

BATH AND NORTH EAST SOMERSET

CABINET

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

Thursday, 10th November, 2022

Present:

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

31 WELCOME AND INTRODUCTIONS

The Chair, Cllr Kevin Guy, welcomed everyone to the meeting. He stated that the Cabinet would be looking at the impact of the financial squeeze which is affecting the Council, caused by inflation and the rising demand for services. He acknowledged that there were challenges ahead and drew attention to the two Budget Engagement webinars which had been held recently and which are available on the Council's YouTube channel.

32 EMERGENCY EVACUATION PROCEDURE

The Senior Democratic Services Officer read out the emergency evacuation procedure.

33 APOLOGIES FOR ABSENCE

There were no apologies for absence.

34 DECLARATIONS OF INTEREST

- Cllr Tom Davies declared a non-pecuniary interest in agenda item no. 12 (Valley Floor to Claverton Down Cycle Route) as he is an employee at King Edward's School, Bath.

- Cllr Dine Romero declared a disclosable pecuniary interest in agenda item no. 15 (Development Update: Land to rear of 89-123 Englishcombe Lane, Southdown, Bath) as she lives close to the site. Cllr Romero stated that she would leave the meeting when this item was discussed and would not speak or vote.

35 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

36 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 20 questions from Councillors and 24 questions from members of the public.

Cllr Eleanor Jackson asked a supplementary question relating to question M4 and Cllr Vic Pritchard asked a supplementary question relating to question M12.

[Copies of the questions and responses, including supplementary questions and responses, have been placed on the Minute book as Appendix 1 to these minutes and are available on the Council's website.]

37 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Members of the public and Councillors made statements as follows:

- Malcolm Baldwin (Chair, Circus Residents' Association – CARA) – Liveable Neighbourhoods Strategy *(a copy of which is attached as Appendix 2 to these minutes)*
- Martin Grixoni – Changes of Direction within the Council
- Dr John Leach – Milsom Quarter, Bath *(a copy of which is attached as Appendix 3 to these minutes)*
- Patrick Rotherham (Chairman, Vineyards Residents' Association) – Milsom Quarter, Bath *(a copy of which is attached as Appendix 4 to these minutes)*
- Robbie Bentley – South West Transport Network *(a copy of which is attached as Appendix 5 to these minutes)*
- Saskia Heijltjes – Valley Floor to Claverton Down Cycle Route *(a copy of which is attached as Appendix 6 to these minutes)*
- Cllr Andrew Furse – Jiangxi Province Friendship Agreement and Save our Railway Ticket Offices *(a copy of which is attached as Appendix 7 to these minutes)*

- Cllr Vic Pritchard – Waste and Recycling in B&NES
- Cllr Jess David – The development of 89-123 Englishcombe Lane (*a copy of which is attached as Appendix 8 to these minutes*)

Cabinet members asked some factual questions of the speakers in order to clarify details mentioned in their statements.

38 MINUTES OF PREVIOUS CABINET MEETINGS

RESOLVED: That the minutes of the meetings held on 14 July and 8 September 2022 be confirmed as a correct record and signed by the Chair.

39 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

40 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

Cllr Vic Pritchard presented a recommendation from the Adult, Children, Health and Wellbeing PDS Panel regarding the RUH Ambulance Service/Winter Planning/Treatment Waiting Times. The Panel asked Cabinet to support initiatives that lead to the retention of B&NES social care professionals across the district and to look to ensure that this commitment is reflected in the developing Integrated Care Partnership Strategy.

The Chair thanked Cllr Pritchard for his comments.

41 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

42 VALLEY FLOOR TO CLAVERTON DOWN CYCLE ROUTE

Lucy Bush, Research Director from Britain Thinks presented the key findings of the citizens' panel and responded to questions from the Cabinet. (*A copy of the presentation slides is attached as Appendix 9 to these minutes*).

Cllr Sarah Warren introduced the report and made the following statement:

“Cabinet, transport currently accounts for around 29% of carbon emissions in Bath and North East Somerset. Ensuring the transport network can enable residents to move to more sustainable modes of travel is an essential part of our Journey to Net Zero strategy. A move to more active modes of travel will reduce congestion and pollution in our district, as well as improving public health through increasing physical activity, as we build it into our daily routines.

As our first venture into deliberative democracy in Bath & North East Somerset, this ground-breaking piece of work provides the most detailed assessment yet of the

considered views on active travel, and active travel infrastructure, of a representative group of our residents. It gives us an understanding of what our communities think right now about how best to balance the interests of different users of our roads. And it gives us important information about where we need to focus our communication and public engagement efforts to best support the changes in travel culture that we aim to facilitate.

I think the findings can give us a lot of confidence as a Cabinet that, when we ask ordinary people, they agree that we **should** improve cycle and walking infrastructure, both for environmental, but more importantly for health reasons. But also, that we need to do more to engage them in the fact that active travel is part of the solution to congestion, as well as to introduce more of them to the transformative nature of e-bikes and e-scooters in tackling our hills.

The report is well worth a read in full, as it provides valuable, detailed insights into the aspirations and concerns about travel of residents from all walks of life and delivers in a new way on another of our administration's priorities around giving our communities a bigger say. The use of this technique, in addition to the other consultation methods that we often use, has meant that we have heard in depth from people who aren't transport campaigners, and who don't have the strong views about travel that we often hear expressed, here at the council.

