

## **BATH AND NORTH EAST SOMERSET**

### **CABINET**

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

Wednesday, 5th September, 2018

#### **Present:**

Councillor Tim Warren	Leader of the Council and Conservative Group Leader
Councillor Charles Gerrish	Cabinet Member for Finance and Efficiency, Conservative Deputy Group Leader North East Somerset
Councillor Vic Pritchard	Cabinet Member for Adult Care, Health and Wellbeing
Councillor Paul Myers	Cabinet Member for Economic and Community Regeneration
Councillor Karen Warrington	Cabinet Member for Transformation and Customer Services
Councillor Paul May	Cabinet member for Children and Young People
Councillor Bob Goodman	Cabinet Member for Development and Neighbourhoods
Councillor Mark Shelford	Cabinet Member for Transport and Environment, Conservative Deputy Group Leader Bath

#### **14 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **15 EMERGENCY EVACUATION PROCEDURE**

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

#### **16 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

The Chair informed the meeting that Councillor Mark Shelford would have to leave the meeting after the agenda item 'Sub-National Transport Bodies'.

#### **17 DECLARATIONS OF INTEREST**

Councillor Paul May declared a disclosable pecuniary interest on any matters related to Sirona as a non-executive director on the Sirona Board.

Councillor Bob Goodman declared that in the past he had dealt with licensed properties. The Monitoring Officer, Maria Lucas reported that a dispensation had been granted to Councillor Goodman so that he could speak on this issue.

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

There were no items of urgent business.

The Chair stated that he would take item 14 'Sub National Transport Bodies' after item 11.

## **19 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 14 questions from Councillors and 1 question from a member 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.]*

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

David Redgewell made a statement on public transport, litter and graffiti issues.

Councillor Jackson made a statement regarding Westfield ward *[a copy of which is available on the Council's website]*.

## **21 MINUTES OF PREVIOUS CABINET MEETING**

**RESOLVED** that the minutes of the meeting held on Wednesday 27<sup>th</sup> June 2018 be confirmed as a correct record and signed by the Chair.

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

There were none.

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

There were none.

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

The Cabinet agreed to note the report.

## **25 SUB-NATIONAL TRANSPORT BODIES**

Councillor Dine Romero made an ad-hoc statement, stating that this was yet another body for strategic oversight and asked how a combined scrutiny response will be co-ordinated.

Councillor Tim Ball made an ad-hoc statement where he stated that this seemed to be another body along with the Cabinet and WECA (West of England Combined Authority) and asked if more research was needed.

Councillor Mark Shelford moved the recommendations and stated that this was an opportunity for the authority to work collaboratively with others in the South West and that work was being done so that this authority would have the correct influence in this body. Councillor Shelford reported that Dorset was now part of the Gateway project.

Councillor Tim Warren seconded the motion and stated that authorities cannot work in silos and this would help to blur the lines and that there was a significant funding from the Government for this project.

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

- 1) Approved Bath and North East Somerset Council's participation in a Shadow Sub-National Transport Body.
- 2) Agreed the Shadow Sub-National Transport Body prospectus and note the emerging transport priorities (Appendix A).
- 3) Agreed to enter into a Heads of Terms and Constitution agreement with other Transport Authorities (Appendix B).
- 4) Agreed to appoint the Cabinet Member for Transport and Environment to represent the Council on the Shadow Sub-National Transport Body's Partnership Board and for a fellow Cabinet Member to act as a nominated deputy in the absence of the Cabinet Member for Transport and Environment.
- 5) Agreed to delegate authority to the Corporate Director, in consultation with Cabinet Member for Transport and Environment, to represent the Council on the Shadow Sub-National Transport Senior Officer Group.

## **26 ADDITIONAL HMO LICENSING SCHEME**

NOTE: Councillor Mark Shelford left the meeting at the close of the last item.

Councillor Will Sandry made an ad hoc statement where he explained that this issue had been well debated by the Planning, Housing and Economic Development Policy Development and Scrutiny Panel and that he was pleased that this scheme was being introduced. He commented that the scheme could be extended to North East Somerset.

