6 of the report. She moved the proposals.

Councillor Tim Ball seconded the proposal. He had seen the map included in the Plan, at paragraph 1.2, and felt it presented an exciting challenge.

Councillor Paul Crossley observed that the Plan would deliver substantial improvements for those with mobility problems.



On a motion from Councillor Caroline Roberts, seconded by Councillor Tim Ball, it was

**RESOLVED** (unanimously)

(1) To ADOPT the Rights of Way Improvement Plan 2012-2016.

#### **46 UPDATE ON THE HERITAGE SERVICES CAPITAL INVESTMENT STRATEGY**

Councillor Ben Stevens emphasised the prestige brought to the area by its heritage. The income from tourism was substantial. The budget for the proposed capital works had been approved in principle by Council in February and this report is to give Cabinet the detailed proposals. He moved the proposals.

Councillor Paul Crossley seconded the proposal. He felt that the creation of a foundation to assist in funding was a good way to approach the educational aspects of the project.

On a motion from Councillor Ben Stevens, seconded by Councillor Paul Crossley, it was

**RESOLVED** (unanimously)

(1) To APPROVE the capital budget for the Temple Precinct scheme, including the rephrasing illustrated in the report;

(2) To APPROVE the transfer of £130k from the underspend on the Beau Street hoard to the budget provided for the Roman Baths infrastructure project to repair the Pump Room roof in the current financial year;

(3) To NOTE that the rolling programme of infrastructure works for the Roman Baths will be reviewed for 2014/15 in order to accommodate works to renew and relocate the gas supply pipe for the site;

(4) To AGREE that the provisional capital budget for the Beau Street hoard project will be subject to further consideration following the forthcoming Stage 2 application to the Heritage Lottery Fund; and

(5) To AGREE the formation of a fundraising charitable Roman Baths Foundation whose objects would be to support education and conservation at the Roman Baths and Temple site, with the remit and governance arrangements of the Foundation to be drawn up in consultation with the Cabinet Members for Sustainable Development and Resources.

#### **47 TREASURY MANAGEMENT OUTTURN REPORT 2012/13**

Councillor David Bellotti reminded Cabinet that the council had achieved a zero increase in Council Tax for 2 years, and he intended to hold it for another 2 years. He was delighted that, having inherited borrowings of £204M, the Cabinet's plans had reduced this to £120M. By wise use of cash flow, the costs of delivery could be reduced – mainly by repaying the most expensive loans. He expected borrowing to reach no higher than £150M.

He said that the Council had invested wisely, with no funds in Iceland or the Euro zone. He moved the proposals.

Councillor Paul Crossley seconded the proposal. He referred to the consistent top quality advice which had enabled the Council to set a good example by reducing borrowing.

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

**RESOLVED** (unanimously)

- (1) To NOTE the 2012/13 Treasury Management Annual Report to 31st March 2013, prepared in accordance with the CIPFA Treasury Code of Practice;
- (2) To NOTE the 2012/13 actual Treasury Management Indicators;
- (3) To NOTE the Debt rescheduling actions; and
- (4) To AGREE that this Treasury Management Report and attached appendices will be reported to July Council.

**48 REVENUE & CAPITAL OUTTURN 2012/13**

Councillor David Bellotti, in introducing the item, referred to the underspend of £168K which was less than 0.1% of the entire budget. This was set against the background of a large number of substantial projects.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He observed that the Council was delivering projects on time, within budget and with good results. He was very pleased that the outcome had been as predicted.

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

**RESOLVED** (unanimously)

- (1) To NOTE the provisional revenue budget outturn underspend of £168,000 for 2012/13;
- (2) To APPROVE the revenue carry forward proposals and write-off requests;
- (3) To AGREE the transfers to Earmarked Reserves;
- (4) To APPROVE the revenue virements for 2012/13 and 2013/14;
- (5) To NOTE the resulting reserves position and that unearmarked reserves remain at the target level of £10.5m;
- (6) To NOTE the provisional outturn of the 2012/13 capital programme and funding;
- (7) To APPROVE the capital rephasing and write-off of net underspends; and
- (8) To NOTE the adjustments to the 2012/13 to 2017/18 capital programme and the final capital programme for 2012/13.

The meeting ended at 8.30 pm

Chair \_\_\_\_\_

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

Prepared by Democratic Services