The panel has given us principles for decision-making when it comes to fitting active travel infrastructure onto our narrow roads. I want to thank them for that advice, which we will explicitly incorporate into our decision-making frameworks in future. It will assist us in designing infrastructure that provides practical and attractive alternatives to the car for more people, more of the time.

Cabinet, you will remember that this particular piece of work came about as a result of controversy around a proposal we considered in 2021 to install a bus gate on North Road. We decided at that time that, rather than go straight ahead with a controversial road closure, we would ask residents for their views in the form of the citizens' panel. Whilst supportive of the need for infrastructure up the hill, the panel have suggested that in the first instance, the locations that may deliver the greatest increase in uptake of active travel may be along flatter routes, and this seems to me to be reasonable advice.

We are currently constructing safe, segregated cycle lanes on Beckford Road and Upper Bristol Road, but there is a need for safe cycling on **all** of our roads, so there is huge opportunity around the district still to extend provision for walking and cycling in a joined-up way, without bringing forward these particular routes at this time. We are very ambitious in this area and determined to bring forward more schemes of this sort.

At the council, we are constantly working on initiatives aimed at providing practical alternatives to the car, including up our steep hills. For instance, since the citizens' panel met in spring, our e-scooter trial has been extended to include access to Bath University via Widcombe Hill, and it has also been announced that the scope of the e-scooter trial will soon be extended to include e-bike hire as well. Both of these exciting developments have the effect of making these hill-flattening technologies available to residents who might not otherwise seek them out or be able to afford them.

We have just announced the introduction of 20mph speed limits on these hills, and we have other plans in the pipeline aimed at promoting the use of alternatives to the car when accessing Claverton Down.

North Road, Bathwick and Widcombe Hills remain key strategic elements of an integrated and connected Bath cycle network, even if we are not taking the decision to bring them forward for fully segregated cycle infrastructure today. We will however now accelerate our previously consulted plans for safety measures to support safer walking and cycling on Widcombe Hill and around the plateau at Claverton Down. And we will consider a future piece of work with residents to consider how best to support alternatives to car use in the area, in the round.

Finally, I want to take this opportunity to thank first the 27 local people who gave up several hours of their valuable time as panel members, and gave the topic their serious and considered attention; as well as the local people who were kind enough to act as witnesses and pass on detailed evidence of their experience of Claverton Down to the panel; the over 700 residents who responded to the call for evidence; and finally Lucy Bush and her highly qualified team at Britain Thinks for carrying out the work; and council officer Dave Dixon who provided the liaison with Lucy's team.

I move the recommendations as in the report."

Cllr Manda Rigby seconded the motion and made the following statement:

"As evidenced by the response given earlier to a Councillor question to Cabinet, opinion was divided down the middle on the original proposals put forward for a scheme on North Road. Those who were passionate about cycling provision being made available immediately on this route were in conflict with those who would be hugely disadvantaged by this proposal. Those who believed that this would be a well-used route if provided were in conflict with those who looked at the current data of bike usage and believed Widcombe Hill would continue to be the hill of choice. Those who felt there would be little traffic displacement onto Cleveland Walk and Bathwick Hill if the North Road proposal went ahead, those who feared that the c4k journeys a day would all go onto Bathwick Hill and be in conflict with the very frequent student buses.

The word I've used most so far is conflict. The second most used word is opinion. And there's the rub. The opinions we were hearing were that of all those with direct skin in the game, very fixed views leading to head on conflict, but what did the general public, in old parlance, the man on the Clapham omnibus, think of the issue?

As Lib Dems we had said that we were keen to explore different ways of engaging with our community, hearing their opinions, and it was suggested that this might be a good topic for our first Citizens' Panel. This suggestion was backed by all four of the Widcombe and Lyncombe and Bathwick Councillors, whose wards this most directly affected.

We've heard from Britain Thinks how this was done, how a panel was selected, how they were representative of our community. And before us we have the output of their deliberations.

I've heard some comments already about how this was a waste of money and told us nothing new. Compared to a full public consultation, this was very good value financially, and in terms of giving a clear steer about how we do schemes like this in the future was invaluable.

So, whilst those very keen and confident cyclists may have thought that those less keen and confident would be ok to start off by using the steep hills, the general opinion expressed by the panel was that starting on the flatter routes is the best way to go.

Those who see no value in active travel and remain thinking that the car is king under all circumstances are having their views challenged, as the majority absolutely want more cycling and walking provision when it comes to allocating out scarce highways resource.

I expect I've been more irritating than usual, in that as long as I've been on Cabinet, I have been saying that a key limiter of uptake of more cycling will be the lack of provision of secure storage. That's also what the panel said. People living in flats won't invest in a bike if they have nowhere to store it at home no matter how many millions we spend on other infrastructure. That is even more the case when it comes to valuable e-bikes. I personally ask weekly for progress on the Sydney Buildings bike storage hangar. I trust I haven't been too unbearable.

So, I am delighted to second this motion. My personal view is that what was being proposed on North Road was not the right thing to do, was the wrong scheme in the wrong place, and although a lot of misinformation was put out about it into the general public, which caused more confusion, the panel selected by Britain Thinks heard the truth and came up with the right result."

Cllr Alison Born welcomed the report and noted that it was breaking new ground for the Council in terms of its public engagement. She stated that the University of Bath is a major generator of transport movements and that longer-term solutions will be required to be designed between the University and the Council.

