

BATH AND NORTH EAST SOMERSET

CABINET

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

Tuesday, 18th December, 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

57 WELCOME AND INTRODUCTIONS

The Chair welcomed everyone to the meeting.

58 EMERGENCY EVACUATION PROCEDURE

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

59 APOLOGIES FOR ABSENCE

There were no apologies for absence.

60 DECLARATIONS OF INTEREST

Councillor Paul May declared an other interest as non-executive director on Sirona's Board and said that he would leave the room during the statement from the Unison Officer about Sirona dispute.

61 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair invited the meeting to pay their respects by standing for a minute's silence for Sandra Flowers (ex PA to Chief Executive) and Andy Coles (Traffic Regulation Orders Technical Officer) who recently passed away.

62 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 24 questions from Councillors and no 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.]

63 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Sarah Moore made a statement where she highlighted concerns about road safety in Twerton and presented a petition for a pedestrian crossing outside/near Twerton Infants School. Sarah Moore also invited Councillor Mark Shelford, as the relevant Cabinet Member, to attend a meeting with the residents to discuss traffic safety measures.

Councillor Mark Shelford thanked Sarah Moore for the petition and said that in principle he would support this issue though any new projects that were not set in the budget would take time to be achieved. Councillor Shelford also welcomed a suggestion to meet with the residents on this matter.

Note: Councillor Paul May left the room at this point.

John Drake (UNISON) addressed the Cabinet about the long running dispute between the UNISON and Sirona Health and Care. John Drake said that workers were asked to work additional hours for exactly same pay, or take a significant pay cut. John Drake said that the UNISON believed that this has happened because the Council has offered flat rates contracts with Sirona. John Drake also said that the reputation of Sirona was damaged and long term viability of Sirona was in jeopardy. John Drake urged the Council to bring these services back in house as the Council could provide much better services than Sirona.

Note: Councillor Paul May returned to the meeting at this point.

Councillor Richard Samuel said that questions he had asked on certain details related to Bath Podium Library project were not fully answered. The project was now paused as there was no popular support for it. Councillor Samuel also said that he has made requests for background information which were refused. Councillor Samuel felt that he had right to see this information as a Member of the Council and that he was being obstructed from getting the information that he was entitled to.

The Chair said that he would speak to the Monitoring Officer and get back to Councillor Samuel with answers on this matter, outside the meeting.

64 MINUTES OF PREVIOUS CABINET MEETINGS

RESOLVED that the minutes of the meetings held on 31st October and 8th November 2018 be confirmed as correct records and signed by the Chair.

65 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

66 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

67 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

68 BUSINESS PLAN UPDATE - CLEAN AIR ZONE

Councillor Tim Ball made an ad-hoc statement by saying that the Cabinet was legally obliged to make the decision this year, and it should not wait for March or any other month next year.

Councillor Richard Samuel made an ad-hoc statement by saying that the Cabinet Member responsible for the Clean Air Zone suggested that further direction on this matter would be considered by the Cabinet in 6 to 8 weeks from now. Councillor Samuel expressed his doubt that this Cabinet would make any decision during the purdah period, and suggested that the decision would be made after Local Elections in May 2019. Councillor Samuel was concerned that Council would be exposed to financial risk by delaying the decision on the Clean Air Zone. Councillor Samuel recognised that there was excellent response from the public, and that the officers would need some time to get the feedback, though this would not stop the Cabinet making the decision before purdah period.

Councillor Dine Romero commented that she would be interested in mitigation measures for those who would not be able to afford newer and compatible cars, those who were providing essential services to the community and what alternatives in transport could be provided.

Councillor Bob Goodman introduced the report.

Councillor Goodman said that residents and businesses had taken the time to engage with the Council and as such, they have deserved a proper response. This was important given the unique nature of Bath which was one of only two entire cities designated by UNESCO as World Heritage Sites (the other being Venice). The area surrounding the city was also designated. Bath was a major tourist destination whilst it was also a key transit point between the south coast and the motorway network. Therefore, the Council had to balance addressing air quality, that had the potential to be a highly complex and controversial issue, with measures that may be perceived to unfairly "penalise" residents and businesses, when the causes of the poor air quality also relate to transiting traffic, tourism and the topography of the city and surrounding area.

