

BATH AND NORTH EAST SOMERSET COUNCIL

MINUTES OF COUNCIL MEETING

Tuesday, 23rd February, 2021

Present:- **Councillors** Rob Appleyard, Tim Ball, Sarah Bevan, Colin Blackburn, Alison Born, Shelley Bromley, Neil Butters, Vic Clarke, Sue Craig, Paul Crossley, Gerry Curran, Chris Dando, Jess David, Tom Davies, Sally Davis, Douglas Deacon, Winston Duguid, Mark Elliott, Michael Evans, Andrew Furse, Kevin Guy, Alan Hale, Liz Hardman, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Shaun Hughes, Eleanor Jackson, Grant Johnson, Dr Kumar, Matt McCabe, Hal MacFie, Ruth Malloy, Paul May, Sarah Moore, Robin Moss, Paul Myers, Michelle O'Doherty, Lisa O'Brien, Bharat Pankhania, June Player, Vic Pritchard, Manda Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Brian Simmons, Alastair Singleton, Shaun Stephenson-McGall, Karen Walker, Sarah Warren, Karen Warrington, Andy Wait, Chris Watt, Ryan Wills, David Wood and Joanna Wright

63 WELCOME AND ROLL CALL

The Chairman welcomed everyone to the meeting and asked for the attendance roll call.

64 DECLARATIONS OF INTEREST

The Acting Monitoring Officer issued a general dispensation for all Councillors who pay Council Tax or were School Governors and therefore had an interest in these items, to enable them to take part in the debate and vote.

The following declarations of a pecuniary interest were made, for which the Acting Monitoring Officer issued a dispensation, to enable them to take part in the debate and vote;

Councillor Sarah Bevan	In receipt of Council Tax Support
Councillor Sarah Warren	Family Member in receipt of EHC assessment
Councillor Tim Ball	Family Member in receipt of a Social Care service
Councillor Joanna Wright	Family Member in receipt of a Social Care service
Councillor Kevin Guy	Family Business in receipt of a Covid relief grant
Councillor Shaun Hughes	Business owner in receipt of a Covid relief grant
Councillor Lisa O'Brien	Family Member in receipt of a Social Care service
Councillor Colin Blackburn	Family Business in receipt of a Covid relief grant

The following 'other' interest declarations were also made;

Councillor Michelle O'Doherty	Secretary of Lansdown Cricket Club (in receipt of a Covid relief grant)
Councillor Paul May	Non-Executive Director on Sirona Care & Health
Councillor Alan Hale	On Management Board of Keynsham & District Dial-a-Ride
Councillor Brian Simmons	Chairman on Keynsham & District Dial-a-Ride
Councillor Dine Romero (on behalf of the Liberal Democrat group)	In receipt of a Covid relief grant

65 MINUTES - 12TH NOVEMBER 2020 & 21ST JANUARY 2021

On a motion from Councillor Dine Romero, seconded by Councillor Alastair Singleton, it was

RESOLVED that the minutes of 12th November 2020 and 21st January 2021 be approved as a correct record, to be signed by the Chairman in due course.

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

The Chairman reminded Members that all votes on the budget are required to be a named vote.

At the Chairman's discretion, the Leader updated Council on the latest Covid situation in Bath & North East Somerset. She explained that case numbers are still falling locally and the vaccination programme is going well. Death rates remain relatively low and the Council is about to announce new testing sites in Bath, Midsomer Norton and Keynsham for which people will need to book. There is a new pressure, though, of the newly categorised clinically extremely vulnerable. 8th March is a return to schools and colleges and, although some people will have concerns about this, the Council has little say in this, or in specific groups for vaccinations. [For further information on the vaccination programme, Councillor Romero referred to a recent webinar (19.2.21) on the Council's YouTube channel]. With regard to the Government's route map out of lockdown, please be aware that this will be subject to change as needed, and urged everyone to remain careful.

67 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There were no items of urgent business.

68 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC

Statements were made by the following members of the public;

David Redgewell raised a number of aspects of transport policy with regard to the budget, whilst acknowledging that public transport is now split between the Council and WECA. He asked for adequate budget to ensure clean and covid secure bus shelters across the whole Council area. With regard to public toilets, he called for them to be maintained as visitors return to Bath. A copy of David's statement is attached to the minutes.

Martin Grixoni made a statement regarding the proposed local 'tip tax', charging for household waste such as plasterboard, and suggested that this measure would disproportionately affect the less well-off, reduce recycling and increase fly tipping. He referenced examples of this happening elsewhere in the UK. He urged the Council to reconsider this. Councillor Karen Warrington asked Martin what he thought the Council could do to encourage people to recycle this type of waste, to which Martin responded that the Council currently managed it well and so should continue to encourage, rather than discourage it by charging.