Cllr Richard Samuel welcomed the methodology and noted that no single solutions are available. He felt that the cost of the citizens' panel was modest and would produce better outcomes.

RESOLVED (unanimously):

- (1) To note the highly valuable and informative work undertaken by the Citizens' Panel, and to thank all participants for their involvement in this pioneering study.
- (2) To adopt the four principles to guide decision making on any new active travel schemes being developed in B&NES.
- (3) To note the views of the Citizens' Panel in relation to the Claverton Down to Valley Floor Cycle Route.
- (4) To confirm the preferred course of action for this route from the options presented:

- To note the recent commencement of the e-scooter expansion to include this intervention.
- To revisit all options for traffic reduction on the route from valley floor to Claverton Down and, using the co-design techniques learned through the Liveable Neighbourhoods work and the principles outlined, work with stakeholders to identify a comprehensive strategy to reduce car use and enable safer active travel options.
- To recommence the Transport Improvement Programme in the Claverton Down area, previously paused to avoid abortive works.
- To progress with a programme of investment to improve walking and cycling links, following the approach advocated by the Citizens' Panel.

43 MILSOM QUARTER MASTERPLAN - FUNDING AND NEXT STEPS

Cllr Mark Roper introduced the report, moved the officer recommendation and made the following statement:

"I am delighted to be tabling this report to Cabinet today. The Milsom St Quarter is an ambitious and exciting concept in holistic regeneration where the Council will work in partnership with the regional authority and the private sector to bring new employment, living and retail space to the heart of Bath in a considered and sustainable way. It shows once again that this administration has a bold vision for the future of our district – and that we aim to deliver on that vision.

Can I congratulate the officers involved from the Economic Development team for their hard work to get us here – and to all those who responded to the public consultation. There were many extremely valuable inputs from residents, and I look forward to that continuing once we start to bring more definitive plans to the table. The Consultation and Engagement Report is an appendix to the main report.

Acceptance of the funding will enable us to build the team we need to start to delivery of the plan. The six primary interventions are outlined in 3.4 of the report. There are three substantial development projects:

- Broad Street Yards will repurpose the car park to create workspace for SMES and start-ups, targeted at the fashion and design sector – and we know we are desperately short of small business units in B&NES
- Walcot Gateway – the redevelopment of the Cattle Market car park and the Cornmarket – a building that has sat neglected and empty for far too long – to provide new homes and an enhanced public realm.
- Finally, the Fashion Museum, which will move into the Old Post Office building, and into some of the buildings along the north side of New Bond Street – a great addition to our cultural offer, and a keystone part of the Milsom Street Quarter development. The potential here for public-private partnership is substantial and work has already started on this.

There will be improvements to the public realm - reducing the dominance of vehicles and prioritising walking and wheeling - whilst making the area fully accessible to people of all mobility levels.

We will repurpose upper floors of Council owned buildings to provide more residential use. More residents living and working in the city centre creating a greater vibrancy and sustainability to our urban environment.

We will deliver high quality architecture into our UNESCO World Heritage City – this is an opportunity to make our mark with buildings and public areas that both reflect our heritage and deliver for our current and future needs. This does not have to mean pastiche building – and I look forward to the proposed solutions that the architects and designers present to us.

It goes without saying that we will be focussed on delivering all of the above in a sustainable way – we intend to reduce the carbon footprint of the area both by retrofitting existing buildings to improve energy efficiency and by new buildings being zero carbon. The construction industry is gearing up to the challenge of net zero already, and by the time construction starts I am confident that we will be offered solutions that work within this administration's stated aims of net zero by 2030.

I want to talk about the King Edward's School building in Broad Street and its importance in the plan. This Grade 2 listed building has been in the hands of its owners for over 25 years, and in all that time it has sat empty. There is no indication that the planning permission, granted in 2021, to convert into a hotel with a restaurant and bar, will be implemented. There has in fact been no contact with the owners, despite our attempts to engage, apart from us being advised that those plans are now on hold. This beautiful building is deteriorating to such an extent that it is now the only building in Bath that is on the Historic Buildings at Risk register. I say to the owners that of course any business has its first duty to its shareholders - but it also has a duty of care to the community within which it operates. You are not fulfilling that obligation to the people of Bath and North East Somerset. The redevelopment of the Milsom Street Quarter provides a golden opportunity for you to be a part of this project and a part of our community. Please embrace it. We want to bring this site back to life for the benefit of our residents and visitors. You know where we are –so please engage with us and let's make that happen.

In summary, the Milsom Quarter Masterplan is a hugely exciting project – one that will bring employment, housing, inward investment and a great cultural attraction to our city – I for one cannot wait to see it come to fruition.”

Cllr Kevin Guy seconded the motion, stating that this is an exciting project which will transform the city.

Cllr Richard Samuel then made the following statement:

“I welcome this output from the intensive work I oversaw between 2021 and this year. The master planning work is the most in-depth study of this important sector of the city for decades. It started as a response to the fact that Milsom Street as a commercial trading area was in decline with retail premises increasingly harder to let as private sector confidence drained away. For the council this was of serious direct concern because we have a heavy concentration of ownership and the impact on our income streams needed to be protected.

We all want our city to be a vibrant diverse trading area and, where it is not, we need to take action. I am very pleased that WECA have also recognised this and have

supported our work both financially and in kind and with the Mayor's involvement, who has taken a personal interest in this work.

