

## **BATH AND NORTH EAST SOMERSET**

### **CABINET**

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

Wednesday, 2nd December, 2015

#### **Present:**

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Liz Richardson	Cabinet Member for Homes and Planning
Councillor Patrick Anketell-Jones	Cabinet Member for Economic Development, Conservative Deputy Group Leader Bath
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Social Care and Health
Councillor Anthony Clarke	Cabinet Member for Transport
Councillor Martin Veal	Cabinet Member for Community Services
Councillor Michael Evans	Cabinet Member for Children's Services

#### **55 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **56 EMERGENCY EVACUATION PROCEDURE**

Senior Democratic Services Officer drew attention to the evacuation procedure as set out in the Agenda.

#### **57 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **58 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **60 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 13 questions from Councillors and 8 questions from the public. *[Copies of the questions and responses, including supplementary questions and responses if any, have been placed on the Minute book and are available on the Council's website.]*

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

Councillors Lisa Brett and Joe Rayment in a statement [*a copy have been placed on the Minute book and is available on the Council's website*] expressed their concerns by the disparity between the composition of the Council and the composition of the general public in B&NES, in terms of the representations within such characteristics as: gender, age, ethnicity, socio-economic class, disability, sexual orientation and gender identity. Councillors Brett and Rayment requested that the Cabinet should approve the formation of an all-party working group to investigate ways in which the Council could become more accessible and representative of the local population.

The Chair suggested that this issue should be discussed by then Group Leaders.

Chris Beezley (FoBRA member and Chairman of Beech Avenue Residents' Association) in a statement [*a copy have been placed on the Minute book and is available on the Council's website*] said that FoBRA had long pressed B&NES for a formal strategy to address the challenge of housing large numbers of students in a compact city that hosts two popular universities. The Placemaking Plan stated that student accommodation was a matter requiring a planning policy framework and policy direction at a strategic level, yet, and this was the important point, it offered no solutions. FoBRA therefore had asked for Cabinet's assurance that the long-overdue Student Housing Strategy is now developed as a matter of urgency, is regularly reviewed, engaging openly with the universities and residents, and that the Placemaking Plan is guided by it.

The Chair said that the Council had been talking to two Universities on the issues of student accommodation.

Rosemarie Naish (Chair of Clutton Parish Council) made a case for traffic calming measures in Clutton. Rosemarie Naish explained that the road through the village was narrow and it had been used as rat-run between A37 and A39. Clutton Primary School would lose lollipop person soon and for some children the walk to the school had been seen as unsafe. The Council had made a very strong traffic calming scheme which was welcomed by the Parish Council and residents, though one resident had raised numerous objections to the scheme. A revised scheme had been put in place and the same resident had objected to the scheme. Rosemarie Naish concluded her statement by highlighting the need for traffic calming measures and urged Councillor Antony Clarke (Cabinet Member for Transport) to approve a revised scheme.

Annie Kilvington said that this week had been quite significant in terms of the climate change, and that we all would have to make changes to the policies that are affecting our environment. Annie Kilvington welcomed the new Green Spaces Strategy though she was concerned that the Strategy had no reference to Park and Ride sites East of Bath, sites which were large and of enormous bio diversity value. Annie Kilvington also said that omission of those sites would permit the Council to disregard the Strategy when pursuing its determination to implement Park and Ride

plans. Annie Kilvington concluded her statement by saying that the adoption of Strategy could only be proved subject to formal due diligence and correction.

Sian James in a statement [*a copy have been placed on the Minute book and is available on the Council's website*] said that she was disappointed that out of the 242 questions asked at the Full Council meeting on 12th November, as of 1st December, there were 182 with a response (75%). Sian James also said that most of these responses were incomplete; only 20 questions were actually answered; and, there were 9 valid questions that have apparently been removed from the list, with no reference as to why.

Christine Boyd in a statement [*a copy have been placed on the Minute book and is available on the Council's website*] said that there should be no attempt to tie the hands of the CTE PDS Panel whilst it makes its deliberations on Park and Ride issue. Christine Boyd also asked for a public assurance that the Scrutiny Panel would be given the time and resources it needs to do this work, rather than face pressure of the Cabinet timetable.

The Chair responded that the CTE PDS Panel was not run by the Cabinet and it would be entirely down to the Chair, and members of that Panel to decide how they would want to engage in the process.

## **62 MINUTES OF PREVIOUS CABINET MEETING**

**RESOLVED** that the minutes of the meeting held on Wednesday 4<sup>th</sup> November 2015 be confirmed as a correct record and signed by the Chair.

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

There were none.

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

There were none.

