

## BATH AND NORTH EAST SOMERSET

### CABINET

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

Wednesday, 10th November, 2021

#### Present:

Councillor Kevin Guy	Leader of the Council, Liberal Democrat Group Leader
Councillor Dine Romero	Cabinet Member for Children and Young People, Communities and Culture
Councillor Tim Ball	Cabinet Member for Planning and Licensing
Councillor Richard Samuel	Deputy Council Leader (statutory) and Cabinet Member for Economic Development and Resources
Councillor Sarah Warren	Deputy Council Leader and Cabinet Member for Climate and Sustainable Travel
Councillor David Wood	Cabinet Member for Neighbourhood Services
Councillor Tom Davies	Cabinet Member for Adults and Council House Building
Councillor Alison Born	Cabinet Member for Adults and Council House Building
Councillor Manda Rigby	Cabinet Member for Transport

#### 67 WELCOME AND INTRODUCTIONS

The Chair, Councillor Kevin Guy, welcomed everyone watching and participating at the virtual Cabinet meeting. The Chair made the following statement:

*“Due to rise in Covid numbers, and to a desire to retain a level of social distancing at Council meetings, we are holding this ‘informal’ virtual Cabinet meeting to enable Cabinet, Councillors and members of the public to take part. This virtual meeting will be conducted in the normal manner but, as any decisions made will not be legally enforceable, they will be formally made at the physically reduced, quorate decision-making meeting tomorrow on 11th November 2021. We will review this approach for any future Cabinet meetings, in line with government and health guidance at that time.”*

The Chair asked each of the Cabinet Members to introduce themselves.

The Chair thanked the Democratic Services Officer Jack Latkovic for his work with the Council.

#### 68 APOLOGIES FOR ABSENCE

There were none.

#### 69 DECLARATIONS OF INTEREST

There were none.

## 70 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

## 71 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 31 questions from Councillors and 2 questions 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.]*

## 72 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Graham Pristo made a statement regarding transport matters and the city's economy.

Martin Grixoni made a statement regarding Bath business challenges. *[a copy of which is attached to the Minutes on the Council's website]*

Lynda Lloyd made a statement regarding Blue Badge access to the City Centre *[a copy of which is attached to the Minutes on the Council's website]*

Bob Goodman made a statement regarding environmental issues *[a copy of which is attached to the Minutes on the Council's website]*

David Redgewell made a statement regarding transport and planning *[a copy of which is attached to the Minutes on the Council's website]*

Councillor Jackson made a statement regarding the SACRE syllabus *[a copy of which is attached to the Minutes on the Council's website]*

Councillor Pritchard in a statement regarding access issues in the city centre.

### **Supplementary Information**

## 73 MINUTES OF PREVIOUS CABINET MEETING

It was **RESOLVED** to recommend the approval of the minutes of 9<sup>th</sup> September 2021 to Cabinet on 11<sup>th</sup> November 2021.

## 74 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

## 75 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

## 76 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

It was **RESOLVED** to recommend that the Cabinet on 11<sup>th</sup> November 2021 note the report.

## 77 VIRGIN CARE CONTRACT EXTENSION - OPTIONS APPRAISAL

Councillor Alison Born introduced the report and made the following statement:

*“This report sets out an options appraisal to help the Council and CCG, as joint commissioners, decide whether they wish to extend the Virgin Care contract for the delivery of integrated health care, social care and public health services in B&NES. By way of background, the contract for community health and Care services for Bath and North East Somerset was awarded to Virgin Care in 2016 at the end of a comprehensive engagement and commissioning process known as “Your Care Your Way”.*

*The contract was for an initial 7 years with the option to extend for a further 3 years. A decision regarding the extension must be made and communicated to Virgin Care by the end of March 2022. The decision to extend is a joint one with the CCG as it is a shared contract. The potential extension will take the term of the contract up to the end of March 2027.*

*A review of the services provided by Virgin Care has been undertaken and that information, together with an evaluation of the current health and social care landscape has informed the detailed options appraisal required for the Cabinet and the CCG Board to make an informed decision. The CCG is also meeting this week to consider the options paper.*

*The 3 options considered are:*

*Option 1 – To extend the contract with no changes*

*Option 2 – To not extend the contract*

*Option 3 – To extend the contract with the statutory functions of CHC and Adult Safeguarding returning to the CCG and the Council*