Whilst Cabinet member I was determined to ensure that several things happened. These were:

- That there should be strong engagement with the private sector and businesses.
- That the ambition to move the Fashion Museum with the quarter should be secured by the acquisition of a suitable building and that this would act as an anchor and complement our wider heritage offer.
- That derelict sites such as the Cattlemarket and Corn Exchange should finally be redeveloped.
- That plans should be brought forward to enhance the street scene and vehicle movements limited.
- Finally, and this is where I turn to my amendment, that the former King Edward's School building should be brought back into use as soon as possible.

This important building has remained vacant since Sam Smiths brewery acquired it in the mid-1990s and has a chequered planning history with applications made and withdrawn over that period. However, by 2010 planning permission had been granted for a hotel plus ancillary dining. In that application English Heritage commented as follows:

“That whilst the owner has carried out repairs to the roof to make it wind and weathertight the building remains vulnerable until it has sustainable new use.”

In the intervening decade that comment remains as apposite in 2022 as it was in 2010 and little tangible progress has been made by the owner to restoring this building to use in line with the granted planning consent.

This is unacceptable. The council has done everything within its power to enable the owner to bring forward plans and achieve planning and listed building consent and yet still the building remains vacant and visibly deteriorating to the extent that it now appears on the national buildings at risk register. I am therefore calling for officers to urgently explore all available options for bringing this building back in to use including consideration of the use of Section 215 notices, the powers available under Planning Acts to compel the repair of listed buildings and if need be, as a last resort, the use of compulsory purchase powers. I would also like officers to engage with Historic England and the Bath Preservation Trust.

Because I recognise that it is essential that dialogue be established with the owners to determine their intentions, I am calling for officers to engage with Sam Smiths as soon as possible. My amendment calls for the bringing back of a comprehensive report to the meeting of the cabinet in February 2023.

There is no possible reason why the owner of an important building in the heart of the Bath Conservation Area and World Heritage site should fail to bring this building back into use. Relevant permissions have been sought and granted and the owner now needs to engage constructively with the council and begin work to renovate and use this building.”

Cllr Samuel then moved an amendment to add an additional resolution as follows:

“To instruct officers to explore all options (including for example, Compulsory Purchase Order (CPO) options) available to enable the historic former King Edward’s School building to be brought back into use and to ask officers to bring back an update report on those options to the Cabinet meeting in February 2023.”

Cllr Romero seconded the amendment stressing the importance of bringing this building back into use.

The mover of the original motion, Cllr Mark Roper, accepted the amendment which then became part of the substantive motion.

RESOLVED (unanimously):

- (1) To delegate approval to the Director of Sustainable Communities, in consultation with the S151 Officer, to accept the £2.475m Investment Fund grant from the West of England Combined Authority. These funds will be spent over a three-year period in line with the Strategic Outline Business Case.
- (2) To delegate approval to implement the interventions set out within the business case to the Director of Sustainable Communities in consultation with the Cabinet member for Resources and Economic Development and the S151 Officer in accordance with the requirements of the Grant Funding Agreement.
- (3) To note the Consultation Report on the Milsom Quarter Masterplan (Appendix 1 of the report) and to endorse the Milsom Quarter Masterplan, accepting it together with the amendments sought (Appendix 2 of the report) as part of the evidence base for the New Local Plan.
- (4) To delegate approval to the Director of Sustainable Communities, in consultation with the s151 Officer, to establish arrangements that will allow surplus rental income from the Old Post Office (after holding costs) to be ring-fenced for use to support revenue costs associated with the Fashion Museum redevelopment project and to cross-subsidise meanwhile use projects which align with the vision and values for the Fashion Museum development.
- (5) To explore options, including the use of any existing or new powers introduced to support vibrant High Streets in the forthcoming *Levelling up and Regeneration Bill*, to expediate delivery of sites in private ownership that have viability challenges or have been long term vacant.
- (6) To instruct officers to explore all options (including for example, Compulsory Purchase Order (CPO) options) available to enable the historic former King Edward’s School building to be brought back into use and to ask officers to bring back an update report on those options to the Cabinet meeting in February 2023.

44 COMMUNITY SERVICES DESIGN - UPDATE POSITION

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

“The work outlined in this paper stems from the decision taken on 26th May 2022, not to extend the HCRG Care Group contract, resulting in the existing community services contract for health, social care and public health services coming to an end on 31st March 2024.

Cabinet has previously been appraised of the joint programme of work that is underway to manage the transition, with workstreams led by the Integrated Care Board, Public Health and by our director of Adult Social Care.

This paper focuses on the adult social care element of that work and examines 3 potential options for future provision of both the statutory social care functions and services for adults with learning disabilities.

The options include:

- Re-commissioning service delivery for B&NES
- In-sourcing service delivery i.e., bringing social care staff back in-house
- Setting up a new organisation to deliver services in B&NES

The clear recommendation is that we in-source all adult social care services. This will bring us in line with the vast majority of local authorities and will give us more control of our service provision.

We know from the recent experience of bringing some residential, nursing and extra care housing services back in house that this is likely to receive support from the workforce. It should help to improve recruitment in the current highly competitive job market.

However, it also represents a significant amount of work, and we need to give clear authority for the Director of Adult Social Care to work closely with HCRG Care Group on the transition.

There is a robust process in place to oversee this work programme, risks have been identified and are being managed I am in receipt of monthly progress reports and a further joint paper will come back to Cabinet in February 2023.