As a responsible public body, the Council has taken its duties and responsibilities seriously and has demonstrated best endeavours to comply with the Government Directive and legal requirements. It should also be noted that the Council was significantly further ahead in this process than a number of other local authorities provided with an air quality direction.

Whilst the volume and complexity of responses to the consultation was unprecedented, certain themes were emerging, these include:

- Suggestions to either extend or reduce the boundary of the zone
 - Other alternative measures to address the air quality levels
 - Diversion routes to avoid 'rat runs'
 - Identification of impacts of the proposals on specific groups of people, specific localities and businesses
 - Suggestions on mitigation measures such as; charging variations, public transport measures, access restrictions, infrastructure improvements, parking and transport management measures and development of low emission transport modes.
- The Joint Air Quality Unit, commonly known as JAQU, was established by UK government Departments for transport and the environment to deliver national plans to improve air quality and ensure compliance EU air quality objectives. Air quality modelling was central to developing these plans. In accordance with JAQU guidance, modelling for the local CAZ has been undertaken using the most frequently used UK model for assessing emission concentration from road traffic sources (Ref: Atmospheric Dispersion Modelling System for Roads). The model inputs included; emission sources, meteorological data, background pollution levels and the likely impacts of structures/urban environments.

Councillor Goodman concluded his statement by saying that that despite the challenging timeline set by the Government, the Council has achieved the deadline for submitting the initial plan to the Joint Air Quality Unit and immediately proceeded with the technical work necessary to develop a final plan and preferred option. Extensive public and partner engagement on the initial plan was also undertaken in parallel with a view to enabling the shortest possible consultation on the final plan and preferred option. However, the extent of the response would require additional time to complete this piece of work effectively and fairly.

Councillor Bob Goodman moved the recommendations.

Councillor Mark Shelford seconded the motion by saying that taking additional time to complete this piece of work was the right thing to do. The volume and complexity of responses to the consultation was unprecedented and the officers would need to take some time to assess these correctly. The Council would work on improving the health of local people with as small as possible detrimental effect on businesses in the city.

Councillor Karen Warrington also supported the motion by saying that she would not want to make final decision on this matter until all feedback from the consultation is processed.

Councillor Paul May said that Bath was a heritage city and its residents deserve clean air. The unprecedented number of responses to the consultation deserves proper consideration so the Cabinet can get clarity on what the residents had said.

Councillor Vic Prichard said that the Cabinet did not have enough time to consider feedback from the consultation so this was the right thing to do. It would be unfair to residents if the Cabinet rushed to make the decision and ignored overwhelming feedback. The Cabinet would also need to take into account people who own non-compliant vehicles and how they would travel to the hospital; what sort of public transport provision would be in the city; impact on businesses; and how to reduce the pollution.

Councillor Paul Myers welcomed the consultation responses from the public and said that the Cabinet would listen to the residents. Councillor Myers also suggested that the Council should consider car sharing options signage, similar to Bristol.

The Chair commented that it was important for the residents of Bath, and also North East Somerset, to be able to breathe the clean air. The Chair also said that all of us were to blame for the pollution, and all of us would have to work together to reduce the pollution in Bath. The Council has received over 8,400 responses to the consultation and it would have to look at all of them before taking next steps. It would also have to consider risks to the residents, visitors and businesses including mitigation measures.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Note the unprecedented high number of consultation responses, as highlighted in section 8 of this report.
- 2) Receive a further report with fully costed and modelled options, including a range of mitigation measures as soon as is reasonably possible. In any event receive an update report in March 2019.
- 3) Request a full analysis of the consultation responses and any consequential statistical and financial modelling work deemed necessary to ensure comprehensive consideration of the wide range of comments received.
- 4) Request Officers to continue to liaise with the Joint Air Quality Unit (JAQU) regarding the timeline and the on-going funding for the remaining Outline and Full Business cases (OBC and FBC), subject to understanding the implications of further modelling.

69 REVIEW OF TAXI LICENSING POLICY AND ASSOCIATED CONDITIONS

Councillor Will Sandry made a comment that he was happy with the report though he was concerned about the language used at some Licensing Committee meetings.

