

## BATH AND NORTH EAST SOMERSET

### CABINET

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

Monday, 14th November, 2016

#### **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
Councillor Paul Myers	Cabinet Member for Policy, Localism & Partnerships

#### **46 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **47 EMERGENCY EVACUATION PROCEDURE**

The Senior Democratic Services Officer drew attention to the evacuation procedure.

#### **48 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **49 DECLARATIONS OF INTEREST**

There were none.

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

There was none.

#### **51 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 33 questions from Councillors and 3 questions from members of 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.]*

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

Christine Boyd made a statement [*a copy of which is available on the Minute Book and on the Council's website*] related to east of Bath Park and Ride.

Christine Boyd also made a statement on behalf of Andrew Mercer [*a copy of which is available on the Minute Book and on the Council's website*] related to east of Bath Park and Ride.

Annie Kilvington made a statement [*a copy of which is available on the Minute Book and on the Council's website*] related to east of Bath Park and Ride.

Jo Hargreaves made a statement [*a copy of which is available on the Minute Book and on the Council's website*] related to Bath Community Academy.

Duncan Hounsell (Chair of the Keynsham & Saltford Liberal Democrats) made a statement [*a copy of which is attached to the Minutes as Appendix 6 and on the Council's website*] related to WoE Joint Spatial Plan.

Cllr Ian Gilchrist, Cllr Jasper Becker and Sarah Carney presented a petition to the Cabinet objecting to First Group's re-routing of the U1 along Upper Oldfield Park, which has commenced without any consultation with the residents (*note: the petition has been passed to the relevant Council department and copies of the petition and statements are available on the Minute Book in Democratic Services*).

## **53 MINUTES OF PREVIOUS CABINET MEETING**

**RESOLVED** that the minutes of the meeting held on Wednesday 19<sup>th</sup> October 2016 be confirmed as a correct record and signed by the Chair.

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

There were none.

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

There were none.

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

The Cabinet agreed to note the report.

## **57 CONSIDERATION OF THE ESTABLISHMENT OF THE WEST OF ENGLAND COMBINED AUTHORITY**

Ian Bell (Bath Business Community) said that Bath Business Community were very keen to see the Devolution deal accepted. It was the right thing to take the deal through the consultation with public and stakeholders, and the deal would give some certainty to the whole area. Ian Bell concluded his statement by saying that some members of the Bath Business Community did not like the word, or concept, of Mayor though they had congratulated the Council on successful negotiations with the government in terms of the deal.

Councillor Robin Moss said that he was disappointed that the decision on Devolution would be taken by the Cabinet, and not the Council. Councillor Moss felt that this was a major change in partnership work with other Councils, and for that reason the decision should be taken by the Full Council. Councillor Moss concluded his statement by saying that, in general, Labour Group had approved principles of the Devolution.

Councillor Dine Romero expressed her concerns that, taking into account the importance of the matter, a short report on the Devolution was only available in the last few days. Councillor Romero also expressed her concerns that only small portion of the population took part in the consultation. Councillor Romero concluded her statement by suggesting that the Combined Authority should have a Chair and not a Mayor.

David Redgewell address the Cabinet as per his statement sent in advance of the meeting [*a copy of which is available on the Minute Book and on the Council's website*].

Trevor Osbourne also welcomed the Devolution deal and the retention of business rates. Trevor Osbourne did express his concern on the fact that Bristol was built through trade and Bath through culture, and that we must recognise that two cities would have different needs. Trevor Osbourne also expressed his concern on business rates retention in Bath by highlighting that culture, further education, voluntary sector, charity and small independent traders do not pay business rates.

Councillor Tim Warren said this was a key moment on what had been a long journey for the Council, and its neighbours, to ensure we get the best possible deal from Government for our residents now and for the future. The paper had set out the draft order for the creation of the new West of England Combined authority which would be the vehicle for us receiving and delivering many of the powers and funding we had been lobbying and negotiating for over the last months. The area had achieved the best deal, one that far outweighs any other devolution deal done elsewhere in the country. In terms of protections for our area, we had secured more safeguards than any other deal in the country. This wasn't an easy journey because Devolution involves central government giving up control on things and that was not easy for it to do. There was still a lot of work to be done so that we benefit from the deal.

Councillor Tim Warren moved the recommendations.

Councillor Charles Gerrish seconded the motion by supporting the Leader and by recognising his role in making this happen and in achieving what was the best deal available. The area would benefit from 100% Business Rates Retention Pilot; based on the budgeted level of business rates income in 2016/17, it was estimated that an additional £18.9m would be retained by the West of England authorities in 2017/18 as a result. For B&NEs this would be in the region of £2m plus additional revenue

next year. Councillor Charles Gerrish welcomed the fact that the deal would open discussions over the potential for a significant new Housing Investment Fund, and that the Government had committed to working with B&NES and Highways England to look at options to link the A36 and A46.

Councillor Patrick Anketell-Jones commented that the Devolution deal would shape the WoE for the delivery of economic development. The area would need the development of infrastructure, with Metro West being one of the key projects for its delivery.

Councillor Liz Richardson said that we should embrace, and not be concerned with the change. Councillor Liz Richardson also said that, from her portfolio perspective, the most positive thing from the Devolution deal was about the new Housing Investment Fund.

