

## **BATH AND NORTH EAST SOMERSET**

### **CABINET**

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

Wednesday, 11th September, 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 Katie Hall	Cabinet Member for Community Integration
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

#### **49 WELCOME AND INTRODUCTIONS**

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

The Chair welcomed everyone to the meeting, particularly Councillor Katie Hall who was attending as a Cabinet member for the first time. He congratulated Councillor Hall on her election to the LGA as Chair of the Health and Wellbeing Board. He also expressed his congratulations to Councillor Vic Pritchard, who had been elected to the same Board.

The Chair welcomed the visiting film crew from YTN, South Korea, who were filming a programme about democracy in the UK. He felt it was a privilege that the film crew had chosen to film in Bath.

#### **50 EMERGENCY EVACUATION PROCEDURE**

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

#### **51 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **52 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **54 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 31 questions from the following Councillors: Anthony Clarke (7), Brian Simmons, Brian Webber (5), Charles Gerrish (3), Colin Barrett (2), David Laming, David Martin, Geoff Ward (4), Marie Longstaff, Martin Veal, Patrick Anketell-Jones (3), Vic Pritchard (2).

There were 2 questions from the following members of the public: Duncan Hounsell, Andy Wait.

*[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.]*

## **55 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

David Metcalfe (Co-Chairman, Cultural Forum) in a statement *[a copy of which is attached to these Minutes as Appendix 3 and on the Council's website]* applauded the fact that Cabinet had decided to take longer to consider arts development before bringing proposals forward. He made a number of points which he hoped would be adopted to ensure a visionary and vibrant arts policy.

The Chair referred David Metcalfe's statement to Councillor Ben Stevens for consideration and for a response in due course.

## **56 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 10<sup>th</sup> July 2013 be confirmed as a correct record and signed by the Chair.

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

There were none.

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

The Planning, Transport and Environment Policy Development and Scrutiny Panel at its meeting on 10<sup>th</sup> September had considered the Energy Efficiency and Renewable Energy Guidance. The Chair drew attention to the Notes of that meeting, copies of which had been placed in the Public Gallery before the meeting *[and a copy of which is attached to these Minutes as Appendix 2 and on the Council's website]*. The Chair asked the Cabinet to take the Panel's remarks into consideration when discussing this item later.

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

The Cabinet agreed to note the report.

## 60 ENERGY EFFICIENCY & RENEWABLE ENERGY GUIDANCE FOR LISTED BUILDINGS AND UNDESIGNATED HISTORIC BUILDINGS

Councillor Charles Gerrish in an *ad hoc* statement asked, in the light of comments made by the PDS Panel, whether lessons should be learned from other places (eg Dublin, Edinburgh).

Councillor Sarah Bevan in an *ad hoc* statement asked for a further report to be considered by Cabinet on the subject of wind turbines and solar panels.

Caroline Kay (Chief Executive, Bath Preservation Trust) in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 4 and on the Council's website*] welcomed the report. She asked for pilot projects to be undertaken in some of its own listed properties, which would demonstrate that the Council was leading the way.

Peter Andrews (Trustee and Energy Group Convenor, Transition Bath) in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 5 and on the Council's website*] regretted that the report had been removed from the February 2012 agenda but was pleased that it was now being addressed. He emphasised that listed buildings should be seen as places to live and work; not as museum pieces. He urged the Cabinet to adopt the recommendations.

Richard James (Head of Asset Management, Curo) in an *ad hoc* statement read for him by Councillor David Martin [*a copy of which is attached to these Minutes as Appendix 6 and on the Council's website*] supported the recommendations in the report and committed Curo to engage with the Council to find solutions for maintenance and refurbishment works to benefit residents and the environment.

Councillor David Martin in an *ad hoc* statement [*a copy of which is attached to these Minutes as Appendix 7 and on the Council's website*] acknowledged the fact that the Council's ability to be permissive was constrained by national legislation. He therefore welcomed the intention to work with other local authorities and stakeholders such as Curo and the National Trust. He felt that the report was practical and constructive.

Councillor Tim Ball thanked those who had contributed to the preparation of the report and to the debate. He agreed with Councillor Charles Gerrish that much could be learned from other cities.