Councillor Paul Crossley made an ad hoc statement where he explained that HMO's (along with AirB&B and others) have resulted in the loss of family housing across the authority and that a swift Government response was needed on this.

Councillor Tim Ball made an ad hoc statement where he spoke in support of the proposals and of the need to push up standards. He added that the scheme could be expanded to other areas.

Councillor Paul Myers introduced the item, he explained that this report will expand the licensing of Houses in Multiple Occupation - HMOs - to cover Bath City. Councillor Myers further explained that there are around 3 and a half thousand HMOs in the City providing valuable accommodation for almost 20,000 residents and most are an asset for the city but that evidence indicates that a significant number are of substandard condition. Councillor Myers explained that he was supporting the proposal which would mean that the Council, and more importantly tenants, would have reassurance that minimum legal standards, particularly fire safety standards, would be met; that the Council would have the contact details of the landlord or person managing the property and finally that the Council know where the HMOs were located.

Councillor Myers explained that at this stage the evidence did not support a wider scheme but this would be kept under consideration. Councillor Myers further explained that the cost of licensing would be met by charging landlords a licence fee and this impact on landlords must be weighed against the benefits to tenants - and the broader community. Councillor Myers concluded that he considered that on balance the benefits of the scheme outweigh the burdens and risks identified by the impact assessment

Councillor Paul Myers moved the recommendations.

Councillor Bob Goodman seconded the motion and stated he felt this scheme would receive support from most landlords.

Councillor May stated that Bath was a small city and this was a major issue in the community and pressure must be kept on standards.

Councillor Pritchard asked if officers could cope with the extra workload caused by the increased licensing. Councillor Myers stated that he was confident that resources were there to cover the work.

Councillor Warren supported the proposal and thanked the speakers for their support.

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

- 1) Having studied the evidence base it is satisfied that there is a sufficiency of evidence to justify the new scheme which accords with the Services Regulations 2009 and that any detriment to landlords is outweighed by the benefits to tenants and the wider community, sufficient safeguards are in place to mitigate the impact on affected landlords and the proposed scheme is the least intrusive means of achieving the Council's legitimate aims.
- 2) An HMO Additional Licensing scheme, as detailed within the designation report attached in appendix 1, is introduced for a period of 5 years commencing on the 1st January 2019.
- 3) The Head of Housing undertakes the appropriate and statutory steps to enable the introduction of the proposed licensing scheme.

**27 PILOT SCHEME TO INCREASE ENFORCEMENT ACTIVITY FOR ENVIRONMENTAL CRIME**

Councillor Richard Samuel made an ad-hoc statement where he stated that he supported action against littering but that this scheme had had mixed results in other authorities and there was no business plan or details of costings. He queried if there would be a competitive tendering process and if consultation had been carried out. He expressed his concern that vulnerable people may be targeted and asked the Cabinet to defer the item for consideration by the Communities, Transport and Environment Policy Development and Scrutiny Panel.

Councillor Tim Ball made an ad-hoc statement where he stated that he was concerned that enforcers may target the poorest communities to raise funds.

Councillor Will Sandry made an ad-hoc statement where he urged the Cabinet to put this issue to the Policy Development and Scrutiny Panel and to carry out an Equalities Impact Assessment. He shared the concerns made above that the vulnerable communities could be penalised.

Councillor Rob Appleyard made an ad-hoc statement where he supported the intention to deal with littering but was concerned that there could be a danger of alienating communities. He queried if the enforcers would have targets. He urged that education be the priority and that the issue to put to a Scrutiny Panel.

Councillor Patrick Anketell-Jones made an ad-hoc statement where he stated that feedback from his residents was supportive of the Council enforcing littering rules. He added that outsourcing a service does involve some risk and hoped enforcement would help the issue in Balance Street where fly tipping is cleared by Curo who then charge the tenants.

Councillor Robin Moss made an ad-hoc statement where he agreed that there was a need to reduce litter but that the issue should be considered by a Scrutiny Panel. He raised concerns that enforcement may be used for income generation though there may be disputes and intimidation.

