

BATH AND NORTH EAST SOMERSET

MINUTES OF COUNCIL MEETING

Tuesday, 15th February, 2011

Present:- **Councillors** Simon Allen, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Gabriel Batt, Cherry Beath, David Bellotti, Sarah Bevan, Loraine Brinkhurst MBE, John Bull, Neil Butters, Bryan Chalker, Anthony Clarke, Victor Clarke, Nicholas Coombes, Chris Cray, Paul Crossley, Gerry Curran, Colin Darracott, Sally Davis, Douglas Deacon, Ian Dewey, David Dixon, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Francine Haeberling, Alan Hale, Malcolm Hanney, Nathan Hartley, David Hawkins, Lynda Hedges, Steve Hedges, Adrian Inker, Eleanor Jackson, Les Kew, Malcolm Lees, Barry Macrae, Shaun McGall, Marian McNeir MBE, Bryan Organ, Carol Paradise, Vic Pritchard, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, David Speirs, Shirley Steel, Roger Symonds, Martin Veal, Tim Warren, Chris Watt, Brian Webber, John Whittock, Stephen Willcox and Gordon Wood

Apologies for absence: Councillors Armand Edwards, Peter Edwards, Andrew Furse, Marie Longstaff and Brook Whelan

70 EMERGENCY EVACUATION PROCEDURE

The Chairman welcomed everyone to the meeting including the members of the public seated in the overflow facility in the Banqueting Room and drew attention to the emergency evacuation procedure set out on the agenda which was read out.

71 MINUTES

RESOLVED that the minutes of - the previous ordinary meeting of the Council held on 16th November 2010; the special meeting also held on 16th November 2010; the special meeting held on 2nd December 2010; and the special meeting held on 20th January 2011 - be each approved as a correct record and be signed by the Chairman.

72 DECLARATIONS OF INTEREST

The Divisional Director Legal and Democratic Services advised Members orally on the issues they needed to consider in reaching a decision on whether they had an interest to declare in the matters on the agenda for this meeting.

Councillor Malcolm Hanney declared a personal non-prejudicial interest in the report on the Budget and Council Tax (agenda item 8) as Chair of NHS Bath and North East Somerset Primary Care Trust.

Councillor Rob Appleyard declared a personal and prejudicial interest in the report on the Budget and Council Tax (agenda item 8) relating to the possible sale of land agreed as a Trustee of the Somer Community Housing Trust.

Councillor Rob Appleyard declared a personal and prejudicial interest in the report on the Budget and Council Tax (agenda item 8) relating to the budget scrutiny as the Vice-Chair of the Norton Radstock Town Council.

Councillor Appleyard indicated that he would vacate the Council Chamber and not take part in the discussion and voting on those matters.

Councillor Loraine Morgan-Brinkhurst declared a personal interest in the report on the Budget and Council Tax (agenda item 8) relating to the proposed Liberal Democrat amendment on the Bath Transportation Package funding, as her home was near the route, and indicated that she would vacate the Council Chamber and not take part in the discussion and voting on that amendment.

73 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE

The Chairman:

1. Announced that in the 2011 UK Youth Parliament Elections, Mike Fidanoglu from Beechen Cliff School had been elected MYP for Bath with Fiona Collier, Hayesfield School as deputy and that Alec Howells, Writhlington School had been elected MYP for North East Somerset with Shyam Sawhney, Norton Hill School as deputy.
2. Informed Council of the recent death of Mrs Kate Scully MBE, formerly youth worker in the DAFBY team (Democratic Action for B&NES Youth) and invited the Council to place on record condolences to her family and colleagues and indicated that her funeral would take place on Friday 25 February 2011.
3. Encouraged all Councillors who had not done so already, to purchase their tickets for the Charity Ball taking place on the opening night of the Bath Comedy Festival on 1 April.
4. Asked everyone to turn off their mobile phone or switch it to silent to avoid disrupting the meeting and because of the possibility of interference with the sound system or the videolink to the Banqueting Room.
5. Referred to the agenda item timings on the briefing sheet for this meeting which had been agreed with the Group Leaders and asked Councillors to keep contributions to debate brief and relevant and not to repeat what had already been said by colleagues.
6. Informed Council that, in the absence of the Vice-Chairman, she had asked Councillor Bryan Chalker, Immediate Past Chairman, to assist with the speakers' list for this meeting.

