



Policy Development and Scrutiny Report 2013-14

Table of contents

Chair of PDS Chairs and Vice Chair Group's forward 3

About Policy Development and Scrutiny (PDS) 4

Alcohol harm reduction 5

Urban gulls 9

Community assets 13

Boat travellers and river dwellers 16

Call-ins 19

Home to school transport 21

Dorchester street 22

Early years and children's centres 22

Working with PDS panels 23

PDS panel membership 2013-4 24

Contacts 25

Chair of PDS Chairs and Vice Chair Group's foreword

I am pleased to introduce the annual Policy Development and Scrutiny (PDS) review of the work and progress made by our 6 panels during 2013-14.

Our PDS Panels are:

- Early Years, Children and Youth
- Economic and Community Development
- Housing and Major Projects
- Planning, Transport and Environment
- Resources
- Wellbeing

Many Councillors find contributing to PDS work a positive part of their role. In a period of continuing economic pressure for the Council, the role of scrutiny is still important in ensuring that our communities and businesses are best served. This year has been a busy one, with lots of business on panel work programmes, focused reviews on boat travellers and river dwellers, urban gulls, alcohol harm reduction and community assets. Councillors have also asked for a number of Cabinet decisions to be reviewed through the process of 'call-in'. These include home to school transport, early years and children's centres as well as the bus priority measures in Dorchester St, Manvers St and Pierrepont St, Bath.

As PDS panels, we look to evolve with the changing needs of the Council and our

communities. We appreciate how as panel members we can take an informed view based upon evidence from officers, stakeholders and the wider public. The success of our reviews and changes that we make, are useful in gauging what does and doesn't work. Whilst we already work closely with practitioners, stakeholders and partners to make sure the outcomes of our work become a reality, we seek to do even more going forward this year. We need to ensure that the continuing work we do is positively built upon. We hope to be able to report in more detail in the next annual report.

May I take this opportunity to thank everyone who has played a part, no matter how small, in making this year a great year for scrutiny. PDS panel members have increasingly worked with executive Cabinet members who are regular attendees at the panel meetings. We extend our thanks to Councillors and officers, businesses and residents. Without your contribution we couldn't have achieved what we have.

Together we can, as our Council motto says, continue to make Bath and North East Somerset *The place to live, work, and visit.*

"In a period of continuing economic pressure for the Council, the role of scrutiny is still important in ensuring that our communities and businesses are best served"

Cllr John Bull



If you have any comments about these or other reviews or would like to get involved in our work, please get in touch using the contact details on Page 25.

About Policy Development and Scrutiny panels

PDS panels hold the Council's Cabinet and officers to account. We ensure that the Council and other services provide good value by examining issues that impact on Bath and North East Somerset residents, business and visitors. In doing so, we promote issues which are of relevance to local people, and actively engage them in the scrutiny process.

When choosing issues to investigate, we will question whether recommendations could tangibly improve a service for the local community. A work programme is agreed with each panel focusing on an area of service delivery. In some instances, joint panels can be convened to undertake work. We can also act as a catalyst – calling other public bodies to account for their actions.

PDS panels are made up of Councillors and some co-optees in order to review the work of the Cabinet (the decision making Councillors within the Council) and help to improve the performance of the Council's services. We investigate issues that impact the local community.

We meet regularly, during both daytime and evenings. Meetings usually last for about 2-3 hours. The agenda and reports for our meetings are published about a week beforehand and are available at www.bathnes.gov.uk (under 'minutes, agendas and reports') and also at the Council's public information points. Meetings have a formal structure, but are run in an informal, accessible way with free and open discussion.

Residents and stakeholders can get involved by attending public meetings or giving evidence to one of the panels. People can also suggest a topic for a scrutiny review or send in comments about a review (see contact details on back page)

We do not make decisions about Council policies and services, but instead make recommendations to the Cabinet or Council. We also do not deal with individual queries or complaints. These should be pursued either through Council Connect or the Council's Suggestion and Complaint service (tel:01225 394041, or alternatively you can e-mail: councilconnect@bathnes.gov.uk). Finally, we cannot investigate regulatory or 'quasi-judicial' decisions, such as planning or licensing.