In response to the proposal put by Councillor Sarah Bevan, he said that there were no plans to introduce a renewable energy report because of the lack of officer resources. He thanked Caroline Kay for her comments and explained to Peter Andrews that the original report had been pulled in 2012 because the proposals did not go far enough at the time; this had now been put right in the current report. He recognised the need to bear in mind the legal constraints.

Councillor Ball explained that he would be moving a proposal which was different from the officer recommendations in the report. He explained the reasons for this. He moved the amended proposals.

Councillor David Dixon seconded the proposal. He reported a recent experience in a business in Bath which was too hot in the summer and too cold in the winter. He was concerned to discover that the building was owned by the Council. He therefore agreed with Caroline Kay that the Council should undertake some pilot projects of its own. The report was very clear in its aims; the Council now needed to set an example by taking the lead.

Councillor Paul Crossley endorsed the comments made by Peter Andrews. He observed that the legislative backdrop in Edinburgh was different from that in Bath. He nevertheless felt that the proposals would start a process of working closely with landlords, residents and businesses to improve the listed and historic stock in the area.

On a motion from Councillor Tim Ball, seconded by Councillor David Dixon, it was

**RESOLVED** (unanimously)

(1) To ADOPT the Energy Efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings as an appendix to the Sustainable Construction and Retrofitting SPD;

(2) To TEST the balance between sustainability and conservation agenda by looking at pilot projects in the Council's property portfolio and in association with Curo and other partnerships to prove the capacity of Bath & North East Somerset to demonstrate exemplar projects in a World Heritage site;

(3) To:

- Continue to progress the work through the Sustainability Team and engagement with the key stakeholders and other authorities;
- Continue to liaise with Central Government on legislative requirements;
- Constantly review the guidance to ensure that it does reflect existing legislation at any given time; and

(4) To ASK for a further report to come to Cabinet in one years time to report on progress.

## 61 **CHILDCARE SUFFICIENCY ASSESSMENT 2013**

Councillor Sarah Bevan in an *ad hoc* statement said that as the Council's Human Rights Champion, and as Vice-Chair of the Early Years, Children and Youth PDS Panel, she needed to ask the Cabinet to take note of the differences in composition of the minority communities in the area.

Councillor Michael Evans in an *ad hoc* statement felt that the report was thorough and informative. He expressed concern however at the cuts in Children's Centres and emphasised the importance of early years experience for children's development. He asked for an explanation of the meaning of the phrase "common assessment" the table on page 84 of the agenda pack. He also asked for an explanation of the context of the phrase "under supply" in paragraph 6.3 on page 92 of the agenda pack.

Councillor Dine Romero introduced the item by assuring Councillor Bevan that the equality issues would be fully considered. She responded to Councillor Evans that the report showed that there were in fact sufficient child care services and that children's centres were not necessary for the delivery of child care. She promised to arrange for an officer to provide an explanation of the context of the two phrases he had mentioned. She explained that the report was no longer required, but the Council had continued to produce it and that the areas of concern identified in the report had been addressed in the action plan.

She moved the proposals.

Councillor Simon Allen seconded the proposal and said that the level of detail in the report was impressive. This would enable Cabinet to make the right decisions. He agreed with Councillor Evans that the early years experience was critical for children's development and reminded Cabinet that there were now sufficient places in the area to meet the need of 2-year-olds. He welcomed the report.

Councillor David Bellotti welcomed the fantastic news which he believed all parents would welcome too. The report showed that there was sufficient provision in the area and how it could be funded. He reminded Cabinet that the government was now targeting its funding towards those who needed support. There had been no cuts in that provision and no cuts in the Designated Schools Grant in the last 3 years. Ofsted was finding much outstanding provision across the authority.

Councillor Paul Crossley thanked the Strategic Director (Place) and his team for the excellent paper. He was confident that the authority was planning for the future, particularly in the matter of increasing demand.

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

**RESOLVED** (unanimously)

(1) To NOTE the report; and

(2) To AGREE the recommendations and action plan set out in the report, within the resources available following publication of the 2013 assessment.

## **62 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2013 TO JULY 2013**

Councillor David Bellotti introduced the item by observing that the income in the first 4 months of this year had been almost identical to that in the previous year. He reminded the Cabinet of a number of capital projects being undertaken, all of which were being welcomed by the local community.