7. Indicated that she proposed to waive Council Rule 37, so as not to permit Councillors seconding motions or amendments being able to reserve their right to speak until later in the debate, but to require all seconders, if they wished to speak, to do so when they had seconded the motion or amendment. The Council indicated its agreement.
8. Indicated that she would announce a comfort break between 8pm and 9pm if the meeting did not appear to be near its conclusion by then.

74 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There were no items of urgent business for this meeting.

75 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Ms Tracey Quinn made a statement in support of a petition signed by residents in the Kingsway area of Oldfield Ward in Bath urging the Council to provide and stock grit bins at strategic locations in the area to enable local residents to grit roads and pedestrian areas during icy weather.

In response to a question from Councillor Will Sandry, Ms Quinn said that two of the most difficult road junctions in the area would significantly exceed the criterion of 200 vehicle movements per day used to allocate grit bins.

In response to a question from Councillor John Bull, Ms Quinn said that she was aware that, in deciding on the location of grit bins, the road gradient is measured but that in many cases the pavements had a steeper slope which made them impassable in bad weather and this needed to be taken into account as well.

Ms Quinn was thanked for her statement and for presenting the petition which was referred for consideration and response to the Cabinet Member for Service Delivery. A copy of the statement provided by the speaker which was circulated at the meeting is held on file in the minute book and published on the Council's website with the draft minutes of this meeting.

76 MEDIUM TERM SERVICE AND RESOURCE PLANNING 2011/12 TO 2013/14, AND BUDGET AND COUNCIL TAX 2011/12

The Council considered a report setting out the recommendations of the Cabinet on the review of the Medium Term Financial Plan for the period to 2013/2014 and the Revenue and Capital Budgets and Council Tax for 2011/12 (Report 8).

In addition to the reports circulated with the agenda, all Councillors received a copy of the draft minute of the Corporate Performance and Resources Overview and Scrutiny (O&S) Panel meeting held on 31st January with the panel's comments on the Budget proposals.

On a motion from Councillor Francine Haerberling seconded by Councillor Les Kew it was **RESOLVED** that the Council suspends Council Rule 42, Content and Length of Speeches, for the duration of this debate to enable variations to be permitted to the length of the speeches by the Cabinet Member for Resources, the Liberal Democrat Group, Labour and Independent Group Leaders and the Chair of the Corporate Performance and Resources O&S Panel.

On a motion from Councillor Malcolm Hanney seconded by Councillor Francine Haerberling it was **RESOLVED** that the Council:

1. Approves:
 - a) The General Fund net revenue budget for 2011/12 of £121.742m with no increase in Council Tax.
 - b) That no Special Expenses be charged other than Town and Parish Council precepts for 2011/12.
 - c) The adequacy of reserves at Appendix 1 Table 9 with a risk-assessed level of £10.5m.
 - d) The individual service cash limits for 2011/12 summarised at Appendix 1 Table 5 and detailed in Annex 1.
 - e) That the specific arrangements for the governance and release of corporate headroom (which includes any amounts for which the purpose has not been specified in the budget report in relation to transfers to revenue budget contingency, the ongoing headroom allocations and the one off headroom allocations in Appendix 1) be delegated to the Council's Section 151 Officer in consultation with the Cabinet Member for Resources and the Chief Executive together with the Chair of the CPR Overview & Scrutiny Panel.
2. Agrees to include the precepts set and approved by other bodies including the Local Precepts of Town Councils, Parish Councils and the Charter Trustees of the City of Bath, and those of the Fire and Police Authorities in its Council Tax setting.
3. Acknowledges the Section 151 Officer's report on the robustness of the proposed Budget and the adequacy of the Council's Reserves (Report 8, Appendix 1, Annex 2) and approves the conditions upon which the recommendations are made as set out throughout Appendix 1 of Report 8.
4. That in relation to the Capital Budget the Council:
 - a) Approves a Capital Programme of £34.108m for 2011/12 and notes indicative items shown in italics for 2011/12 and the Programme for 2012/13 to 2015/16 as shown at Appendix 1, Annex 3 of Report 8 including the planned sources of funding.