Cllr Lisa Brett

Lead Councillor for the joint review

Alcohol harm reduction

The alcohol harm reduction review was a joint panel review on behalf of four panels: Planning Transport and Environment (PTE), Early Years, Children and Youth (EYCY), Economic and Community Development (ECD) and Wellbeing.



The purpose of this PDS review was to think about policy initiatives on both the new powers being introduced through the government's 'alcohol strategy' and the locally-targeted B&NES alcohol harm reduction strategy.

This joint panel work was lead by Cllr Brett with the support of a steering group drawn from 4 panels: Wellbeing, PTE, EYCY and ECD. The steering group wanted to explore issues through a Scrutiny Inquiry Day (SID).

This event was held during October 2013, allowing the views of Councillors, stakeholders and residents to be heard. Over 60 people attended including organisations such as Avon and Wiltshire Mental Health Partnership NHS Trust, Sirona

Care and Health, Southside and Julian House. Statements from residents and organisations were taken into account.

Upon hearing evidence about the issues at hand, SID delegates were asked to contribute policy ideas during a workshop. These ideas were later drawn together by the review's steering group and formulated into recommendations.

The final report and recommendations were then put to Cabinet Members for their consideration. The four relevant PDS Panels went on to consider their response afterwards.

£10.0 million thought spent yearly on health care and treatment for alcohol-use disorders in B&NES

£1 spent on treatment saves £5 health and crime costs

61% supervised offenders who perpetrated domestic abuse, and whose risk is linked to alcohol (between April – December 2012)

63 complaints received by licensing team concerning premises serving alcohol (between 2010 and 2013)

(Source: SID presentation data)



“It is important to distinguish between the valuable evening economy and the valueless post midnight economy” **B&NES Councillor**

“the disturbance is the worst to residents - elderly, families, workers, etc, who have to get up early and often feel weary after disturbed sleep due to drunk students” **B&NES resident**

“...any punitive measure, such as a Late Night Levy, which results in reduced profits for the pub trade will result in reductions in staffing affecting both employment and staffing, and business closing” **B&NES Councillor**



“Research carried out by the ALMR in association with CGA Strategy suggests that there are over 500 licensed retail premises in bath and Northwest Somerset; three quarters in Bath itself. Between them, these outlets generate £90 million GVA to the region, support tourism, retail and other leisure businesses and over 11,200 people depend on them for jobs and livelihoods” **National trade association**



“...the number of irresponsible premises are very small.... The majority of licensed premises in BANES are run very well, the low number of licensing reviews shows this.

.....Any new policies or conditions will be tarring the good premises with the same brush as the very small minority”. **Managing Director of a local pub company**

(Source: statements submitted to the review)

Cabinet members accepted a number of recommendations of the review:

- Continue working with partners to deliver a long-term education programme on the causes and effects of alcohol harm for adults (including older 'working age' people and over 65s), parents and young people;
- Build upon existing tools that help evaluate whether a patient needs further support with their alcohol use. To increase use of social marketing, with a launch potentially during alcohol awareness week;
- Continue ongoing work that encourages better workplace health, by a simple employer's toolkit. This initiative seeks to raise awareness about alcohol use in employees and colleagues. Links will be made with the Workplace Wellbeing Charter model (which is the mechanism for engaging with workplaces on health issues);
- Lobby the Government (through the Local Government Association) on incorporating health as a licensing objective in legislation;
- Refresh the licensing policy with inclusion of such options as a licence condition around minimum unit pricing, high strength alcohol restrictions and/or irresponsible promotions where needed; and
- Improve the information available to residents about the licensing process, making complaints and contributing to reviews.



“ I am heartened that Cabinet members agree to continue working with our partners to deliver long-term education, especially for young and vulnerable people. I also welcome the potential approaches suggested for inclusion in the forthcoming licensing policy review; and in particular the option of including minimum pricing as a condition of a license where needed.”

Cllr Lisa Brett, Lead Councillor for the review



Cllr Marie Longstaff

Chair: Planning, Transport & Environment Panel

Urban gulls

The urban gulls review was done by the Planning Transport and Environment (PTE) PDS Panel.



The purpose of this PDS review was to consider policy initiatives to tackle the urban gull population in the city. The Planning, Transport & Environment PDS Panel (and resident Kirsten Elliott) initiated a review that sought to bring the interests of Bath residents, business owners and visitors together.