## **65 PLACEMAKING PLAN FOR BATH AND NORTH EAST SOMERSET**

Robin Kerr (Chairman of the Federation of Bath Residents' Associations) in a statement [*a copy have been placed on the Minute book and is available on the Council's website*] highlighted the importance of the Placemaking Plan for Bath.

Councillor Karen Warrington said that she was here to represent residents from her Ward whose part of their land had been included in the Placemaking Plan for residential purposes. Councillor Warrington asked for an amendment of the Plan in terms of the housing development boundaries in that area.

Caroline Kay (Bath Preservation Trust) said that the Trust welcomed the conclusion of the Placemaking Plan consultation and highlighted six overarching points with the Cabinet: the Trust welcomed inclusion of the policy for Bath Central Area; the Trust congratulated officers on progressing with conservation area appraisal for Bath; the Trust had asked that the building height strategy should be robust enough and had recommended an urgent adoption of the SPD status; site ownership in terms of sites owned by the Council; the Trust had felt there was a need for robust part of the plan addressing student housing challenges; and, the land value should reflect marketing value.

Councillor Eleanor Jackson commented that Westfield had not been mentioned in the Plan as a community on its own right.

Councillor Liz Richardson said that the Placemaking Plan would provide a district-wide suite of planning policies for B&NES, complementing the strategic framework in the Core Strategy. The Core Strategy had formed Part 1 of the B&NES Local Plan and the draft Placemaking Plan would be Part 2. The Plans had been combined for clarity but it was only the Placemaking Plan part which was the subject of this report. In a few instances, the Placemaking Plan contained a policy that was intended to supersede a policy or text in the Core Strategy. The next step in the preparation process would be for the Council to comply with the statutory requirements concerning publication and receiving representations relating to the Draft Placemaking Plan (consultation would run from 16<sup>th</sup> December until 3<sup>rd</sup> February) and for Full Council to agree submission of the Draft Placemaking Plan for independent examination by an Inspector appointed on behalf of the Secretary of State. Also submitted alongside the Draft Placemaking Plan to the Secretary of State would be the schedule of public representations received by the Council. It would be for the appointed examination Inspector to consider the issues raised in the public representations in their role to assess the soundness of the Draft Placemaking Plan as with the other requirements of S20 (5) of the 2004 Act. As a result the Council would not be formally considering the representations received from the next stage.

Councillor Liz Richardson formally thanked to: officers for the detailed piece of work; Members of the Council for cross-party work within Local Development Framework; residents for their feedback so far; and, to number of organisations who contributed to the Plan with their feedback. Liz Richardson also said that the Council had worked with both universities in terms of student accommodation though it has been difficult to exactly predict the number of students for each year.

Councillor Liz Richardson moved the recommendations.

Councillor Charles Gerrish seconded the motion by saying that the Placemaking Plan would provide a district-wide suite of planning policies for B&NES, complementing the strategic framework in the Core Strategy. The Core Strategy forms Part 1 of the B&NES Local Plan and the draft Placemaking Plan is Part 2. The Plan would provide spatial frameworks for Bath, Keynsham, the Somer Valley & the Rural Areas. The Plan allocated sites for development where these were necessary to deliver the strategy, setting out the required land-use mix and the development principles. It also identified where we would need to protect valued assets, such as important open hillsides or Local Green Space, identifies schemes to be implemented such as road or cycleway improvements and would provide generic criteria-based planning policies.

Councillor Charles Gerrish also thanked everyone for their work on this Plan.

The Cabinet unanimously supported the motion from Councillor Richardson and acknowledged contribution from Parishes who had worked really hard on this Plan.

**RESOLVED** (unanimously) that the Cabinet:

- 1) Approved the Pre-submission Draft Placemaking Plan for public consultation from 16<sup>th</sup> December 2015 to 3<sup>rd</sup> February 2016,
- 2) Approved the Draft Placemaking Plan for Development Management purposes,
- 3) Delegated authority to the Divisional Director for Development, in consultation with the Cabinet Member for Homes & Planning, to make minor changes to the Draft Placemaking to correct errors and inconsistencies to the Plan prior to publication,
- 4) Recommended to Full Council that it resolves to submit the Draft Placemaking Plan, along with representations received through the public consultation, to the secretary of state for examination, and
- 5) Agreed the public consultation arrangements as printed in the report.

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

The Cabinet agreed to note the report.

## **67 SPEND OF COMMUNITY INFRASTRUCTURE LEVY INCOME**

Councillor Liz Richardson said that the Community Infrastructure Levy (CIL) came into effect in B&NES in April. The use of income generated through CIL would need to be spent on infrastructure to support the District's growth plans as set out in the Council's Core Strategy. In light of the relatively limited amount of CIL income this year, rolling it forward to next year was the most appropriate option as it would provide the opportunity to make the spend more effective.

Councillor Liz Richardson moved the recommendations.