Councillor Dine Romero expressed her concerns that conditions would not apply to vehicles which were licensed in other authorities.

Councillor Bob Goodman introduced the report by saying that the previous policy and conditions adopted by the Council have been updated to align with the proposals on air quality, the need to ensure that all drivers have an awareness of how to respond to concerns about Child Sexual Exploitation and the need to ensure that new applicants are able to effectively communicate with passengers in the interests of public safety. Following the Equality Act 2010 (Commencement No. 12) Order 2017, it was also recommended that the Council adopts these provisions in the interests of transparency and fairness to both licence holders and wheelchair users.

Councillor Bob Goodman moved the recommendations.

Councillor Tim Warren seconded the motion.

Councillor Mark Shelford supported the report though he felt that taxi drivers should wear some sort of uniform in near future which would, in his view, add value to the service.

RESOLVED (unanimously) that the Cabinet agreed to:

- 1) Note the responses to the public consultation and the officer recommendations;
- 2) Adopt the revised hackney carriage and private hire policy following endorsement by the Licensing Committee;
- 3) Adopt Section 165-167 of the Equality Act 2010 following endorsement by the Licensing Committee;
- 4) Note the amended private hire driver conditions and hackney carriage driver byelaws following amendments proposed by the Licensing Committee;
- 5) Note the remaining conditions adopted by the Licensing Committee at the meeting on 17 October 2018.

70 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO OCTOBER 2018

Councillor Richard Samuel made an ad-hoc statement saying that there was £50k of underspend in July 2015 and today the figure was £4.1m of overspend. Councillor Samuel also said that Council's reserves have been depleted.

The Chair explained that during the last 4 years the Council had to find £50m in savings, whilst also protecting the most vulnerable.

Councillor Charles Gerrish introduced the report by highlighting the following:

a) Revenue budget

The Revenue budget outturn was currently forecast to be £4.1m over budget. This is £1.5m higher than the £2.6m reported previously and this was mainly due to unmitigated delays in savings delivery of net £1.8m, additional demand in Children's Services £2.2m, and a £1.2m shortfall in income from Commercial Estate. This has been partially offset by a forecast under budget position of (£0.86m) resulting from Council funded growth allocations now being funded from additional grant in Adult Social Care. Urgent actions have been put in place through Recovery Plans to mitigate this position. The report highlighted which savings were delayed and which were considered high risk and may not be delivered. Those that were delayed can be supported through the smoothing reserve but this would utilise all of the reserve allocation for 2018/19.

b) Capital budget

The capital budget was currently showing an expected under budget position of £11.4m mainly due to slippage and re-phasing.

This report would also seek approval to make adjustments to the current capital programme following the review that has been carried out to support 2019/20 budget planning.

c) Council tax and Business rates

The current forecast Council's share of the year end Collection Fund position was:

- Council Tax – Surplus of £0.760m (2017/18 Deficit £0.154m)
- Business Rates – Deficit of £0.259m (2017/18 Deficit £1.473m)

Business rates collection remained slightly lower than target and would continue to be monitored closely over the next few months

d) Council Reserves

Council reserves would be required to mitigate the current position if the actions being put in place were not successful. The Budget Contingency Reserve which has been set up to mitigate budget risk would be completely depleted with a further £0.53m requirement from Un-earmarked Reserves. This would reduce General Fund Un-Earmarked Reserves to below the range required to meet the Council's financial risks and therefore required a review of all reserves and a requirement for further savings to replenish them in 2019/20.

Councillor Charles Gerrish moved the recommendations.

Councillor Paul May seconded the motion by saying that the Cabinet has been open and transparent to the public in terms of the budgetary position. Councillor May added that the demand in children services was higher due to increased costs from new residential placements as a result of children being at risk of harm, as well as a number of children having to move from foster care into more expensive residential care due to the complexity of their needs.

RESOLVED (unanimously) that the Cabinet agreed:

- 1) To note the 2018/19 forecast over budget of £4.1m (as at the end of October 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 5.17 of this report;
- 4) To approve the revenue virements listed for approval and note the 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)
- 6) The capital schemes listed in Annex 4(iii) for removal / deferment from the current 5 year capital programme.

The meeting ended at 11.45 am

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services