A SID was held to explore reducing the gulls' food source caused by litter and waste dropped on the ground or exposed in unsuitable containers. In doing so, the event raised awareness amongst those attending about the causes of large gull

populations, and dispel myths about what can and cannot be done to solve the problem. The ultimate objective was to come up with a set of practical recommendations for change so that every resident, worker and visitor could play their part.

“the scrutiny inquiry day brought together experts, officers, Councillors and the public to tackle issues with urban gulls. A key part of this was hearing what could and couldn't be done legally. By bringing people together we could work to tackle the problems in a meaningful way rather than through piecemeal approaches”

Cllr Marie Longstaff, Chair, PTE PDS panel



“The rubbish bags are a good start” **Resident**

“the Council have used hawks to discourage gulls but after a few months this initiative stopped. There have been attempts to oil eggs, substitute imitation eggs etc. but again no initiative has been widely enough supported or lasted long enough to make a difference” **B&B Owner**

“Introduce a serious on-the-spot fine for feeding these animals (£100), perhaps using traffic wardens, police and individual’s photographic evidence to enforce;” **Resident**



“One method tried in Australia Gulls are accepted as a nuisance and designated places usually on the fringes of a town are earmarked as nesting areas. in time, gulls are attracted to these areas, build their nests and lay their eggs. The problem is then confined to known places where eggs can be easily oiled or pricked”. **Resident**

“for 4 years the gull problem has been getting worse and worse. in the summer, residents are unable to sleep as the noise continues all night....I am unable to spend time in my garden ” **Resident**



“I have seen seagulls try to take food from small children –and once a toddler was knocked over by the swooping animal” **Resident**

“An indirect effect of gulls is the mess that the gulls create by opening bin bags and spreading waste.” **B&B Owner**

Source: Statements to the review

A number of recommendations were accepted by Cabinet members:

- Limit gulls' access to food waste by requiring for example, businesses to take more responsibility for food waste by using gull-proof sacks and cooperating with waste collection times. Work will also be done with residents to share understanding of waste and recycling obligations, and promote the use of particular types of food waste bins. To also work with owners of guest houses and self-catering holiday apartments to advocate more accessible and better information for visitors about correct disposal of food waste.
- The Council will also seek to work in partnership with the Business Improvement District (BID) to campaign for commercial waste collectors to supply gull-proof sacks to all businesses, as well as encouraging businesses to commission responsible commercial waste collectors.
- The Council to lead by example in treating its own buildings with appropriate intervention methods, share experiences and good practice
- Alongside this there will be the need to carry out effective enforcement against those who break the rules. Stronger penalties will be enforced for littering in identified 'hot spots' such as parks, car parks and around outdoor seating area. To broaden the use of online and

communication tools by the enforcement team to broadcast a strong message to the public.

- To improve education and engagement with businesses, residents and visitors. This will be done by planning and delivering a strengthened and consistent communications campaign to educate the public and enforce a more coordinated approach. In doing so, provide clear and consistent guidance on individuals' and businesses' rights and responsibilities to tackle urban gulls, through a 'one-for-all' leaflet with top 10 tips for how to lessen individual and business impact on gull numbers; specific guidance to target residents, businesses and visitors using the notion of 'respect our city'; and by ensuring business, property owners and residents are made aware of their legal rights and responsibilities under the general licence issued by Natural England

- Public protection officers will be trained on the options for businesses and building owners to tackle gulls, sharing such information whilst on routine inspections
- Recognise excellence in tackling gulls by having new 'gull champions'
- Build on the existing link to the Severn Estuary Gull Action Group to improve shared learning on best practice, and work across boundaries for a more joined up approach
- In working with the Severn Estuary Gull Action Group, B&NES Council to lobby government to take more action. In doing so, the government can be lobbied through the Local Government Association to tackle urban gull issues at national level by providing advice and support to Councils, informed by a national study of good practice. The Council is also to lobby for clearer definitions in law on littering, in particular in relation to food waste, and better defined rules on offender enforcement.





Cllr John Bull

Chair: Resources PDS Panel

Community Assets

The community assets review was made by the Resources PDS Panel.