I propose that Cabinet supports the recommendations in this report.”

Cllr Dine Romero seconded the motion and made the following statement:

“Recently I had a member of staff shout out to me from a window of a care home how happy they were that they had come back to the council.

Clearly staff are happier working for the council rather than alternative employers, they believe they can give a better service to those in their care, and at the end of the day it is those residents who need to be at the centre of service delivery. We know that employment security is very important in keeping staff in this very challenging field of work. Working for the council gives staff greater job security, as well as greater pride in the work they do. Again, this will be better for residents knowing their own carers will be the same from day to day.”

Cllr Vic Pritchard stated that the Council should be prudent and should not dismiss the HCRG contract in total. Parts of the contract could be retained. He felt that it was not prudent to use Adult Social Care reserves. He asked the Cabinet to work closely with the Scrutiny Panel on this issue.

Cllr Born pointed out that the proposed work stems from the decision not to extend the contract, which was a decision made by both the Council and the NHS.

RESOLVED (unanimously):

- (1) To agree to the recommendation in the Strategic Outline Case to proceed to Outline and Final Business Case with the insourcing of Adult Social Care Services as detailed in the contract with HCRG Care Group as PD01 - Statutory Adult Social Work and SD43 - Adults with Learning Disabilities.
- (2) To delegate responsibility for insourcing PD01 and SD43 to the Director of Adult Social Services in consultation with the lead Cabinet member for Adult Social Services and the Chief Financial Officer subject to the sign-off of the Outline and Final Business Cases.

45 DEVELOPMENT UPDATE: LAND TO REAR OF 89 – 123 ENGLISHCOMBE LANE, SOUTHDOWN, BATH.

(Note: At this point Cllr Dine Romero left the meeting having declared a registerable pecuniary interest in this item).

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

“I am pleased to be proposing this paper which provides an update on the development of the land off Englishcombe Lane - as, in my mind, this project exemplifies so much that this administration believes in.

Firstly - that we are a listening Council - like many of us here, a number of residents had grave concerns about the previous development which had been proposed for this land - whilst delivering 14 affordable homes, the 37-home scheme which had been previously approved by the planning committee had, in the minds of many of us, too much risk - not least of all to the sensitive ecology of the site.

This Lib Dem administration listened to these concerns and acted on them with Cllr Guy making the commitment to not pursue this previous application.

Instead, we looked again at the site - and put front and centre two of our core principles - that of Improving People’s Lives and Tackling the Climate & Ecological Emergency.

Be in no doubt - this proposed development has the potential to immeasurably improve people’s lives. As the paper makes clear, we have a significant under supply of supported living provision in our area - especially for some of our residents with learning difficulties and/or autism.

As a result, there is an increased risk that we as a local authority can only provide the support needed through residential care outside of the Bath and North East

Somerset Area - thereby placing significant additional pressure on the individual, their families and of course increasing the costs to the Council.

And so, bringing forward this proposal to use the land off Englishcombe Lane to provide a smaller, bespoke development to support 16 residents with learning difficulties is something which I believe we should be proud of as we seek to directly improve the lives of residents in our area.

Indeed, it is just the latest example of how this LibDem administration is determined to play a leading role in the delivery of appropriate and affordable homes under our new B&NES Homes programme. It follows on from the delivery of other supported housing schemes delivered in recent months and, later this winter, the opening of our first general needs Council Houses for a generation.

Furthermore - rather than seeing the ecology of the area as a liability - one to be literally transplanted to another area - we have sought to use it as the asset that it is - an asset which, through this development, will be protected and enhanced for the benefit of us all - not least of all the new residents and thereby through this we stand firm to our commitment to the Climate & Ecological Emergency.

The paper details a number of ways in which we will seek to meet these commitments - from the commitment to energy efficient, low carbon housing to the enhancement and protection of the ecology - all underpinned by our commitment to seek to achieve the Building with Nature Accreditation.

I fully appreciate and recognise that this site remains a controversial one and that some residents, especially in the local area, have serious concerns about any development on it.

In this regard, I would make special reference to local ward Councillor Jess David, who has worked tirelessly to highlight and reflect these concerns to me, Cllr Guy and the Council Officers involved - concerns which she has tonight reiterated and highlighted in her public statement. I find it hard to think of a ward Councillor who has worked so hard to represent their residents on a single issue such as this and it is Cllr David who is responsible for seeing the commitment to the Building with Nature accreditation being made in this paper for any development which is progressed.

To these residents, Cllr Jess David and others who share concerns - I reiterate the commitment I have made in my meetings with residents - just as I, Cllr Guy and Officers have already met with residents to openly discuss our plans to date, I and the administration will continue to engage with you and share our thoughts, the findings of technical reports and our development plans in a manner of transparency and respect as the programme develops. I thank them for the time that they have already given me and for the time they will give in our on-going engagements.

And so, on that note, colleagues, I am delighted to move this paper and seek your approval for recommendations 2.1 to 2.3."

Cllr Tim Ball seconded the motion and stated that the Cabinet had listened to concerns and brought forward a new proposal.

Cllr Richard Samuel also supported the proposal as he felt the original plan represented too high a density and would have negatively impacted on the local

biodiversity. The scheme put forward has less environmental impact and will fulfil a useful social purpose.

