

BATH AND NORTH EAST SOMERSET

CABINET

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

Wednesday, 9th September, 2015

Present:

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
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

20 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Tim Warren, Leader of the Council.

The Chair welcomed everyone to the meeting.

21 EMERGENCY EVACUATION PROCEDURE

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

22 APOLOGIES FOR ABSENCE

Councillor Marie Longstaff had sent her apologies for this meeting.

23 DECLARATIONS OF INTEREST

There were none.

24 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair said that Queen Elizabeth II would be the longest serving monarch for this country as from 5.30pm today and invited everyone present to stand for a few moments as a mark of respect to the Queen.

The Chair also said that he would make a full statement at the Council meeting on 10th September on the issue of Syrian refugees. The plight of Syrian refugees has touched everyone nationally and internationally and it is vital that all parties in the Council, together with partner organisations and residents, work collectively with the

Government to help those in need. The Chair thanked Councillor Joe Rayment for bringing this issue up before the Full Council.

25 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 11 questions from Councillors.

[Copies of the questions and responses, including supplementary questions and responses if any, have been placed on the Minute book at Democratic Services]

26 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Councillor Alison Millar, in a statement *[a copy have been placed on the Minute book at Democratic Services]* read to the Cabinet, said that residents to the east of Bath had not been given an opportunity for a real input into the decision on the park and ride. Councillor Millar also said that Batheaston Parish Council had tried to form a view in order to represent the interests of their residents but they had no information on the access to the site or capacity. Councillor Millar suggested that the people of Bath should be allowed to submit their views on a fourth site.

Sally Harris, in a statement *[a copy have been placed on the Minute book at Democratic Services]* read to the Cabinet, said that she has been delighted that meetings of the Council, Cabinet and some other bodies had been webcast on the Council's website and also, that the effort to have meetings at different locations in order to engage local people is admirable. However, more could be done to enable people to participate especially in Cabinet meetings. One way of having more people engaged would be to hear their statements/views at the end of the meeting. Sally Harris commented that she has understood the rationale behind Cabinet meetings starting at 4pm but that move has made it less easy for women to participate at meetings of the Cabinet due to afterschool childcare. Sally Harris also commented that the Council's website had been difficult to navigate and that accessibility could be improved.

Adrian Dolan (on behalf of the Walcot Street Traders and Residents Association), in a statement to the Cabinet *(available on Cabinet's webcast)*, said that the Single Member Decision, made earlier this year, to offer the site at 97-101 Walcot Street to the Genesis Trust by way of a Community Asset Transfer has been fundamentally flawed. The Walcot Street Traders and Residents Association had asked the Cabinet to conduct an independent enquiry to investigate whether this transfer had followed the correct Government guidelines. The Group had also asked for an independent appraisal and site evaluation and that any work of planning applications in connection with this matter is put on hold.

Councillor Dine Romero expressed her concern that, in the statement, the Walcot Street Traders and Residents Association made accusations against some former and current Councillors. Maria Lucas (Council's Monitoring Officer) commented that the statements made were potentially defamatory, but had been made previously and therefore already in the public domain *(this was confirmed by Adrian Dolan)*.

Peter Heywood (Chair of Genesis Trust Bath) said the Trust had wanted a permanent base in central Bath for many years and he was grateful to the Council for the opportunity. The premises would provide a coordinated space in a single building where the Trust could help their clients to gradually build their skills and confidence through a range of connected activities and then step out of benefits into the job market. The Trust would not be disruptive to Walcot Street.

The Chair allowed Councillor Liz Hardman to put forward two questions to Councillor Anthony Clarke.

Councillor Liz Hardman asked the following questions:

1. A Road Safety Scheme in Paulton is being funded by s106 payments arising from the Polestar development. Some measures to slow traffic have been installed but more remains to be done. It is understood that the funding is to be released in tranches as dwellings on the site are occupied but neither the Parish Council or the Ward Councillors have yet received an up to date breakdown of money spent so far and what is still available to spend. We have been told in writing by Richard Hayes in Finance on June 9 that £8000 is left from the last allocation and a further £53,000 was paid over to BANES in March by the developers. Yet on August 12 the local Traffic Management officer told us that Highways still had no funding to carry out further works. Would it be possible asap matter of urgency to provide the Parish Council and Ward councillors with a breakdown of spending up to now and the funding currently available so that we can begin considering what other road safety measures can be funded for Paulton?