Councillor Charles Gerrish said that he was happy to second the motion to roll forward Community Infrastructure Levy received in 2015/16. The B&NES CIL came into effect in April 2015 and the process for determining spend of the CIL income was agreed by Cabinet in July 2015. Of the CIL income, 15% in a local area was handed to the communities where the income has arisen. This rises to 25% in areas with an adopted Neighbourhood Plan.

**RESOLVED** (unanimously) that the Cabinet agreed that the strategic income from the Community Infrastructure Levy received in 2015/16 should not be allocated this financial year but rolled forward to be added to the spending commitments for 2016/17.

## **68 YOUR CARE, YOUR WAY: OUTLINE BUSINESS CASE, MARKET TESTING & SERVICE OUTCOMES**

Councillor Eleanor Jackson asked why the Health and Wellbeing Select Committee had not seen this paper before it came to the Cabinet.

Councillor Vic Pritchard responded that it was down to the Health and Wellbeing Select Committee to organise their workplan.

Councillor Pritchard said that over the past ten months Bath and North East Somerset Council and Bath and North East Somerset CCG had been listening to the views of local people and working together to review and develop proposals to improve the delivery of integrated community health and care services to the people and communities of Bath and North East Somerset. As a result of this work Commissioners had developed the Outline Business Case (OBC). The OBC describing proposals for achieving a local model of integrated health and care that improves outcomes and system sustainability both now and in the future. The proposals detailed within the OBC had recognised that not all aspects of community services may need to change and acknowledged the need to build on the successes of the current system and the achievements of providers and staff.

Councillor Vic Pritchard moved the recommendations.

Councillor Martin Veal seconded the motion by saying that report had been put together following extensive consultation with our communities. The Council were committed to working closely with NHS colleagues and others to improve the health and wellbeing of local residents. The Your Care, Your Way community health and care services review had been an important piece of work which would set out how we work with the NHS in future, delivering services that best meet the needs of local residents.

**RESOLVED** (unanimously) that the Cabinet:

- 1) Noted the findings of the consultation document as set out in the report and approve progression to the next phase.
- 2) Approved the financial planning process.
- 3) Approved the market testing and contracting approach.
- 4) Delegated, to officers, implementation of Phase 3, subject to the requirement to obtain approvals by the Joint Commissioning Committee and Governing Bodies in relation to the milestone decisions.

## **69 ESTABLISHMENT OF A LOCAL PROPERTY AND DEVELOPMENT COMPANY**

Caroline Kay (Bath Preservation Trust - BTP) said in her statement that BTP welcomed the report and that properties owned by the Council would be put back in use, which would help meeting housing needs in the centre of Bath. The Trust would hope that there would be clear governance within the company in order to avoid sub-letting of properties. The Trust would also hope that the Council would get the best value in order to generate revenue and achieve its objectives. Caroline Kay also said that it was not clear in the report if other Councils, who undertook the same approach, were successful in this exercise nor it was clear what external and internal advice was given to the Council. Caroline Kay asked for an assurance that planning guidelines would not be breached by future tenants.

Councillor Robin Moss welcomed the principle of using assets to generate an income for the Council. In Councillor Moss' view, this may have a potential impact on

Council's budget as it would be difficult to predict with certainty what the economic situation would be in years to come. Councillor Moss also asked which external and internal advice had been taken on board, which Local Authorities had been used as model and who those Group Members who participated in the consultation were.

Councillor Dine Romero said that she had understood the need to create an additional income for the Council and asked if these properties would be subject of the 'right to buy scheme'. Councillor Romero also asked if these properties would be part of the affordable housing scheme.

Councillor Charles Gerrish welcomed the point raised by Caroline Kay in terms of sub-letting and said that he would ensure that this issue is taken forward before finalisation of any letting contract. The Council's key issue is to get sensible return on investment without the need to overcharge its tenants. The Council's objective would be to generate estimated revenue. Councillor Gerrish also said that he was not in position at this stage to announce internal and external advisors, though bullet point 5.27 of the report might give some indications on local professional advice. The new company would follow existing planning regulations. One of Local Authorities used as a model was Mendip Council (6 months in existence). Councillor Gerrish also said that Local Property and Development Company was not registered housing company so it would not be covered by Government legislation in terms of the 'right to buy' scheme. Also, in terms of affordable housing, if the company would develop additional sites then they would abide to planning rules like everyone else.

Councillor Charles Gerrish said that the proposal would the delivery of the Council's Medium Term Financial Plan for the period 2016/17 to 2019/20, with an additional £600K of recurring income targeted by the end of this period.

Councillor Charles Gerrish moved the recommendations.

Councillor Patrick Anketell-Jones seconded the motion by saying that the Council would need to look at innovative options and opportunities to generate income to protect frontline services. Setting up this property company would enable our vacant accommodation above shops etc. within the commercial estate to be rented into the private market.