Cllr Alison Born noted that this is a much smaller development than the one previously approved and should be more suited to the site. It will safeguard the sensitive ecological features of the site and provide much needed accommodation for people with complex needs. The adult social care transformation plan includes the goal of developing services to meet more people's needs in the local area. This will help to achieve that goal and to improve the life experience of some residents with the most complex needs.

RESOLVED (unanimously):

- (1) To commission further development work to advance the preferred option to planning stage, that is a development of 9 bungalows and 7 apartments for residents with learning difficulties.
- (2) To fully approve £320k capital funding from the Provisional Capital Programme for Affordable Housing to support this development work.
- (3) To delegate any future decision to submit a planning application to the Cabinet Member for Adult Services and Council House Building in consultation with Cabinet colleagues.

46 RESIDENTIAL TENANCY POLICY

(Note: At this point Cllr Dine Romero returned to the meeting).

Cllr 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.

Under the resulting B&NES Homes programme - this LibDem administration has ensured that the Council has played a direct role in the delivery of housing to our residents - with an initial focus on supported housing programmes, this winter we will be opening our first general needs Council Houses at 117 Newbridge Hill. These will be at social rent levels which are typically between 50 and 60% of market rent.

These first seven units are the first council houses for a generation and never has the need for social housing been as great as it is today. Our area is one of the least affordable in the country and with rents increasing, it will come as no surprise that today we have approximately 6,000 households on the Council's waiting list for social housing with, on average, only 500-600 properties becoming vacant each year.

The first seven units at Newbridge Hill form just the start of our ambitious programme of delivery under our B&NES Homes programme - indeed Councillors were updated at the latest Climate Emergency scrutiny meeting of our pipeline of properties which is now nearly 200 in volume when Midland Road and Bath Western Riverside sites are included.

Tonight, in front of us is the Residential Tenancy Policy which underpins how we as a Council will operate and manage our own social housing properties from when the first properties open this winter.

As a Council we aspire to be an exemplary Landlord and the Policy includes a range of customer facing policies and statements relating to tenure, payments, repairs and maintenance, anti-social behaviour, and complaints. The policy follows established custom and practice in the social housing sector.

And so colleagues, as we approach the opening our first properties, I would like to pass my thanks on to the Officers who have worked so hard to not only produce this Policy but who have brought us to this exciting stage of the B&NES Homes programme and I hope that you will join me in supporting the adoption of this Residential Tenancy Policy and I move the recommendation to do so as requested in 2.1.”

Cllr Tim Ball seconded the motion stating that he is pleased to see that the Cabinet has delivered new Council properties. He hoped that the Council would provide excellent service going forward.

RESOLVED (unanimously): To adopt the Residential Tenancy Policy attached as Appendix 1 to the report.

47 CONSULTATION TO VARY THE BATH CLEAN AIR ZONE (CAZ) CHARGING ORDER 2021

Cllr Manda Rigby introduced the report, moved the officer recommendation and made the following statement:

“The key ‘ask’ I’m bringing to Cabinet today is at paragraph 2.2 of the report, in that I would like to start a consultation involving key stakeholders on the introduction of a charge for class N3 Euro VI diesel HGVs together with associated local exemptions.

Since its implementation 18 months ago, the Bath Clean Air Zone is showing progress in improving local air quality, and this impact has been felt both inside and outside the area. We are setting our sights higher for our residents than just achieving compliance with legally imposed limits, we want our air to be even cleaner. We will continue our journey to net zero, whilst preserving the World Heritage status of our city. Further measures already delivered include emissions-based charging, improved active and sustainable transport infrastructure, and my colleague Sarah Warren is delivering the first pilot Liveable Neighbourhood schemes during this month.

This proposal is to be seen as part of the package to continue this progress. Early engagement has already taken place with relevant trade organisations, and statements from trade bodies including the RHA have been received, in letters received after these papers went out but which were circulated to all Cabinet Members.

So, what precisely am I asking of you? Were the order to progress successfully through consultation, the charge is deliberately set lower than the existing charge to

deter the use of older, more polluting vehicles. For the avoidance of doubt, HGVs which are predominantly doing the more local deliveries as part of the supply chain for our local businesses fall into the under 12-ton category and are specifically excluded from this order. In recognition of the amount of work the industry has already done in upgrading vehicles, there will also be some time limited exemptions and a period of soft enforcement to embed the behaviour change. So, my ask is to go to consultation on a new charge which will encourage even more of the most polluting vehicles to upgrade their fleet or use alternate routes avoiding the congestion and pollution hotspots in the city. This will further protect the recently repaired grade 2 listed Cleveland Bridge, and I have agreed with my colleagues as you can see at paragraph 3.9 of the report that traffic flows both within and on the boundary of the area, in areas such as Southdown, Twerton and Weston, will be monitored, published, and appropriate mitigation measures considered.

Thanks for sticking with me during this quite technical proposal. I urge you to support this motion, let us engage in a wide consultation on this charging order, and keep Bath and North East Somerset at the forefront of improving air quality for our residents.”

Cllr Sarah Warren seconded the motion and made the following statement:

“As the Cabinet heard in July, we have seen significant reductions in nitrogen dioxide levels both inside and outside the Clean Air Zone, since its introduction in March 2021, and in almost all locations in Bath we are now seeing nitrogen dioxide within the legal level of 40 microgrammes per cubic metre. Cabinet pledged last winter that we would be more ambitious on air quality and look to go beyond legal levels. I am delighted that this evening we are taking another step in that direction with this paper, which looks to develop charging mechanisms for HGVs. I am happy to second the proposals.”