Community buildings were previously managed within the property services portfolio. In the new climate of localism there is a general aspiration as a Council to harness volunteer effort and encourage community engagement. In moving forward, the Council wants to ensure that as a local authority it works as 'one Council' with clear levels of communication between departments and with our communities. This will ensure that the Council is able to deliver a financial return whilst making sure that that community asset transfers benefit the community as a whole.

The Localism Act 2011 introduced two new duties for local authorities, known as the 'Community Right to Bid' and the 'Community Right to Challenge' which came into force in September 2012. This also linked to a wider challenge facing local government to deliver efficiency savings and

demographic changes with an increasing older population.

Under the Localism Act, the local authority must hold a register of assets nominated by the community. An 'asset of community value' could be either a physical asset such as a village hall or land; individuals with specialist skills or knowledge or organisations such as social groups, private businesses or services, schools or GP surgeries. The 'Community Right to Challenge' gives community groups, social enterprises, charities or Parish Councils the ability to express an interest in running a service. If this is accepted by the local authority, a full procurement exercise must be undertaken by the authority.

The aim of this Task and Finish PDS review was to consider examples of good practice in the handling of community assets to make informed

recommendations to assist the Cabinet in implementing the requirements of the Localism Act 2011.

"In the light of growing national interest in transferring property assets from Council ownership to community ownership the Resources PDS panel felt it was appropriate to investigate the advantages of this process as well as some of the pitfalls, making recommendations on how it could be best achieved to the benefit of local communities."

Cllr John Bull, Lead Councillor for the review



Cabinet members accepted a number of recommendations:

- To develop a 'Community Building Value Index' which will bring together financial return on the asset, community benefit and a measure of the organisation's sustainability;
- Encourage the use of flexible rather than long term leases for community asset transfer projects. These could be short leases, with the availability of longer leases once a project becomes more established;
- Develop an officer group that brings together key representatives e.g. property services, policy and partnerships, health and safety, business continuity. This group would be able to assess the feasibility of community asset proposals, similar to the way the Safety Advisory Group operates for events;
- Facilitate community asset projects with the creation of a self-help group. This would allow 'successful' community asset projects and newly established projects to share information and develop best practice, perhaps done via the 'Run a Club' website or similar;
- The Council should work with existing community groups to develop an 'offer' for community asset groups by working with them to identify what support groups would most benefit from e.g. flexible leases, access to legal/health and safety advice or the opportunity to seek support from other groups. A suggested self-help system of regulation and support should include:
 - ◇ Empowering volunteers and allowing them to share information and best practice;
 - ◇ Allowing the Council a light touch to ultimately ensure the proper use of public assets, efficiency savings for the Council, presenting advice and bringing in specialities;
 - ◇ Avoiding large amounts of office time and money being required to micromanage such a diverse estate; and
 - ◇ Possibly instituting a voluntary quality standard based on self-inspection akin to the old Hallmark system.

Projects visited during the review:

- ✓ Wiltshire Council (about Community Hubs)
- ✓ Bath City Farm
- ✓ Shop @ 67, Keynsham
- ✓ Peasedown Parish Council (about Beacon Hall)



Cllr Eleanor Jackson

Lead Councillor for steering group

Boat dwellers & river travellers

The boat dwellers and river travellers review was made by the Housing and Major Projects PDS Panel



This review investigated the common needs and requirements of boat dwellers and river travellers along the River Avon in Bath & North East Somerset (Hanham Lock to Dundas Wharf on the Kennet & Avon Canal). The work reflected on how needs were currently being met and potential improvements. It also considered whether the Council could enter into a working agreement with the Canal and River Trust.

The review mapped current data and explored who were the most vulnerable. The evidence allowed Councillors to consider how living on the waterways affects lives so as to inform future policy and the potential working agreement. The outcome of this work included a report and recommendations that was given to the relevant Cabinet members.

Cabinet members agreed to recommendations that would:

- Continue dialogue between boat dwellers and the Council, as well as investigating whether improvements can be made to:
 - ◇ The B&NES website, to allow better access to key information for boat dwellers ;
 - ◇ Relations with the Canal and River Trust (such as opportunities to use their noticeboards);
 - ◇ Communication between local Councillors who have boat dwellers in their area;
- Not support the Canal and River Trust's 'Mooring Strategy' until particular obligations have been met.
- That a future River Strategy consider the needs of boat dwellers and river travellers within its initial evidence base. In doing so, include a HMP panel representative on the River Regeneration Trust

“The Task and Finish Group uncovered significant evidence of how precarious life can be for boat dwellers and the potential for increasing numbers to present themselves to the Council as homeless. We also learned of the joys of life afloat and how vibrant communities could be created, or enhanced, along the waterway.