2. As a separate scheme from the above two drop-off points in roads close to Paulton Junior and Infants schools have been planned by BANES officers and the Parish Council at least three years ago to ease congestion at the beginning and end of the school day. The finalisation of these has involved buying or leasing land from Curo. Please could we have an update on the progress of these measures, since they contribute to the School Travel Plans which are currently being submitted?

Councillor Anthony Clarke responded that he would talk to responsible officers on this matter and provide answers.

27 MINUTES OF PREVIOUS CABINET MEETING

RESOLVED that the minutes of the meeting held on Wednesday 8th July 2015 be confirmed as a correct record and signed by the Chair.

28 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

29 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

30 MAKING NEIGHBOURHOOD PLANS: AMENDMENT TO COUNCIL'S NEIGHBOURHOOD PLANNING PROTOCOL

Councillor Tim Warren said that the Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live. The Act provides for a new type of community-led initiative known as a Neighbourhood Development Plan which sets out the policies on the development and use of land in a parish or 'neighbourhood area'. The Council has a duty to assist communities in the preparation of Neighbourhood Development Plans and Orders.

Councillor Tim Warren moved the recommendations.

Councillor Charles Gerrish seconded the proposals by saying that this was good news for communities and it was important that the Council was responsive to the needs of local communities and supported them in developing their Neighbourhood Plans.

RESOLVED (unanimously) that the Cabinet **APPROVED** the amendments to My Neighbourhood: A Neighbourhood Planning Protocol for Bath & North East Somerset to:

- 1) Clarify that the decision to make (bring into force) a Neighbourhood Plan once it has passed its referendum should be made by Cabinet;
- 2) Clarify the process of issuing a Decision Statement following Independent Examination; and
- 3) Delegate authority to the Divisional Director – Development to issue a Decision Statement once a Neighbourhood Plan has been made; and
- 4) Clarify the process of approving Neighbourhood Area applications for Parish & Town Councils, where the boundary of the proposed Neighbourhood Area is different to the Parish/Town Council boundary; and
- 5) Make minor factual alterations

31 STOWEY SUTTON NEIGHBOURHOOD PLAN

Councillor Tim Warren said that he was pleased that Stowey Sutton Neighbourhood Development Plan had successfully passed the referendum. He also said that significant community resources had been included into the Stowey Sutton Neighbourhood Plan preparation, including substantial volunteer time.

Councillor Tim Warren moved the recommendations.

Councillor Vic Pritchard seconded the proposals by saying that he was delighted that the Cabinet would have the opportunity to approve the very first Neighbourhood Plan in the area. Stowey Sutton Parish Council would now be able to receive 25% of Community Infrastructure Levy payments for development within their Neighbourhood Area, rather than the typical 15%.

RESOLVED (unanimously) that:

The Cabinet make and bring into force Stowey Sutton Neighbourhood Development Plan as part of the Development Plan for the Stowey Sutton Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") (as amended by the Localism Act, 2011).

32 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO JULY 2015

Councillor Dine Romero made an ad hoc statement by expressing a few concerns. Councillor Romero asked the following: would the Cabinet be committed to Phase 1 of the Grand Parade and Undercross scheme; reasons for dropping Phase 2 of the scheme; and, what has happened to Phases 3 and 4.

Councillor Charles Gerrish said that this report monitors how the Council has performed against the financial targets set in February 2015 through the Budget setting process. The Budget Management Scheme requires that the Cabinet consider the revenue and capital monitoring position four times per year. The Council was still committed to Phase 1 of the Grand Parade and Undercross scheme and they were awaiting a revised planning application. There were no detailed schemes for Phase 2 and it would be inappropriate to allocate capital at this stage. For Phases 3 and 4 – there were no capital provisions in previous budgets.

Councillor Charles Gerrish moved the recommendations.

Councillor Michael Evans seconded the proposals by saying that the revenue budget for 2015/16 includes delivery of £9.7m of savings. Councillor Evans also said that Strategic Directors would work to manage their budgets within the overall allocations approved by the Council, which would also include the development of specific mitigating actions as the financial year progresses.

RESOLVED (unanimously) that:

- 1) Strategic Directors should 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) This year's revenue budget position is noted.
- 3) The capital expenditure position for the Council in the financial year to the end of July and the year-end projections are noted.
- 4) The revenue virements listed for approval are agreed.
- 5) The changes in the capital programme are noted.

33 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2015

Councillor Charles Gerrish said that this was a routine report and that investment returns continue to be ahead of the benchmark rate. The Council continues not to hold any direct investments in countries within the Eurozone.