Cllr Dine Romero stated that there have been concerns regarding the impact of the Clean Air Zone and closure of Cleveland Bridge. She welcomed the proposals set out in 3.9 of the report.

Cllr Samuel stated that Walcot residents would welcome the proposal and that it is important to keep the momentum going.

RESOLVED (unanimously):

- 1) To note the work completed to assess the feasibility and the highlighted risks of introducing a charge appropriate for the benefit of air quality and the amenity of the charging scheme area (including the Grade II* Cleveland Bridge) and the wider Bath World Heritage Site setting.
- 2) To agree that a public consultation, involving key stakeholders as appropriate, is undertaken on the introduction of a charge for Class N3 Euro VI diesel HGVs (HGVs over 12 tonnes) together with associated local exemptions being proposed to mitigate any impact on local businesses and the economy of the wider area.
- 3) As this proposal is distinct from the CAZ charges and outside the scope of the national Clean Air Zone Framework, to note the need for the development of local payment processes based upon those created for

the CAZ scheme, as central government systems will not be available for use. This will require keepers of chargeable Class N3 Euro VI diesel HGVs to divert to the Council's website to make payment through a separate payment portal, locally created for these vehicles.

- 4) To delegate to the Director of Place Management (in consultation with the Cabinet Member for Transport), the decision to vary the Order according to the scheme outputs and the feedback received from the public consultation period and implement the scheme with minor variations as required.

48 CRSTS PROGRAMME - FUNDING AND NEXT STEPS

Cllr Sarah Warren introduced the report and made the following statement:

"The West of England Combined Authority has been awarded £540m over the next 4 years to deliver a step change in public transport and active travel funding in the West of England. This funding package is known as the City Region Sustainable Transport Settlement.

The programme will deliver significant public transport and active travel infrastructure along several of our major roads in Bath and North East Somerset, improving connectivity between our communities and enabling better and more equitable access to sustainable transport choices.

This rather procedural report simply requests agreement to move to the next stage. I move the recommendations as set out in the report."

Cllr Dave Wood seconded the motion. He stated that it is important to give more travel choices and welcomed the increased village connectivity.

RESOLVED (unanimously):

- (1) To delegate approval to the Directors of Sustainable Communities and Place Management, in consultation with the S151 Officer, to accept CRSTS grant funding from the Combined Authority for schemes led by B&NES, currently the Liveable Neighbourhoods Programme and the Maintenance Challenge Fund. As capacity increases within B&NES this may also include: Somer Valley Links to Bristol and Bath; Bath City Centre Sustainable Transport Corridor; and Bath Sustainable Walking and Cycling Links.

These funds will be spent over a four-year period (22/23 - 26/27), and progress through the documented approvals process with CA and B&NES. These grant awards, along with the funding local match requirement of 20%, will be approved into the B&NES Capital Programme and revenue budget.

- (2) To note that for schemes which remain led by the Combined Authority B&NES officer time will be recharged to the Combined Authority. This will be undertaken through a process of quarterly recharges.

49 2023/24 MEDIUM TERM FINANCIAL STRATEGY

Cllr Richard Samuel introduced the report, moved the officer recommendation and made the following statement.

“The Medium Term Financial Strategy (MTFS) sets out an assessment of the financial climate the council expects to encounter over the next five years and is used to inform the budget setting process.

There are a number of key points to highlight.

- The council is still in recovery from the financial shock created by covid where members will recall it was necessary to introduce an emergency budget in July 2020. Whilst the immediate financial impacts have been successfully managed there are still longer-term impacts particularly arising from future income assumptions that require close attention.
- During the past year in particular we have seen challenging economic conditions at national level with growth in inflation, labour and commodity shortages and pressures on wage growth following 10 years of austerity. The Conservative government's response has unfortunately made matters worse particularly the catastrophically incompetent mini budget in September.
- Whilst some of these shocks could and should have been managed better, no-one could have foreseen the impact on global energy markets arising from the illegal Ukraine invasion. Whilst the short-term energy supports will be welcomed by residents – they are short term. The council, as with all businesses, remains exposed to the impacts of energy price rises and these cannot be contained within normal budgets without Government support.
- The MTFS sets out some core principles:
 - Budgets will be expected to balance without the need to draw on unallocated reserves and the strong reserves position achieved by this administration will be maintained.
 - Growth either by demography, inflation, or political priority can only be accommodated where headroom has been created.
 - Priority will be given to key statutory services and policies that contribute to tackling the climate emergency.
 - Council tax and social care precepts may be expected to rise over the period.
 - Further income raising income opportunities will be sought and current income streams maximised.
- The report highlights the continuing lack of reform of local government finances first promised by the Conservatives 7 years ago.

Across the board pressures are rising and I fear that the coming years up to the next general election offer stark choices and difficult decisions in setting council budgets. The autumn statement next week will hopefully provide extra clarity but after 12 years of Conservative austerity there really is no fat to cut.”

Cllr Tom Davies seconded the motion and made the following statement.

“I know that it has been mentioned before, but, as we consider this key financial paper, I would like to say again how good it is to see our colleague and friend, Cllr Richard Samuel back with us in the Chamber.