**RESOLVED** (unanimously) that the Cabinet agreed to the:

- 1) Approval of the Outline Business Case for the establishment of the Company
- 2) Establishment of a Company limited by shares, for this purpose, to be wholly owned by the Council in line with the proposed structure set out in the report.
- 3) Approval of the composition of the Company's Board.
- 4) Utilisation of appropriate investment to deliver, own and manage residential and property developments on a case by case basis.
- 5) Transfer the relevant Title of the existing residential properties to the Company, subject to approval of the terms of such transfer by the Corporate Property Officer in accordance with S123 of the Local Government Act.
- 6) Delegate to the Leader the exercising of all Council functions as sole shareholder of the Company, with the exception of any changes regarding ownership of the Company.
- 7) Delegation to the Chief Executive and Strategic Director of Resources, in consultation with the Leader and the Cabinet Member for Homes & Planning,

of the approval of Council investment in the Company within approved budgetary provisions, including but not limited to the:

- i) terms of Council investment
  - ii) business cases for future development proposals to be undertaken by the Company.
  - iii) terms of any guarantee to be provided to support the provisions of the investment
  - iv) terms of any loan or equity agreement between the Council and the Company
  - v) such others matters as are regarded as necessary to enable the provision of the investment, progress of the developments and their subsequent sale, lettings and on-going management.
- 8) Delegation to the Strategic Director (Resources) in consultation with the Leader to finalise and agree the and Articles of the Company and other such matters necessary to (i) incorporate and register the Company and (ii) facilitate the objectives identified in this report.
  - 9) Full Approval of the existing Capital funding provision of £6.536M to support investment in the Company in accordance with 2.6 above.
  - 10) Note that all further decisions regarding the future level of Capital Funding for potential investment in the Company will be subject to the approval of the Full Council and form part of the Budget process for 2016/17.
  - 11) Agree that an annual report will be provided by the Company to the Council setting out its activities, performance and accounts.
  - 12) The Strategic Director (Resources) is given delegated authority to finalise the service provision arrangements between the Council and the Company for all required support services, including officer support.
  - 13) Indemnification, to the full extent permissible under the Local Authorities (Indemnities for Officers and Members) Order 2004, of the Council officers and Members in respect of any personal liability arising as a result of their appointment as directors of the Company.

## **70 LOCAL FLOOD RISK MANAGEMENT STRATEGY**

Councillor Anthony Clarke said that under the requirements in the Flood and Water Management Act 2010 the Council had had a duty to work towards the objectives set out in the Local Flood Risk Management Strategy, as well as to comply with statutory duties as a Lead Local Flood Authority set out in the Flood & Water Management Act 2010. The Flood and Water Management Act 2010 had made Bath and North East Somerset Council a Lead Local Flood Authority and as such the Council was responsible for managing flood risk from surface water, groundwater and ordinary watercourses in the area but not from the river.

Councillor Anthony Clarke moved the recommendations.

Councillor Liz Richardson seconded the motion and thanked everyone who has worked so hard to put this together as well as all those that took part in our consultation. This was an extremely important strategy that would help ensure a co-ordinated approach to local flood risk, clarifying roles and responsibilities and ensuring management of the risk as effectively as possible.

**RESOLVED** (unanimously) that the Cabinet approved the adoption of the Bath & North East Somerset Council Local Flood Risk Management Strategy.



**71 ADOPTION OF THE BATH AND NORTH EAST SOMERSET COUNCIL GREEN SPACE STRATEGY**

Councillor Martin Veal said that the proposed Green Space Strategy 2015 would out a series of draft policies and standards for the provision of green space across the district, and a methodology for interpreting and informing the provision for these assets until 2029. This strategy would be used to prioritise the allocation of existing resources for managing the green space asset and for directing developers' and other third party funding contributions to where they would be most needed. The proposed strategy would provide a means for prioritising expenditure associated with the district's green spaces and would help the Council meet its obligations in the areas of Sustainability and the Natural Environment (as they relate to green spaces).

Councillor Martin Veal moved the recommendations.

Councillor Patrick Anketell-Jones seconded the motion that Cabinet adopt the proposed Green Space Strategy, findings of the review and associated area profiles, and agree that the findings of the report would be used when preparing an action plan for the delivery and management of the green spaces across the district from 2015-2029.

**RESOLVED** (unanimously) that the Cabinet adopted the proposed Green Space Strategy, findings of the review and associated area profiles, and agree that the findings of the report be used when preparing an action plan for the delivery and management of the green spaces across the district from 2015-2029.

The meeting ended at 5.40 pm

Chair \_\_\_\_\_

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

**Prepared by Democratic Services**