Bob Goodman addressed Council expressing his view that this Administration is mis-managing the climate & ecological emergency and pointing out that the development at Tufa field is still on hold and has not yet been not ceased. He made reference to the recent call-in and various recent property transactions which he felt highlighted how Council finances are being thrown away. He hoped that this would be further reviewed. Councillor Paul Myers asked Bob if he was aware that the Corporate Policy Development & Scrutiny is due to look at the corporate governance of the Council's companies. Bob replied that he was aware, and he felt this review was long overdue. Councillor Colin Blackburn asked Bob if he was aware that ADL & ACL now appear to have taken over the running of the Council's commercial estate * and if that was the original intention, to which Bob replied that he was not aware and, if that was the case, that was definitely not the rationale for setting up these companies.

Jonathan Tecks made a statement on behalf of the Friends of Englishcombe Lane Field, a copy of which is available attached to the minutes. He made reference to the recent application for development at the Planning Committee, which recommended acceptance, but was now pending a final decision. He described the valuable ecological aspects of the field and outlined the consistent and reasoned objections that had been raised, including a petition of 4,500 signatures. He urged the Council to decide against developing the site at all and to withdraw it from the Local Plan. He suggested the field could be handed over to the local community who would be happy to offer their support.

The Chairman thanked all speakers and referred the statements to the relevant Cabinet Members.

** [Councillor Richard Samuel confirmed later in the meeting that that was not the case.]*

69 BUDGET & COUNCIL TAX 2021/22 AND FINANCIAL OUTLOOK

The Council considered a report presenting the revenue and capital budgets together with proposals for Council Tax and Adult Social Care Precept for 2021/22.

On a motion from Councillor Dine Romero, seconded by Councillor Paul Myers, it was **RESOLVED** that, in accordance with rule 16 (Suspension of Rules), the Council suspends Council rule 42 (Content and Length of Speeches) for the duration of this debate so as to enable variations to be permitted to the length of speeches by the Cabinet Member for Resources, the Conservative, Independent and Labour Group Leaders or their nominated Spokespersons, and the Chair of the Corporate Policy Development and Scrutiny Panel.

On a motion from Councillor Richard Samuel, seconded by Councillor Dine Romero, it was

RESOLVED that

1. The Council approves-

- a) The General Fund net revenue budget for 2021/22 of **£130.07m** and the individual service cash limits for 2021/22 as outlined in Annex 1 to the report.
- b) The savings plans outlined in Annex 2(i), growth and pressures 2(ii), in conjunction with the Equalities Impact Assessment Report in Annex 3 to the report.
- c) An increase in Council Tax of 1.99% in 2021/22 (an increase of £28.99 per Band D property or 56p per week).
- d) An increase of 3% to Council Tax for the Adult Social Care Precept is approved in recognition of the current demands and financial pressures on this service. This is equivalent to an increase of £43.70 on a Band D property (84p per week).
- e) The movement in reserves outlined in section 5.6 of the report and the adequacy of Un-earmarked Reserves at £12.59m within a risk assessed range requirement of £11.6m - £12.8m.
- f) The Efficiency Strategy attached at Annex 4 to the report.
- g) The Capital Programme for 2021/22 of £69.506m including new and emerging capital bids outlined in Annex 5(i), planned sources of funding in 5.8.2, and notes the programme for 2021/22 to 2024/25 and that any wholly funded projects coming forward during the year will be added to the Capital Programme in line with the Budget Management Scheme.
- h) The delegation of implementation, subject to consultation where appropriate, of the capital programmes set out in Annex 5(ii) to Annex 5(iii) to the relevant Director in Consultation with the appropriate Portfolio Holder.
- i) The Community Infrastructure Levy (CIL) allocations and amendments outlined in Annex 5(iv) of the report.

- j) The Capital & Investment Strategy attached at Annex 6 to the report.
- k) The MRP Policy attached at Annex 7 of the report.
- l) The Capital Prudential Indicators outlined in section 5.8.8 of the report.
- m) The Annual Pay Policy Statement at Annex 8 of the report.
- n) The Community Contribution Fund proposal outlined in Annex 10 of the report.
- o) The Council Tax Support Scheme for 2021/22 shown in the following link;

<https://beta.bathnes.gov.uk/sites/default/files/2021-01/Council%20Tax%20reduction%20scheme%20April%201%202021%20-%20March%2031%202022.pdf> and referred to in section 5.3.4 of the report.

2. The Council approves the technical resolutions that are derived from the budget report, and all the figures in that report, including the precepts for towns, parishes and other precepting bodies as set out in Annex 11 of the report.
3. Council note the S151 Officer's report on the robustness of the proposed budget and the adequacy of the Council's reserves outlined in section 5.7 of the report.
4. Authorisation be given to the Council's S151 Officer, in consultation with the Portfolio Holder for Resources, to make any necessary changes to the draft budget proposal for submission to Council.