*Option 3 is recommended for the following reasons:*

- Virgin Care has generally provided good services, more recently (in the context of the pandemic) in very challenging circumstances and has worked constructively with partners across health and social care.*
  
- It has also made some significant improvements to services since it took on the community contract in 2017, examples include the introduction of electronic care records, developments within stroke services and district nursing.*

- *This is a particularly challenging time for health and social care and services must focus on reform and recovery from the pandemic.*
- *NHS commissioning is currently transitioning to the new integrated care arrangements and further disruption within provider services would be destabilising at this time. It should be done if it is necessary, but it isn't. It is also unlikely that there will be other providers with the right experience able to take this work on within the timescale required.*
- *We must keep the needs of service users foremost in our minds and It makes most sense at this time to opt for stability and continuity by extending the contract for a further 3 years with the withdrawal of the statutory services and with the requirement that Virgin Care makes improvements in some areas such as waiting times, length of stay and in the provision of the reablement service.*

*These 3 options have been considered and discussed by the Children, Adults, Health and Wellbeing Scrutiny panel, where option 3 received unanimous, cross - party support. The contract extension allows time for a very thorough process to determine the services that will be commissioned in 2027 and that work will begin once this decision is made”.*

Councillor Alison Born moved the recommendations.

Councillor Richard Samuel seconded the motion and made the following points:

*“The original contract signed in 2017/18 allowed for a contract extension of three years. Extension subject to satisfactory review on performance. Seven years expires in 2023/24 and the decision to extend or otherwise has to be made in sufficient time to allow for contract retendering were that to be the preferred option. That point is now as Virgin have, under the contract, to be given 24 months’ notice of that decision. My understanding is that performance has been satisfactory. In advancing the recommendation other factors are also relevant for the council although not strictly part of the decision. It will have escaped no-one’s notice that the council’s revenue budget is under considerable pressure due to covid and that there is a considerable cost to a retender. It is also the case that major changes in the arrangements for adult social care are in the pipeline. In these circumstances it is my view that a retender exercise would place additional demands on already stretched officer capacity and that given the acceptable performance on this contract it is more prudent to extend it than to embark on a costly tender process. I therefore second the recommendations in this report accordingly”.*

Councillor Dine Romero stated that Virgin Care have been responsible for a wide range of services since 2017 including the school immunisation programme. They have stepped up to the plate during the pandemic. Councillor Romero added that she supported the motion and did not think it was the time to make extreme changes.

**RESOLVED** (unanimously) to recommend that the Cabinet on 11<sup>th</sup> November 2021:

- 1.1 Approve Option 3 - Extend the contract term for the 3 year period (until 31<sup>st</sup> March 2027) but with identified services removed from block contract and/or improvement trajectories for identified services and delegate to Suzanne Westhead, Director Adult Social Care (DASS) in consultation with Cllr Born, Member for Adult Services authority to serve notice to extend the contract once assured that the total price for the contract as varied is agreed and affordable.
- 1.2 Note that an extra-ordinary B&NES, Swindon and Wiltshire Clinical Commissioning Group (BSWCCG) Governing Body meeting has been convened for a decision to be taken on 11<sup>th</sup> November 2021, to ensure a joint decision is taken in public on the same day, for the recommendation of Option 3 - Extend the contract term for the 3 year period (until 31<sup>st</sup> March 2027) but with identified services removed from block contract and/or improvement trajectories for identified services.
- 1.3 Note the following risks:
- Contractual deadline of 31<sup>st</sup> March 2022 to inform Virgin Care of the decision to extend the contract for the 3 year term or not – limited time for slippage in the decision making process.
  - Consideration of the current contractual interdependencies between health care and social care commissioning and service delivery. The Council and CCG have a long history of integrated commissioning arrangements with a number of services which have jointly agreed service specifications to deliver integrated services, for example reablement.
  - As joint commissioners both B&NES Council and BSWCCG must agree on the option that is decided upon – if an agreement cannot be reached this will cause further delay in the decision making process.