He referred to the revenue budget, which was on target. The reduction in staff had been difficult but had been delivered sympathetically because of the emphasis on vacancy management.

He moved the proposals.

Councillor Paul Crossley seconded the proposal. He referred to the overspend in his own portfolio which had occurred because the Council was consulting with staff over the proposals to introduce the green travel plan. He was delighted that the Council had responded so well to the challenges from government to save over £11.5M in this year alone. The Council had been able to cut its budget while maintaining essential services.

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

**RESOLVED** (unanimously)

(1) To ASK Strategic Directors to continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control;

(2) To NOTE this year's revenue budget position;

- (3) To NOTE the capital expenditure position for the Council in the financial year to the end of July and the year-end projections;
- (4) To AGREE the revenue virements listed for approval; and
- (5) To NOTE the changes in the capital programme.

### **63 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2013**

Councillor David Bellotti introduced the item. He referred to paragraph 5.1 of the report which showed that the Council had performed better than the investment return benchmark. The Cabinet had operated a policy of paying down debt as soon as possible, so as to minimise interest payments which in turn had fed back £0.5M into the revenue budget. Cabinet had been able in this way to avoid any new debt since it took office. This had been achieved by wise, active cash flow management.

He moved the proposals.

Councillor Paul Crossley seconded the proposal and congratulated finance officers for managing the cash flow so effectively.

Councillor David Dixon agreed. He was impressed that the debt rescheduling approach had been so successful and that it so clearly worked. He referred to paragraph 5.7 which showed that the authority was still obliged to make annual interest and capital repayments for the debt inherited from Avon County Council.

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

**RESOLVED** (unanimously)

- (1) To NOTE the Treasury Management Report to 30th June 2013, prepared in accordance with the CIPFA Treasury Code of Practice; and
- (2) To NOTE the Treasury Management Indicators to 30th June 2013.

### **64 EMPTY PROPERTY POLICY: ENFORCEMENT ACTION**

Councillor Dave Laming in an *ad hoc* statement welcomed the report. He asked for priority to be given to two specific but unnamed properties which he had made Cabinet members aware of privately. He asked whether enforcement action might also be taken for some properties along the waterfront.

The Chair asked all Cabinet members to confirm that they had read and considered the public interest test. All agreed.

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

**RESOLVED** (unanimously)

- (1) To AGREE that Appendices 1 and 2 constitute exempt information according to the categories set out in the Local government Act 1972 (amended Schedule 12A) because it contains information which relates to an individual or which is likely to reveal the identity of an individual, and therefore that the public interest is best served by exemption of the information;

Councillor Tim Ball introduced the item. He explained that it was necessary to update the Empty Property Policy which was attached to the report as appendix 3. The opportunity was also being taken to ask Cabinet to agree to take enforcement action over the properties named in the exempt appendices. He was delighted that

the list would have contained an additional property but the threat of enforcement had been sufficient to persuade the owner to comply. The cost of enforcing against the 2 properties would be £240K.

He moved the proposals.

Councillor Caroline Roberts seconded the proposal. She referred to paragraph 8.1 of the report which showed that one of the results of bringing empty properties back into use would be a reduction in crime and vandalism.

Councillor David Dixon said the report would be a start in improving the property stock in the area. He reminded Cabinet that a home was not a home until someone was living in it.

Councillor Katie Hall was delighted to see the report. She observed that enforcement action would send a very clear message to other property owners which would lead to more homes being made available without the need for action by the Council.

Councillor Paul Crossley was pleased that the Council had moved towards charging the maximum allowed Council Tax charges on empty properties. In other cities this had galvanised owners to get properties into use earlier.

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

**RESOLVED** (unanimously)

(2) To INSTRUCT the Head of Housing to undertake the appropriate and statutory steps to obtain Compulsory Purchase Orders on the two properties detailed in Appendix 1 and then to dispose of the properties on the open market with a contractual requirement that they shall be brought back into residential use within 18 months; and

(3) To ADOPT the updated Empty Property Policy.

The meeting ended at 8.00 pm

Chair \_\_\_\_\_

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

Prepared by Democratic Services