THE COUNCIL APPROVES THE BUDGET AND COUNCIL TAX FOR 2021/22 AS INDICATED ABOVE AND ACCORDINGLY RESOLVES:

5. That the 2021/22 revenue expenditure is funded as follows:

	Total £
2021/22 Gross Expenditure	353,566,773
2021/22 Income (service income and specific grants)	182,554,919
Core Funding:	
Retained Business Rates*	61,726,651
Use of Reserves	7,244,759
2021/22 Gross Income	251,526,329
Council Tax Requirement (excluding Parish Precepts)	102,040,444

* Before Tariff Payment of £39.612m

- 6.

- a. That it be noted that on the 17th December 2020 the Director of Finance (as authorised section 151 officer) agreed 66,711.85 Band D property equivalent as the Council Tax Base for the year 2021/22 in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 35(5) of the Local Government Finance Act 1992.
 - 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]
7. That the following amounts be now calculated by the Council for the 2021/22 financial year in accordance with Sections 31 to 36 of the Local Government and Finance Act 1992, as amended:
- a. **£356,512,749** (=£353,566,773 (gross expenditure including contribution to reserves) +£2,945,976 (Parish precepts)) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the 1992 Act.
[This is the gross expenditure incurred in performing functions and charged to the revenue account, contingencies for revenue, any financial reserves to be raised, financial reserves to meet prior year deficit not yet provided for, any amounts transferred from its general fund to its collection fund in accordance with section 97(4) of the Local Government Finance 1988 Act, and any amounts transferred from general fund to collection fund under section 98(5) of 1988 Act.]
 - b. **£251,526,329** (gross income) being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the 1992 Act.
[This is the income estimated to accrue which will be credited into the revenue account for the year in accordance with proper practices, any amounts transferred in the year from the collection fund to the general fund in accordance with section 97(3) of the 1988 Act, any amounts which will be transferred from the collection fund to the general fund pursuant to a direction under section 98(4) of the 1988 Act and will be credited to the revenue account for the year, and financial reserves used to provide for items in Section 31A(2)]
 - c. **£104,986,420** being the amount by which the aggregate at 7(a) above exceeds the aggregate at 7(b) above calculated by the Council in accordance with Section 31A(4) of the 1992 Act as its Council Tax requirement for the year.
 - d. **£ 1,573.73** being the amount at 7(c) above divided by the amount at 6(a) above, calculated in accordance with Section 31B of the 1992 Act, as the basic amount of Council Tax for the year.
[This is the average Band D Council tax including B&NES and parish precepts]

- e. **£ 2,945,976** being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the 1992 Act.
[This is the total of parish precepts]
- f. **£1,529.57** being the amount at 7(d) above less the result given by dividing the amount at 7(e) above by the amount at 6(a) above, calculated by the Council, in accordance with Section 34(2) of the 1992 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 Band D Council tax only excluding parish precepts]

- g. The amounts given by adding to the amount at 7(f) above the amounts of special items or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 6(b) above, calculated by the Council, in accordance with section 34(3) of the 1992 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 (3).

*[Annex 1 (3) gives the Band D Council tax for each area **including** the parish precepts]*

- h. The amounts given by multiplying the amounts at 7(g) above by the number which, in the proportion set out in Section 5(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 1992 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 (4).

[Annex 1 (4) shows the B&NES and parish Council Tax for all bands.]

Precepting Authorities

8. That it be noted that for the year 2021/22 the Police & Crime Commissioner for Avon and Somerset has determined 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:-

9. Avon and Somerset Police

Valuation Bands

A	B	C	D	E	F	G	H
£160.80	£187.60	£214.40	£241.20	£294.80	£348.40	£402.00	£482.40

10. That it be noted that for the year 2021/22 Avon Fire Authority met on 10th February 2021 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:-

11. Avon Fire Authority

Valuation Bands

A	B	C	D	E	F	G	H
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£50.95	£59.45	£67.94	£76.43	£93.41	£110.40	£127.38	£152.86
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12. That, having calculated the aggregate in each case of the amounts 9, 11 and 7(h) above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the following amounts as the amounts of Council Tax for the 2021/22 financial year for each of the categories of dwellings shown, as listed in Annex 1 (5).

13. On average (for a Band D, 2 adult household) the Council Tax for 2021/22 will be as follows:

<i>Reference Band D 2020/21 £</i>		£ Band D 2021/22	% Increase on 2020/21
1,328.16	Bath and North East Somerset Council*	1,357.15	1.99*
128.72	- Adult Social Care (ASC)*	172.42	3.00*
1,456.88	Sub Total B&NES (Including ASC)	1,529.57	4.99
43.20	Average Parish Precept	44.16	2.22
74.94	Avon Fire Authority	76.43	1.99
227.81	Avon and Somerset Police	241.20	5.88
1,802.83	Total Tax Charged	1,891.36	4.91

[Overall annual increase in average Band D Council Tax is £88.53]

** The percentage figures represent the number of percentage points which increases for the Adult Social Care precept and the B&NES general expenditure charge each contribute to the overall increase set by the Council in 2021/22.*

14. The Council's basic amount of Council Tax for 2021/22 is not determined to be excessive in accordance with principles approved under section 52ZB Local Government Finance Act 1992.