## **78 COUNCIL HOUSE BUILDING PROGRAMME**

Councillor Tom Davies introduced the report and made the following statement:

*“In 2019 we all made a commitment to the residents of Bath & North East Somerset - a commitment that we as a LibDem administration would build the first general needs Council Houses in our area for a generation.*

*Tonight, we as a Cabinet are here to deliver on this commitment as we approve the first phase of this new Council House building programme and I am delighted to be here proposing this paper.*

*And as we sit here tonight considering this item, never has the need for new Council Houses been so great. As an area with some of the least affordable housing in the country, thousands of our local residents are currently on our social housing waiting list, hundreds of them in the categories of highest need.*

*As the paper in front of us shows - the Council has and will continue to play a key role in enabling new social and affordable housing to be built and delivered in our area by developers including our local housing association partners. With the Council playing this enabling role, nearly 2,000 affordable homes have been delivered in our area over the last ten years. Furthermore the Council is already working to deliver a programme of around 50 units of accommodation including supported housing and shared-ownership housing.*

*But the scale of the need means that it is vital that the Council now plays a new role and takes on a new responsibility - a role in which it utilises some of its own assets and becomes responsible for directly delivering and owning new general needs Council Houses for social rent for our residents. This is what we are here tonight as a Cabinet to approve.*

*And people listening tonight should be under no illusion as to the scale of this LibDem administration's ambition for the role the Council can play in this area.*

*Tonight we consider the first 58 general needs homes across eight sites, but over the coming months we will be developing plans for the delivery of hundreds of additional Council Houses in our area over the coming years.*

*Under the Liberal Democrats, this Council will become a leading provider of social housing in our area - housing of which we are proud - housing of high quality and which, in its design, construction and on-going maintenance, meets our obligations under the ecological and climate emergency declarations which we have made.*

*And I would also like to stress that whilst we have been advised that due to aspects of commercial confidentiality we have had to keep the specific details of the sites being considered out of the public papers for tonight's Cabinet, any Councillor who wishes to see the list of proposed sites, need only contact the Head of Housing and he will happily arrange to meet with them to share this information. Furthermore, I would stress that any site development will of course be subject to the full planning application process and associated public engagement.*

*Believe me - we are proud of our commitment to deliver Council houses and have nothing to hide.*

*Finally, I would like to extend a particular thank you to the officers and my cabinet colleagues who have worked tirelessly to bring us to this stage where we are about to approve this first phase of general needs Council Houses.*

*Specifically I would like to say thank you to Graham Sabourn, Nick Plumley, Simon Martin and Sophie Broadfield and to my Cabinet colleagues, a particular thank you goes to Cllr Ball who started this work and to Cllr Samuel who has supported me throughout the development of this programme and who is seconding this paper.*

*And so, on that note, I would like to move this paper and call upon my colleagues to agree to the recommendations as we, together, deliver the first Council Houses in our area for a generation".*

Councillor Tom Davies moved the recommendations.

Councillor Richard Samuel seconded the motion and made the following points:

*"The Conservatives broke the long-standing cross-party consensus on building council housing in the 1980s when they introduced increasingly more punitive*

*finance regimes that militated against councils holding their own stock and introduced the right to buy. This ideological policy was born from political desires to downgrade the role of local government in the provision of low-cost social housing for rent. This harsh finance regime led to well over a hundred councils transferring their stock to housing associations where more benign finance arrangements applied. This council was one of the many that made that decision in the 1990s. In the years that have followed we have seen a steady but inexorable decline in the building of truly affordable homes by social landlords as both labour and conservative governments progressively eroded the ability of councils to return to the building of new council housing. Even today the financial arrangements make it very hard to build new council housing.*

*So, it is against this background that Liberal Democrats set out in 2019 to chart a different course and begin to build new council housing against for the first time in a generation. This has been an exceptionally difficult path to navigate because hardly any stock transfer councils have done this. New ground is being broken. In the past two and half years delays due to covid and the market turbulence caused by Brexit has seriously impacted on the work programme.*

*But today we are at a new dawn when this council starts to provide new homes directly itself for the most needy in society. It is to be hoped that other council groups get behind this policy in the coming years as the stock grows.*

*I will be making provision for this new programme in the 2022/23 and 2023/24 capital budgets to ensure that once again this council becomes the proud provider of social homes for local residents at rents they can afford and with the security that they deserve.*

*Chair I am proud to second this report, and I commend all those who have worked with my colleague Councillor Davies to make it a reality”.*

Councillor Tim Ball stated that the Council and the administration should be proud to see this coming forwards as rented accommodation in the area is expensive. Councillor Davies has worked hard on this.