Since May 2019 Richard has demonstrated remarkable leadership of the Council’s finances - working with the Council’s senior officers, they have steered us through three extraordinarily difficult financial years and in all years, not only balancing the books but also facilitating our ability to deliver throughout all areas of our manifesto commitments - many of which we have seen further evidence of tonight - whilst also enabling the Council to lead from the front in our local response to the Covid-19 pandemic. Indeed, last year, the Council ended the year with a £4m favourable outturn - funds which we have then used to enable us to protect the new Park & Ride contract and meet some of the inflationary pressures seen this year with energy costs.

After the events of the last few years, one would have hoped that we could have been spared more turmoil and challenge but as the Medium Term Financial Strategy sets out, this is not to be.

As the Strategy shows - with current forecasts, the Council is projected to have to find up to £36m in savings over the coming years - with the main pressures being the significant inflationary pressures and pressures on our income whilst we also expect to see an increasing demand on our services throughout this period - most notably, as the report shows, in adult social care and children’s services.

We need to be open and transparent with residents that to achieve these savings, there will be very difficult and challenging decisions to be taken - decisions that will inevitably impact the support the Council can provide - but we also need to be clear that this position has been aggravated by the disastrous actions of the Conservative Party - with the global economy slowing and inflationary pressures growing, this Conservative Party embarked on an ideological experiment with us all as its Guinea Pigs - and in September Liz Truss and her colleagues - many of whom still find themselves in leadership positions - crashed our economy with their disastrous fiscal event.

Through their reckless actions, we are now poorer as a nation, our residents are and will continue to suffer as a result of the cost of living crisis and as a Council, seeking to support our residents, the Government is silent on what support we will have at this time - we stand alone with our residents as we experience one of the most disastrous periods of national leadership in our history.

We will do what we can - and whilst the purpose of the report is not to detail how we will respond to these pressures, residents should be in no doubt that this LibDem administration will continue to demonstrate the sound and strong financial leadership required to navigate the Council through these challenges - we have delivered to date and will continue to do so.”

RESOLVED (unanimously): To approve the Medium Term Financial Strategy.

50 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO SEPTEMBER 2022

Cllr Richard Samuel introduced the report, moved the officer recommendation and made the following statement:

“It was astonishing to me, when I took office, that the previous administration failed to produce quarterly budget statements. I was clear that every quarter needed to be reported to ensure transparency but also that management actions to deal with problems with budgets was initiated.

Today’s report I regret to say reflects the extremely difficult financial environment all councils are operating under at present.

We are expecting that, without direct intervention, the council is on course to overspend its budget by £4.5m this financial year.

There are four areas of variance causing this problem:

- Surging demand for Children’s Services and the very high costs of placement accommodation charged by the private sector. A £5.4m overspend is expected.
- Contract inflation, passing on the high levels of inflation in the national economy now exacerbated by Kwarteng’s disastrous foray into free market economics.
- Hikes in energy costs.
- The impact of the nationally agreed local government pay settlement creating £2.2m of unbudgeted pressure.

These pressures are mitigated to some extent by strong income from Heritage and the Commercial Estate and Parking.

I am not prepared to reach year end with such a deficit and so the management team have been requested to establish a range of measures to control and reduce in year spending, which will be managed through a Recovery Board reporting to me and the Leader. Measures such as a vacancy freeze, and limits on discretionary spending can be expected. I will report the impact of these measures to the February Cabinet meeting.

Finally, it is not all bad news. I can report that the 22/23 savings target is largely on schedule to be met.

There are some specific virements to note together with the changes to the capital programme. It is also pleasing to note that the increased costs for repairing Cleveland Bridge will not fall on local taxpayers as it has been met by external grant.”

Cllr Tom Davies seconded the motion and made the following statement.

“Colleagues, many of the financial and service demand pressures - especially in children’s services, highlighted in the Medium Term Financial Strategy have manifested themselves in the current year and are reflected in this quarter two monitoring report.

And I would just like to pause and reflect on the scale of some of these challenges - take children's services, for example, with the report showing a 38% increase in the number of children in residential placements from 2021/22. This is just one example of the nature of additional service pressures which the Council is currently facing as we work to support our residents and community at this time.

My colleague, Richard Samuel, has provided further context and detail behind our current financial position, but I would again note that the Council's leadership has already taken action to put a framework in place, through the Financial Recovery Board, to manage these pressures and work over this next quarter to further develop mitigating actions. We are also fortunate that the sound financial leadership over the past three years means that we are able to draw upon our contingency reserve to support our work at this extraordinary time if required.

With my thanks to Richard and the officers for this paper and for all of their work over the coming weeks and months."

RESOLVED (unanimously):

- 1) To note the 2022/23 revenue budget position as at the end of September 2022.
- 2) To note the revenue virements listed for information only in Appendix 3(i) of the report.
- 3) To note the capital year-end forecast detailed in paragraph 3.26 of the report.
- 4) To approve the allocation of £3m CRSTS Highways Maintenance Challenge Fund grant to fund the increased cost of the Cleveland Bridge repairs as highlighted in paragraph 3.27 of the report.
- 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) of the report.

51 TREASURY MANAGEMENT MONITORING REPORT TO 30TH SEPTEMBER 2022

Cllr Richard Samuel introduced the report and moved the officer recommendation.

Cllr Tom Davies seconded the motion.

RESOLVED (unanimously):

- (1) To note the Treasury Management Report to 30th September 2022, prepared in accordance with the CIPFA Treasury Code of Practice.
- (2) To note the Treasury Management Indicators to 30th September 2022.

The meeting ended at 9.08 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services