I hope this study will provide a firm foundation for the formulation of a B&NES policy for boat dwellers and river travellers.

I also believe that through our research into best practice, we would also be the first Council to undertake future in-depth review work on boat dwellers and river travelers.

I am heartened to hear that as a result of our work, money was found in the 2014/15 budget to fund an officer to develop policy further ”

Cllr Eleanor Jackson, Lead Councillor for the review

"I work in Bath and pay my taxes. I made a choice to live on the canal to reduce my carbon footprint"

"Life on the water has a lot to offer for those whom it suits. In particular, the community spirit here is thriving and contains a genuine variety of people who find themselves in varying circumstances"

"Being able to live on the water is very important to me. The pace of life and the community help to keep me sane and the beauty of the changing surroundings means I don't have to worry that I can't afford to pay to go away on holiday"

(Source: Survey extracts)

"Boaters in particular are likely to experience continual movement as a result of CRT regulations and in many cases GPs were in excess of 20 miles distant from the current place of residence"

(Source: B&NES health needs survey)



Members of the new River Regeneration Trust

The River Regeneration Trust

The River Regeneration Trust (RRT) was established to supersede the River Corridor Group, established by Bath & North East Somerset Council in late 2010 to provide advice to the Council on how the economic, social, cultural and environmental potential of the 30 kilometres of the Avon River within the district, from Dundas to Hanham, could be unlocked. The RRT was set up to advise upon, and facilitate the understanding of, endorsement and delivery of the group's recommendations.

The RRT aims to bring back a river-based, sustainable way of life along a 30 km stretch of the River Avon from Dundas Wharf on the Kennet and Avon canal to Hanham Lock. The Trust will create healthy, pollution-free homes and neighbourhoods, jobs and training, river-based homes, energy and waste management, sustainable transport links and river-related leisure amenities.





Call-ins

A call-in is a request made by a PDS panel to examine a Cabinet decision that has been made but not yet been implemented. If the call-in request meets certain criteria, a PDS panel will examine the decision.

The Councillors have the power to ask the Cabinet to reconsider the decision based on their findings.

It is important to note that the panel can only recommend that the Cabinet reconsider the decision it made. The panel does not have the power to amend the decision itself.

Decisions that are subject to call-in are ones made by:

- the Council Cabinet;
- a Cabinet Councillor;
- a committee of the Council Cabinet;
- an officer taking a key decision acting on delegated authority from the Council Cabinet;
- an area committee; or
- a body under joint arrangements.

There are instances when decisions cannot be called in.

These are:

- where the Cabinet decision is urgent, as defined in the urgency procedure rules;
- the effect of a call-in alone would be to cause the Council to miss a statutory deadline for action; or
- decisions were made by quasi-judicial or regulatory committees.



In May 2013, the Early Years Children and Young People PDS panel heard a call-in on home to school transport. This followed the Cabinet's decision about the proposed phased withdrawal of subsidised home to school transport for new starters attending denominational schools.

Councillors asked for the decision to be reviewed, raising concerns about the recommendations to implement this scheme, believing that alternative options should be investigated in order to continue to provide support for denominational transport. Councillors were also concerned that the Council had not fully assessed the impact of

the withdrawal of the denominational transport subsidy and the effect that this will have on the cost of statutory home to school transport support.

To assist in their deliberations, the Panel received a range of written and verbal evidence, interviewed the Cabinet member for early years, children and youth, senior Council officers, and a representative Councillor the late Gabriel Batt on behalf of those Councillors who signed the request to review the decision for the call-in request.

Having considered the evidence, the panel voted to refer the call-in back to the Cabinet member to reconsider their decision (this is known as 'upholding' the call-in).



In May 2013, the Planning, Transport and Environment PDS panel examined a call-in request about a Cabinet decision on proposed bus priority measures in Dorchester St, Manvers St and Pierrepont St, Bath.