Councillor Eleanor Jackson made an ad-hoc statement where she stated that there should be very close scrutiny of the contract. She commended the Cabinet Member for dealing with the fly tipping in Radstock and that the budget used for gulls should be used for an effective littering policy.

Councillor Bob Goodman introduced the item, he stated that it was a depressing motion to bring as littering should not happen and a shift in mind-set was needed so that littering is not tolerated. He explained that he would prefer that the Council could enforce this but there were financial constraints, he further explained that these proposals were cost neutral and have been through the procurement process.

Councillor Bob Goodman moved the recommendations.

Councillor Karen Warrington seconded the motion and stated that she agreed that littering, dog fouling and fly tipping were a scourge on society and have to be addressed. She also agreed that there was a need to make sure vulnerable people were not targeted and that education was important. She explained that this was a pilot scheme which would be closely monitored and which has been successful in other authorities.

Councillor Paul May stated that he supported the concept and suggested a report back in 6 months.

Councillor Charles Gerrish stated that litter on roadside verges was also an issue and that he supported the proposal with a review after 6 months.

Councillor Paul Myers stated that dog fouling can affect people's health. He added that a private business could do the job as long as the contract was well managed. He also stated that the aspiration for a clean environment was a key and that savings on litter clearing could be put towards statutory services.

Councillor Vic Pritchard stated that people could still help with litter clearance and this pilot would be ancillary to that.

Councillor Tim Warren stated that the community would be more likely to be alienated if the Council did not deal with litter issues and that if people do not litter, they would not be targeted.

Councillor Goodman stated that there would be a progress report in 6 months.

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

- 1) That the Group Manager for Neighbourhood Environmental Services, in consultation with the Cabinet member for Development and Neighbourhoods to enter in to a 12 month pilot scheme to increase the enforcement of environmental crime throughout the district with the following provision:
  - a) the contract is at zero cost to the council
  - b) the contract is flexible to include additional enforcement activity as deemed appropriate
  - c) the providers take a proportionate approach in accordance with the legislation
  - d) that education and awareness raising of the consequences of environmental crime are prioritised
  - e) that if successful, proposals for a more permanent arrangement are developed towards the end of the trial.

## **28 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO JULY 2018**

Councillor Dine Romero made an ad-hoc statement where she stated that targets were being missed and that there were unintended consequences of the actions that had been taken to make the savings and a national solution is needed.

Councillor Robin Moss made an ad-hoc statement that staff should be congratulated on the underspend in Adult Social Care.

Councillor Charles Gerrish moved the recommendations. He explained that the report was in a new format which was very clear and open. He explained that the bulk of the overspend would be met from Revenue Budget Contingency. He added that Property Services are considering two potential commercial properties which would be income generating. He further commented that a national solution to Local

Government funding is needed and that Cabinet Members will continue to work with officers to find savings.

Councillor Paul May seconded the motion, he stated that this is the most difficult financial criteria for a Council that he had ever had to work with. He thanked the officers for the clear report.

Councillor Tim Warren stated that these are financially tough times but that on the whole the authority is doing well. He thanked the officers for the hard work and clear reporting.

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

- 1) To note the 2018/19 forecast over budget of £2.6m (as at the end of July 2018) and the recovery plan actions outlined in Appendix 1;
- 2) To note the mitigations that will be required shown in paragraph 5.6, if the over budget position cannot be reduced by the end of the financial year
- 3) To note the capital year end forecast detailed in paragraph 5.16 of this report;
- 4) To note the revenue virements listed for information in Appendix 3(i);
- 5) To note the changes in the capital programme including capital schemes that have been agreed for full approval under delegation listed in Appendix 4(i)

## **29 TREASURY MANAGEMENT MONITORING REPORT TO 30TH JUNE 2018**

Councillor Gerrish moved the recommendations.

Councillor Paul May seconded the motion.

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

- 1) The Treasury Management Report to 30th June 2018, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.
- 2) The Treasury Management Indicators to 30th June 2018 are noted.

The meeting ended at 5.45 pm

Chair \_\_\_\_\_

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

**Prepared by Democratic Services**