Notes:

1. *At the commencement of debate, an amendment was moved by Councillor Karen Warrington, seconded by Councillor Chris Watt, calling for the plans to introduce charges for hardcore materials at the Household Waste Recycling Centre to be dropped and the savings to be found from operational efficiency and agency staff cost savings. This amendment was lost on a named vote;*

Councillors in favour (16): Councillors Sarah Bevan, Colin Blackburn, Vic Clarke, Sally Davis, Michael Evans, Alan Hale, Shaun Hughes, Paul May, Paul Myers, Lisa O'Brien, June Player, Vic Pritchard, Brian Simmons, Karen Walker, Karen Warrington & Chris Watt.

Councillors against (38): Councillors Rob Appleyard, Tim Ball, Alison Born, Shelley Bromley, Neil Butters, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Doug Deacon, Winston Duguid, Mark Elliott, Andy Furse, Kevin Guy, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Dr Kumar, Hal McFie, Ruth Malloy, Matt McCabe, Sarah Moore, Michelle O'Doherty, Bharat Pankhania, Mandy Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Alastair Singleton, Shaun Stephenson McGall, Andy Wait, Sarah Warren, Ryan Wills, David Wood & Joanna Wright.

Councillors abstaining (5): Councillors Chris Dando, Liz Hardman, Eleanor Jackson, Grant Johnson & Robin Moss.

2. *The successful resolution was carried on a named vote;*

Councillors in favour (36); Councillors Rob Appleyard, Tim Ball, Alison Born, Shelley Bromley, Neil Butters, Sue Craig, Paul Crossley, Gerry Curran, Jess David, Tom Davies, Winston Duguid, Mark Elliott, Andy Furse, Kevin Guy, Steve Hedges, Joel Hirst, Lucy Hodge, Duncan Hounsell, Dr Kumar, Hal McFie, Ruth Malloy, Matt McCabe, Sarah Moore, Michelle O'Doherty, Mandy Rigby, Dine Romero, Mark Roper, Richard Samuel, Bruce Shearn, Alastair Singleton, Shaun Stephenson McGall, Andy Wait, Sarah Warren, Ryan Wills, David Wood & Joanna Wright.

Councillors against (17); Councillors Sarah Bevan, Colin Blackburn, Vic Clarke, Sally Davis, Doug Deacon, Michael Evans, Alan Hale, Shaun Hughes, Paul May, Paul Myers, Lisa O'Brien, June Player, Vic Pritchard, Brian Simmons, Karen Walker, Karen Warrington & Chris Watt..

Councillors abstaining (5); Councillors Chris Dando, Liz Hardman, Eleanor Jackson, Grant Johnson & Robin Moss.

70 COUNCIL COMPANY ANNUAL ACCOUNTS

The Council considered the annual accounts of Aequus Developments Limited (ADL) and Aequus Construction Limited (ACL).

Various comments during the meeting highlighted that further clarity was needed for understanding Council company governance arrangements and the role of the Corporate Audit Committee and Corporate Scrutiny Panel in this. It was noted that the Corporate PDS Panel would be looking at this. Councillor Samuel acknowledged that it had been a challenge to increase transparency and accountability and welcomed a constructive approach to achieving this.

The Chairman requested that the Chair of Corporate Audit Committee circulate to Members recent correspondence on the need for ADL/ACL scrutiny.

On a motion from Councillor Richard Samuel, seconded by Councillor Mark Elliott, it was

RESOLVED unanimously

1. To note the ADL 2019/20 year end audited accounts (Appendix 1); and
2. To note the ACL 2019/20 year end audited accounts (Appendix 2).

71 TREASURY MANAGEMENT STRATEGY STATEMENT 2021/22

The Council considered a report which fulfilled the Authority's legal obligation under the Local Government Act 2003 to have regard to the CIPFA Code to approve a treasury management strategy before the start of each financial year. This report was scrutinised by the Corporate Audit Committee at the 4th February 2021 meeting, and reported to Cabinet on 11th February 2021.

On a motion from Councillor Richard Samuel, seconded by Councillor Sarah Warren, it was unanimously

RESOLVED to approve actions proposed within the Treasury Management Strategy Statement.

72 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS

There were none.

The meeting ended at 9.30 pm

Chairman

Date Confirmed and Signed

Prepared by Democratic Services