Councillors asked for this decision be reviewed, raising concerns about the recommendations to implement the scheme before the Council had agreed a Transport Strategy and works had been completed on Rossiter Road. Councillors were also concerned about displacement of cars onto neighbouring roads, as well as the length of, and measures for success of the experiment.

Having considered the evidence, the panel voted to dismiss the call-in and allow the decision to be implemented as set out.



In November 2013, the Early Years, Children and Youth PDS panel were asked to examine a call-in concerning children's centres.

At the previous Council budget meeting members had agreed savings to the Early Years and Children's Centre Service. In doing so, Council tasked the EYCY panel to consider the implications of such savings, and explore the alternatives. A report for this task was delivered, together with a minority report. The Cabinet considered these reports.

Councillors went on to call-in the Cabinet member's decision. Members said a response was needed for the review, and a timetable for this. They also wanted to know whether the Cabinet would reconsider its budget, or identify further areas of saving, as recommended by the panel and the minority report.

The panel upheld the call-in and asked for the Cabinet decision to be reconsidered.



Working with PDS panels

Our PDS panels work closely with a wide selection of groups, organisations and individuals. Without positive, trusting and mutually beneficial relationships, the work of the panels would not be nearly as valuable.

We would like to thank the following, who amongst others, have contributed to the reviews and call-ins during the previous year:

- Avon & Somerset Police
- NHS (such as B&NES CCG, RUH, RNHRD, AWP and Public Health England)
- DHI
- Southside
- Avon Fire and Rescue
- Waitrose
- Federation of Bath Resident Associations
- Bath Federation of Small Businesses
- Red Kite Pest Control
- Pied Piper Pest Control
- 3 Abbey Green
- Faith Forum
- Sirona
- Project 28
- Community Alcohol Partnership
- University of Bath
- Bath Spa University
- Keynsham Town Council
- Combe Hay Parish Council
- Canal and River Trust
- Wiltshire Council
- Boat dwellers in the district
- Residential Boat Owners Association
- Built 4 Life
- Kanda



PDS panel membership 2013-4

Early Years, Children & Youth PDS Panel

Sally Davis (Chair)
 Sarah Bevan (Vice Chair)
 Liz Hardman
 Michael Evans
 David Veale
 Loraine Morgan-Brinkhurst MBE
 Co-opted non-voting members:
 David Williams
 Chris Batten
 Peter Mountstephen
 Mike Fidanoglu

Democratic Services officer:
 Mark Durnford

Resources PDS Panel

John Bull (Chair)
 Roger Symonds (Vice Chair)
 Colin Barrett
 Charles Gerrish
 Barry Macrae
 Paul Myers
 Nigel Roberts

Democratic Services officer:
 Michaela Gay

Wellbeing PDS Panel

Vic Pritchard (Chair)
 Cherry Beath (Vice Chair)
 Sarah Bevan
 Eleanor Jackson
 Tony Clarke
 Bryan Organ
 Kate Simmons
 Sharon Ball
 Lisa Brett

Democratic Services officer:
 Jack Latkovic

Economic & Community Development PDS Panel

Robin Moss (Chair)
 Cherry Beath (Vice Chair)
 Patrick Anketell-Jones
 Geoff Ward
 Brian Simmons
 Andrew Furse
 David Martin
 Dave Iaming

Democratic Services officer:
 Jack Latkovic

Planning, Transport & Environment PDS Panel

Marie Longstaff (Chair)
 Lisa Brett (Vice Chair)
 Liz Richardson
 Les Kew
 David Martin
 Roger Symonds
 Douglas Nicol

Democratic Services officer:
 Mark Durnford

Housing & Major Projects PDS Panel

Rob Appleyard (Chair)
 Nathan Hartley (Vice Chair)
 Matthew Blankley
 Brian Simmons
 Gerry Curran
 Steve Hedges
 June Player

Democratic Services officer:
 Mark Durnford

Democratic Services Officers



Jack Latkovic



Mark Durnford



Michaela Gay

Contacts

If you require this document in a different format (such as Braille, large print etc.) or have any further comments on this report or any aspects of the work of policy development and scrutiny please contact us:



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Response

Ideas

Engagement

Thoughts

Community

Statement

Policy

Inquiry

Consultation

Review

Call-In

Scrutiny

Case study

Evidence

Consideration

Recommendations

Question

Statement

Panel

Quote

Stakeholder