Councillor Charles Gerrish moved the recommendations.

Councillor Michael Evans seconded the proposals by saying that investment rates continue to reflect the Bank of England's policy on maintaining low interest rates.

The Council's Treasury advisors had estimated that there would not be an interest rate rise until Q2 of 2016.

RESOLVED (unanimously) that:

- 1) The Treasury Management Report to 30th June 2015, prepared in accordance with the CIPFA Treasury Code of Practice, is noted
- 2) The Treasury Management Indicators to 30th June 2015 are noted.

34 97/101 WALCOT STREET

The Chair, under Chair's discretion and agreement from the Cabinet, invited Councillor Lisa Brett to read a statement *[a have been placed on the Minute book at Democratic Services]* on behalf of Jay Risbridger (Director of The Green Stationery Co).

The statement said that the proposed development had been in a poor state of repair for the past twenty six years. The regeneration of the property and the proposed social enterprise would be something that the Walcot community would be very proud of in the future, and invited the Cabinet to ensure this project proceeds as planned, without any further delay.

Councillor Charles Gerrish said that this decision had been made under the previous Administration, as a Single Member Decision, in February 2015. The application of this policy was in line with guidance to Local Authorities on asset transfers. The idea was to help secure community benefits in line with Council priorities and objectives by transferring property at a peppercorn rental, in exchange for arrangements designed to secure community benefits in line with Council objectives. The proposed Lease and Building Agreement were currently under negotiation and the transaction is subject to the Genesis Trust obtaining planning permission for the works and proposed use of the premises.

Councillor Charles Gerrish added one more recommendation to the set of recommendations, which is to 'Request that a further report is brought back to cabinet within the next 4 months to consider and approve that the provisions in 5.7 have been satisfied'.

Councillor Charles Gerrish moved the recommendations.

Councillor Patrick Anketell-Jones seconded the proposals.

Councillor Patrick Anketell-Jones thanked the officers for the detailed report and also thanked Councillor Gerrish for bringing this item before the Cabinet. The Council would continue to work to fulfil the agreement for the community asset transfer to the Genesis Trust, which would include social objectives expected to be delivered as part of the transfer terms, and what types of services would be provided.

Councillor Vic Pritchard commented that it was unfortunate that the previous Administration had rushed with the decision. Nevertheless, Councillor Vic Pritchard has shown full support to the agreement for the community asset transfer to the Genesis Trust.

RESOLVED (unanimously) to:

- 1) Note that the transfer was approved under the Community Asset Transfer policy by the previous Administration
- 2) Note the transfer facilitated the release of 1-3 James Street West for development generating both a capital and revenue income
- 3) Note the community benefits as currently assessed under the transfer
- 4) Note the range of uses that are considered inappropriate for the environment
- 5) Note that the transfer is subject to Genesis obtaining planning permission.
- 6) Request that a further report is brought back to cabinet within the next 4 months to consider and approve that the provisions in 5.7 have been satisfied.

35 YOUR CARE, YOUR WAY: DRAFT COMMISSIONING INTENTIONS & MARKET ENGAGEMENT APPROACH

Councillor Vic Prichard said that the Council would have to operate under financial constraints and highlighted the potential impact on health and social care. Recent policy changes and guidance would enable commissioners to explore different ways of delivering services. The Your Care, Your Way review would provide a choice of four potential models for the delivery of community care and health services. Phase 1 engagement launched in January this year had had feedback from different sources as one of the best public engagements. Phase 2 would run from 10th September until 30th October.

Councillor Vic Pritchard moved the recommendations.

Councillor Martin Veal seconded the proposals and said that the Council have been committed to working closely with NHS colleagues and others to improve the health and wellbeing of local residents. Councillor Veal was pleased to see the amount of engagement with local people and stakeholder groups in developing these plans.

Councillor Charles Gerrish said that everyone should recognise that this was a launch of an important consultation which should engage as many people as possible in order to get a true picture on what is the best way forward.

RESOLVED (unanimously) to:

- 1) Approve, for consultation, the document 'Proposals to Review Community Services Consultation Document NHS Bath and North East Somerset CCG and Bath & North East Somerset Council'.
- 2) Approve the Market Engagement Approach set out in the report.