- b) Approves the Minimum Revenue Provision Policy as shown at Appendix 1, Annex 4 of Report 8.
- c) Approves the Capital Prudential Indicators as set out in Appendix 1 Table 7 of Report 8.
5. Notes the O&S review of Medium Term Service and Resource Plans and 2011/12 Service Action Plans and instructs the relevant officers to finalise and publish their Medium Term Service and Resource Plans and Service Action Plans by the end of March 2011, in consultation with the relevant Cabinet Member and in light of feedback from the O&S reviews, and in line with the approved cash limits.
6. Agrees to earmark an additional £40k (from the £105k one-off headroom allocation to introduce a community enablement programme to support provision of Youth Services) to support Keynsham Time Out and Radstock Youth Centre during the transition period, recognising that the two youth centres have each already been allocated £15k following the Council resolution of 16 November, 2010 and that this £40k funding shall be allocated as follows:
- £20k to Keynsham Time Out to support the work being undertaken by Keynsham Town Council to continue to provide youth services in the town; and
 - £20k to pay for a managed transition at Radstock Youth Centre, in consultation with Radstock Youth Partnership.
7. Agrees to reinstate funding of £14k to the Shout Out advocacy service and £8k to Bath Contact Centre. The funding for this shall be allocated from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
8. Agrees to reinstate funding of £110k to support carers' activities including short breaks for disabled, vulnerable and disadvantaged children. The funding for this shall be allocated from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
9. Agrees to allocate £60k to support the ongoing costs of maintaining and opening Victoria Hall during the transition to the new town and parish councils. The funding for this shall be allocated from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
10. Agrees to ask the Cabinet to consider allocating £30k to resource extra hours for Family Support Workers for home learning for children aged 0-3 who have complex medical needs and disabilities and to consider allocating the funding for this from the £336k one-off headroom allocation to support disadvantaged communities, regeneration and localism projects.
11. Agrees to ask the Cabinet to consider allocating £50k (from the £1,736k ongoing Revenue Budget Contingency) to enable Children's Services to work

in partnership with schools to continue to provide some Parent Support Advisors. These staff would be managed from the Children's Centres to provide support for families with pre-school children previously identified as vulnerable and disadvantaged, and to work with these families as these children make the transition from Children's Centres to primary school and to continue to work with them in the primary school setting.

12. Approves the technical resolutions that are derived from the Budget Report, and all the figures in that Report and including the precepts for Town Councils, Parish Councils and other precepting bodies as set out in Appendix 4 of Report 8.

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2011/2012 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES THAT:

13.. The revenue budget as set out in Appendix 1 Annex 1 to the report be approved.

14. The 2011/12 capital budget as set out in Appendix 1 Annex 3 to the report be approved.

15. That the Council's total net expenditure for 2011/12 be set at **£121.557m¹** (including a contribution of £1.736m net to reserves), or £119.822m excluding the contribution to reserves. That the 2011/12 expenditure is funded as follows:

	Total £	Per Band D (£)
2011/12 Gross Expenditure	349,160,132	5,419.81
2011/12 Income (excluding recharges)	-229,338,550	-3,559.89
2011/12 Net Expenditure	119,821,582	1,859.92
Funded by:		
Use of Balances (- is net contribution)	-1,735,568	-26.94
£1.736m contribution		
Revenue Support Grant £10.280452m	43,539,450	675.84
Business Rate Pool £33.258998m		
Collection fund surplus	591,000	9.17
Total	42,394,882	658.07
Raised from Council Tax	77,426,700	1,201.85
Total Funding	119,821,582	1,859.92

16. (a) That it be noted that on 14th January 2011 the Divisional Director of Finance (as authorised Section 151 Officer) agreed **64,422.90** Band D property equivalent as the Council Tax base for the year 2011/12 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992.