Councillor Anthony Clarke expressed his support to the Devolution deal, in particular with co-working arrangements with other authorities on transport matters.

Councillor Martin Veal said that nobody would want to see return to Avon, hence why so many safeguards had been put in place. Councillor Martin Veal praised Councillor Tim Warren for his contribution in securing the best deal and added that this would make WoE the powerhouse that other authorities in the country would envy.

Councillor Paul Myers also supported the deal by saying that this would improve partnership working with neighbouring authorities, which would be of benefit to our residents.

Councillor Michael Evans also supported the deal by highlighting that the Combined Authority Mayor would be directly accountable to the public.

Councillor Vic Pritchard commended the work of the Leader and officers for getting the best deal in the country. However, Councillor Vic Pritchard expressed his concern that only 0.19% of the population took part in the consultation. Councillor Vic Pritchard said that he would abstain from voting on this matter.

Councillor Tim Warren concluded the debate by saying that this was a long and difficult process and there was still work to do, and the Council had not taken the issues this agenda creates lightly, but in the interests of the area and residents.

**RESOLVED** that the Cabinet agreed to:

- 1) Note the Summary of Consultation Responses report, and the Representations submitted to the Secretary of State ;
- 2) Note the principles in the Governance Scheme are delivered subject to the variations detailed in Appendix B
- 3) Subject to the safeguard in recommendation 2.5 below give consent to the establishment of the West of England Combined Authority

- 4) Appoint the Leader of the Council as this Council's Member of West of England Combined Authority;
- 5) Delegate to the Chief Executive, in consultation with the Leader of Council, the authority to take all decisions, to make all necessary appointments, arrangements and provide written confirmation to the Secretary of State consenting to the making of the Order creating a West of England Combined Authority;
- 6) Delegate authority to the Monitoring Officer to make all consequential amendments to the Constitution.

## **58 ENGLISHCOMBE NEIGHBOURHOOD DEVELOPMENT PLAN**

Councillor Liz Richardson said that The Localism Act 2011 had reformed the planning system to give local people new rights to shape the development of the communities in which they live. The Act had provided 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 had a duty to assist communities in the preparation of Neighbourhood Development Plans and orders, to take a Plan through a process of examination and referendum, and to bring the Neighbourhood Plan into force. In line with the Neighbourhood Planning Protocol (version dated 9th September 2015) the decision to make the Plan was for the Council's Cabinet.

The referendum took place on the 15th September 2016, and there was a 25.9% turnout of the overall Neighbourhood Area electorate. A majority (91%) were in favour of using the Englishcombe NDP to help decide planning applications in the Neighbourhood Area.

Councillor Liz Richardson moved the recommendations.

Councillor Patrick Anketell-Jones seconded the motion by welcoming the Englishcombe NDP as the 4<sup>th</sup> plan adopted in Bath and North East Somerset.

**RESOLVED** (unanimously) that the Cabinet agreed to make and bring into force the Englishcombe Neighbourhood Development Plan, as part of the Development Plan for the Englishcombe Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

## **59 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO SEPTEMBER 2016**

Councillor Andrew Furse addressed the Cabinet by expressing his concerns in overspend at some services within the Council, in particular in Children Services, Support Services and Community Services.

Councillor Charles Gerrish said that the report was presented as part of the reporting of financial management and budgetary control required by the Council. The report had presented the financial monitoring information for the Authority as a whole for the financial year 2016/17 to the end of September 2016. The report had highlighted

any significant areas of forecast over and under spends in revenue budgets, and the Council's current revenue financial position for the 2016/17 financial year to the end of September 2016 by Cabinet Portfolio. The current forecast outturn position was for an overspend of £941,000 which equates to 0.30% of gross budgeted spend (excluding Schools). Strategic Directors would work to manage their budgets within the overall allocations approved by the Council, and this would include the development of appropriate mitigating actions as the financial year progresses.

Councillor Charles Gerrish moved the recommendations.

Councillor Paul Myers seconded the motion by welcoming that the forecast outturn position had included the requirement for the delivery of £12.644m savings as part of the approved budget for 2016/17, a significant element of which had been confirmed as delivered. The Council's financial position, along with its financial management arrangements and controls, were fundamental to continuing to plan and provide services in a managed way, particularly in light of the medium term financial challenge. Close monitoring of the financial situation had provided information on new risks and pressures in service areas, and appropriate management actions were then identified and agreed to manage and mitigate those risks.

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

- 1) Strategic Directors should continue to work towards managing within budget in the current year for their respective service areas and develop an action plan of how this will be achieved, including not committing any unnecessary expenditure and stringent 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 September and the year end projections are noted.
- 4) The revenue virements listed for approval are agreed, and those listed for information are noted.
- 5) The capital virements listed for approval are agreed, and those listed for information are noted.

## **60 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2016**

Councillor Charles Gerrish said that the Full Council had received and noted this report on 10<sup>th</sup> November 2016.

Councillor Charles Gerrish moved the recommendations.

Councillor Vic Pritchard seconded the motion.

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

- 1) That the Treasury Management Report to 30th September 2016, prepared in accordance with the CIPFA Treasury Code of Practice, is noted;
- 2) That the Treasury Management Indicators to 30th September 2016 are noted.

The meeting ended at 3.45 pm

Chair \_\_\_\_\_

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

**Prepared by Democratic Services**