36 TRANSFORMING FIRS FIELD INTO A CENTENARY PARK

Councillor Dine Romero read a statement on behalf of Councillor Cherry Beath *[a copy have been placed on the Minute book at Democratic Services]*. Councillor Beath said that she has been delighted to see the proposal for Firs Field to gain an official designation as a Centenary Field. The Field has been much loved and has been a focus for the Combe Down community. This official designation would give the field added protection and it would publicly honour its links with the First World War.

Councillor Veal said that Fields in Trust has launched a new initiative called Centenary Fields, to protect and preserve the UK's war memorial fields, parks and green spaces that include war memorials and other valued green space with significance to World War I. Designated sites would be protected in perpetuity through a legal deed of dedication between the Council and Fields in Trust. Following discussions with officers and local consultation with the Friends of Firs Field, it has been proposed that Firs Field would be ideal for this programme.

Councillor Martin Veal moved the recommendations.

Councillor Patrick Anketell-Jones seconded the proposals.

Councillor Patrick Anketell-Jones thanked officers from the Parks team for putting together this report and said that Centenary Fields was an important initiative to preserve the UK's war memorial fields, parks and green spaces, especially as Harry Patch, known as the 'Last fighting Tommy' grew up in Combe Down.

The rest of the Cabinet endorsed the proposals.

RESOLVED (unanimously) that subject to discussion with the Charities Commission, that Cabinet recommends to the Council that it enter into a legal deed of dedication giving Centenary Field designation to Firs Field; that Cabinet recommends to the Council that the Leader of the Council agrees, on behalf of the Council as corporate trustee, to include the land held on trust within this designation, on the basis that Centenary Field designation will appropriately serve the aims of the trust created.

37 LEISURE CONTRACT - CAPITAL APPROVALS AND RESERVE USE

Councillor Tim Warren said that this contract has been agreed with the new leisure company that would run leisure centres in Bath and North East Somerset. It would improve facilities for local residents and support the delivery of Fit for Life Strategy.

Councillor Tim Warren moved the recommendations.

Councillor Charles Gerrish seconded the proposals by saying that the contract with the GLL would deliver an estimated £17m of investment to modernise and upgrade the Council's leisure centres, starting with Bath Leisure Centre.

RESOLVED (unanimously):

- 1) To fully approve the element of current capital budget of £7.635m for Bath Leisure Centre Refurbishment.
- 2) To fully approve the capital budget of £2.0m for potential Council costs associated with the delivery of the contract.
- 3) To fully approve the capital budget of £2.0m for Bath Recreation Ground Trust capital works.
- 4) To extend the use of the Invest to Save reserve to up to 6 years (rather than the previously approved 4 years) to optimise the smoothing of Council and Leisure Operator costs, and that this be repaid over a period of up to 10 years.

- 5) To increase the Leisure base budget by £175kpa to cover the ongoing cost of the annual payment to the Bath Recreation Ground Trust thus increasing the financial pressure on the Council which will need to be considered as a commitment as part of the 2016/17 budget.

38 CONSIDERATION OF THE INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER TO BAN THE AMPLIFICATION OF BUSKING IN ABBEY GREEN, ABBEY CHURCHYARD AND KINGSTON PARADE

Councillor Dine Romero made a statement in which she said that the Liberal Democrat group have welcomed the approach towards amplified busking though the group has had a concern on how the whole city would be controlled with the continued use of Community Protection Notices (CPNs) and engagement with the Busker Stakeholder Group.

Councillor Martin Veal said that this report has brought forward the findings of the consultation exercise carried out on the proposal to introduce a Public Spaces Protection Order (PSPO), prohibiting the use of amplifiers by street entertainers in specific areas of Bath city centre; Abbey Church Yard, Kingston Parade and Abbey Green. At this time a PSPO has not been considered justifiable in light of the consultation responses which demonstrate that the statutory test of 'detrimental effect on the quality of life of those in the locality is persistent and unreasonable' has not been met. However, it has been considered that the practice of issuing CPN warning letters and CPN's to individuals should continue.

Councillor Martin Veal moved the recommendations.

Councillor Tim Warren seconded the proposals.

Councillor Tim Warren said that he was pleased that by working with the buskers and local people there has been great improvement with the situation.

The rest of the Cabinet endorsed the proposals.

RESOLVED (unanimously) to:

- 1) In the light of the very close response numbers for and against, not to introduce a Public Space Protection Order to ban amplification of busking at this stage.
- 2) Endorse the continued use of Community Protection Notices (CPNs) and engagement with the Busker Stakeholder Group.
- 3) Review this decision in December 2015.

The meeting ended at 5.20 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services