Councillor Kevin Guy stated that this was an amazing achievement.

**RESOLVED** (unanimously) to recommend that the Cabinet on 11<sup>th</sup> November 2021 agree:

- 1.4 The eight sites identified in Appendix 1 are progressed as 100% affordable housing sites, including 117 Newbridge Hill, and in accordance with the delivery route detailed in the report;
- 1.5 Fully approve £413K from Provisional Affordable Housing Budget in 2021/22 to immediately progress scheme development work on five sites with funding coming from earmarked Right to Buy Receipts
- 1.6 The balance of funding of £11.73m identified in Appendix 2, will be incorporated into 2022/23 budget setting with approval subject to a full business case and confirmation of grant awards.
- 1.7 Individual scheme business cases will be authorised through the existing capital processes and in consultation with the relevant Cabinet Member.

## 79 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2021

Councillor Richard Samuel introduced the report and made the following statement:

*“This is the regular report received by cabinet that covers the quarter to the end of September for noting by the cabinet. However, I would draw the cabinet’s attention to the ESG funds now placed following the review of the opportunities posed in the market. This confirms the council’s strong desire to move away from investments linked to fossil fuel depletion. In that regard I noted that the media reported over the weekend that these investments where held could become worthless in the next two decades”.*

Councillor Samuel moved the recommendations.

Councillor Sarah Warren seconded the motion

**RESOLVED** (unanimously) to recommend that the Cabinet on 11<sup>th</sup> November 2021 agree:

1.8 The Treasury Management Report to 30<sup>th</sup> September 2021, prepared in accordance with the CIPFA Treasury Code of Practice, is noted.

1.9 The Treasury Management Indicators to 30<sup>th</sup> September 2021 are noted.

## 80 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO SEPTEMBER 2021

Councillor Richard Samuel introduced the report and made the following statement:

*“In 2019 I set the overriding objective that the council’s revenue budget was to balance year on year and at the same time be closely monitored in public. This was to ensure that our residents could be confident that this Liberal Democrat administration was managing public funds prudently and transparently. Persistent overspending and waste accrued from the previous administration had, in my view, undermined the bond of trust that should exist between council and taxpayers. Recently I have seen former councillors unwisely comment on the former Visit Bath arrangements, conveniently forgetting that that administration allowed well over £500k of bad debts to accrue which it was necessary to write off. That is the sort of sloppy governance that I am determined to avoid. Before I introduce the report, I must reiterate the context we are still operating in. Significant reductions in income from Heritage Services because of the need to manage down visitor numbers are still present. Although the government seems to think that the pandemic has gone away B&NES is currently the 7th highest outbreak*

*incidence in the UK. At the same time downward pressure on income from the council's commercial estate remains a concern – reflecting the understandable pressures on our tenants imposed by the government's restrictions. In social services we have seen huge increases in demand for Children's services whilst at the same time we are seeing reductions in demand for Adult services. This turbulence is a constant current feature of our management of the council's finances, and we are using covid contingency funding to smooth matters. Given these factors we are expecting the revenue budget to remain on balance for the 11th successive quarter and to balance at year end without the need to draw from the general contingency reserve. This is a considerable achievement by the cabinet members and their officers which I thank and commend. On capital there is some slippage against the programme mainly associated with Bath Western Riverside, but the project is underway and re-phasing will take place into 22/23. Members will also note the major works scheme due to commence on Orange Grove to improve and repair the envelope to this important terrace".*

Councillor Richard Samuel moved the recommendations.

Councillor Kevin Guy stated Councillor Samuel has balanced the books in the difficult time and thanked him. Councillor Guy seconded the motion.

**RESOLVED** (unanimously) to recommend that the Cabinet on 11<sup>th</sup> November 2021:

- 1.10 Note the 2021/22 revenue budget position (as at the end of September 2021).
- 1.11 Note the revenue virements listed for information only in Appendix 3(i).
- 1.12 Note the capital year-end forecast detailed in paragraph 3.25 of this report;
- 1.13 Note the changes in the capital programme including capital schemes that have been agreed for full approval under delegation listed in Appendix 4(i).

The meeting ended at 19:33

Chair \_\_\_\_\_

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

**Prepared by Democratic Services**