¹ This is net of the Dedicated Schools Grant of £113.801m and the Council Tax Freeze Grant of £1.920m

(b) The amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amount of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate is given as Annex 1 (1). *[Annex 1 (1) gives Band D Tax base by parish]*

17. That the following amounts be now calculated by the Council for the 2011/12 financial year in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992:

(a) **£121,842,672** (=119,821,582 (net expenditure) +2,021,090 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.

[This is the net expenditure incurred in performing functions and charged to revenue account, contingencies for revenue, any financial reserves to be raised, financial reserves to meet prior year deficit not yet provided for and any amounts transferred from general fund to collection fund under section 98(5) of 1988 Act.]

(b) **-£1,735,568** (contribution to balances) the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.

[This is sums estimated to be payable into the general fund other than RSG and NNDR, transfers from the collection fund to the general fund and financial reserves used to provide for items in Section 32(2) including income]

(C) **£123,578,240** being the amount by which the aggregate at 6(a) above exceeds the aggregate at 6(b) above calculated by the Council in accordance with Section 32(4) of the Act as its **budget requirement** for the year.

(d) **£ 44,130,450** (£43,539,450 Revenue support grant and business rate pool plus collection fund surplus £591,000) being the aggregate of the sums which the Council estimates will be payable for the year in respect of redistributed non-domestic rates, revenue support grant or additional grant, increased by the amount which the Council estimates will be transferred in the year from its collection fund to its general fund.

[Adjustments to be made to this figure for transfers from Collection Fund to or from General Fund in accordance with Sections 97(3) and 97(4) and 98(5) and 98(4) of the Local Government Finance Act 1988. This is the RSG, NNDR grant payable plus/minus collection fund surplus/deficit for Council Tax]

(e) **£ 1,233.22** being the amount at 6© above less the amount at 6(d) divided by the amount at 5(a) above, calculated in accordance with Section 33(1) of the Act, as the basic amount of Council Tax for the year.

[This is the average Council tax including B&NES and parish precepts]

(f) **£ 2,021,090** being the aggregate amount of all special items referred to in Section 34(1) of the Act.

[This is the total of parish precepts]

(g) **£1,201.85** being the amount at 6(e) above less the result given by dividing the amount at 6(f) above by the amount at 5 (a) above, calculated by the

Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

[This is the B&NES Council tax only excluding parish precepts]

(h) The amounts given by adding to the amount at 6(g) above the amounts of special items or items relating to dwellings in those parts of the Council's area mentioned in Annex 1(1) divided in each case by the amount at 5 (b) above, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate are given at Annex 1 (2).

[Annex 1 (2) gives parish precepts and the Band D Council tax for the parish precept]

(i) The amounts given by multiplying the amounts at 6(g) and 6(h) above by the number which, in the proportion set out in Section 7(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands are given in Annex 1 (3).

[Annex 1 (3) shows the B&NES and parish Council Tax for all bands.]

Precepting Authorities

18. That it be noted that for the year 2011/12 Avon and Somerset Police Authority met on 9 February 2011 to determine the amount in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

19. Avon and Somerset Police Authority Valuation Bands

A	B	C	D	E	F	G	H
£112.02	£130.69	£149.36	£168.03	£205.37	£242.71	£280.05	£336.06

20. That it be noted that for the year 2011/12 Avon Fire Authority met on 11 February 2011 to determine the amounts in precepts issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of the dwellings shown below:-

21. Avon Fire Authority Valuation Bands

A	B	C	D	E	F	G	H
£40.25	£46.96	£53.67	£60.38	£73.80	£87.22	£100.63	£120.76

22. That, having calculated the aggregate in each case of the amounts 8, 10 and 6(i) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the 2011/12 financial year for each of the categories of dwellings shown, as listed in Annex 1 (4).

23. On average (for a Band D, 2 adult household) the Council Tax for 2011/12 will be as follows:

<i>Reference Band D 2010/11 £</i>		£ Band D 2011/12	% Increase on 2010/11
1,201.85	Bath and North East Somerset Council	1,201.85	0.00
31.07	Average Parish Precept	31.37	0.97
60.38	Avon Fire Authority	60.38	0.00
168.03	Avon and Somerset Police Authority	168.03	0.00
1,461.33	Total Tax charged	1,461.63	0.02

[Overall annual increase in average Band D Council Tax is £0.30]

*(Notes: 1. The above motion was carried with 31 Councillors voting in favour, 26 Councillors voting against and with 1 Councillor abstaining from voting.
2. An amendment was moved on behalf of the Labour Group by Councillor John Bull which was accepted by the mover and seconder of the motion. The wording of the amendment is incorporated in paragraphs 6. to 11. of the resolution above.*

3. An amendment was moved on behalf of the Liberal Democrat Group by Councillor David Dixon seconded by Councillor Caroline Roberts to remove £7M Bath Transportation Package funding from the capital programme and to invest the £400K revenue released in local transport initiatives and safer routes to schools; and to earmark from the headroom allocated to revenue budget contingency - £50K for a home to school transport co-ordinator; £150K for Youth Service ongoing allocation; £50K to offset reductions in grants to Children`s Services voluntary bodies; and £25K for the World Heritage Site Management Plan. That amendment was not carried with 22 Councillors voting in favour, 31 Councillors voting against and with 4 Councillors abstaining from voting.

3. An amendment was moved on behalf of the Liberal Democrat Group by Councillor Dine Romero seconded by Councillor Nigel Roberts to allocate from the revenue contingency fund £400K to improve capacity for removing the various waste streams from residential properties and enhance gritting and winter resilience capacity. That amendment was not carried with 23 Councillors voting in favour, 34 Councillors voting against and with no Councillors abstaining from voting.

4. An amendment was moved on behalf of the Liberal Democrat Group by Councillor Roger Symonds seconded by Councillor Cherry Beath to allocate £400K from the LTP capital budget as a high priority to improve cycle provision and create 20 mph residential zones. That amendment was not carried with 23 Councillors voting in favour, 30 Councillors voting against and with 4 Councillors abstaining from voting.)

77 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY 2011/12

The Council considered a report on the policies for managing its investments and for giving priority to their security and liquidity set out in the Treasury Management Strategy and the Annual Investment Strategy.

On a motion from Councillor Malcolm Hanney seconded by Councillor Charles Gerrish it was **RESOLVED** that the Council approves:

1. The actions proposed within the Treasury Management Strategy Statement (Appendix 1 to Report 9).
2. The borrowing and debt rescheduling strategy as detailed in Appendix 1.
3. The Investment Strategy as detailed in Appendix 2 to Report 9.
4. The changes to the authorised lending lists detailed in Appendix 2.
5. The decision not to commit to a local authority bond issue to fund capital programmes prior to 9th May 2011.

(Notes. 1. The above resolution was carried by a majority of Councillors voting in favour with no Councillors voting against and no Councillors abstaining from voting. 2. The wording in paragraph 5. of the resolution was added on an amendment from Councillor Tim Ball on behalf of the Liberal Democrat Group which was accepted by the mover and seconder of the motion.)

78 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were seven questions from Members of the Council as listed in Annex 2 to these minutes. The questions asked and answers given in writing as circulated at the meeting are held on file in the minute book and published on the Council's website with the draft minutes of this meeting.

Councillor Eleanor Jackson made a statement on the Council's planning enforcement policy urging that resources be made available to enable a sufficient number of qualified staff to be employed to deal with enforcement matters throughout the Council's area. The statement was referred to the Cabinet Member for Service Delivery for consideration and response.

Councillor Will Sandry withdrew his request to make a statement about the Council's policy on the provision of grit bins as he had raised this matter in the debate on the Budget and Council Tax report earlier in the meeting.

The meeting ended at 9.07 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services