

BATH AND NORTH EAST SOMERSET

CABINET

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

Thursday, 14th July, 2022

Present:

Councillor Kevin Guy (Ch)	Leader of the Council, Liberal Democrat Group Leader
Councillor Tim Ball	Cabinet Member for Planning and Licensing
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 Sarah Warren	Deputy Council Leader and Cabinet Member for Climate and Sustainable Travel
Councillor David Wood	Cabinet Member for Neighbourhood Services

9 WELCOME AND INTRODUCTIONS

The Chair, Cllr Kevin Guy, welcomed everyone to the meeting.

10 EMERGENCY EVACUATION PROCEDURE

The Chair drew attention to the evacuation procedure as set out in the agenda.

11 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Alison Born and Richard Samuel. The Leader explained that Cllr Richard Samuel is currently recuperating having suffered a severe stroke and the Cabinet wished him a swift recovery.

12 DECLARATIONS OF INTEREST

There were no declarations of interest.

13 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

14 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 36 questions from Councillors and no questions from members of the public.

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

15 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

Members of the public made statements as follows:

- Ms Jenny Newman (*a copy of which is attached as Appendix 2 to these minutes*). Ms Newman also presented a petition containing 521 signatures requesting that the Council restores the ponds and streams in The Royal Victoria Park, Bath.
- A statement was read out on behalf of Ms Shiva Page (*and attached as read at Appendix 3 to these minutes*). That statement was in accordance with Rule 31 of the Executive Procedure Rules ("A submission under this rule will not be accepted if it is about a matter which has already been lodged with the Council or with another statutory body as a formal complaint") as Ms Page had originally been advised that three paragraphs would be removed from her statement as their subject matter related to live formal complaints. A decision was subsequently made to allow Ms Page to include these paragraphs if she wished but she decided against this. (*For completeness a copy of the omitted paragraphs is attached as Appendix 4 to these minutes*).

16 MINUTES OF PREVIOUS CABINET MEETINGS

RESOLVED that the minutes of the following meetings be confirmed as a correct record and signed by the Chair:

Cabinet Meeting – 5 May 2022

Special Cabinet Meeting – 26 May 2022

17 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

18 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

19 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

20 BATH CLEAN AIR PLAN ANNUAL REPORT 2021

Cllr Sarah Warren introduced the report, moved the officer recommendation and made the following statement:

“Air pollution is estimated to cause around 80 deaths a day across the UK, with approximately 80 per year in Bath and North East Somerset. Bath’s Clean Air Zone was the first such charging zone outside London, when it was introduced on 15th March 2021, and is designed to tackle high atmospheric levels of the dangerous pollutant nitrogen dioxide, which largely originates from traffic in our city, and affects the health of our most vulnerable residents. The aim of the zone is to bring annual nitrogen dioxide levels below the legal limit value of 40 µg/m³, by deterring the most polluting vehicles from entering the city centre.

Tonight, we are considering the 2021 annual report on air quality, vehicle compliance, and traffic displacement, which covers the calendar year 2021, the first calendar year during which the Clean Air Zone was live.

During the year, we saw overall traffic levels return from lockdown to pre-covid levels in the city, with light goods vehicles reaching 112% and heavy goods vehicles 110% of their pre-covid numbers, owing to pandemic-related changes in shopping patterns. Over this period, we have also seen business thriving, with footfall in the city’s shops returning close to pre-pandemic levels by the end of the year.

A key purpose of the zone is to encourage the upgrade of the most polluting vehicles, and we were able to make substantial funds available through grants and interest-free finance to support this. As at the end of December, some 722 of the most polluting vehicles had been replaced through this route, rising to 859 by the end of May this year.

Throughout much of 2021, we saw dramatic changes to traffic flows around the city centre arising not only from lockdown, but also from the complete closure of Cleveland Bridge, which normally carries some 17,000 vehicles per day. We have, of course, been monitoring roads around the CAZ carefully to establish whether there is evidence of the displacement of traffic from the zone, wherever the public have expressed concern, as early modelling of the CAZ suggested displacement might be possible. The analysis of this data so far shows no ongoing significant displacement impacts due to the introduction of the scheme. However, monitoring will continue at some of these sites for some time, as traffic flows settle down following the various disruptions of the last couple of years.

Notwithstanding recent changes to traffic flow, the really great news is that overall, air quality continues to improve both within and outside the zone, with average reductions in nitrogen dioxide levels of 21% inside, 22% in the urban area outside the zone, and 18% in the rest of Bath & North East Somerset over the year, compared to the calendar year 2019 before the pandemic. By the end of 2021, we observed that over 90% of HGVs and taxis, 100% of scheduled bus services, and 80% of vans driving in the zone were compliant.

Despite these significant improvements, we are seeing 3 locations with readings still fractionally above legal limits of nitrogen dioxide, and we wait to hear from the Government's Joint Air Quality Unit whether or not we can be said, in their terms, to have "achieved success". But even these three sites have shown huge improvement, with Dorchester Street down from nitrogen dioxide readings of above 70, as recently as 2015, to 40.5 last year.

And, having progressed our zone despite the pandemic, at a time when some other authorities have balked, Bath and North East Somerset is now regarded as a national leader on this hugely important issue so important to our residents' health. Our officers and councillors are now being invited to speak in national forums to share our experiences and achievements introducing the zone, so we are now putting Bath and North East Somerset on the map for clean, rather than polluted air.

The zone generated £5.6m during 2021, and by the end of March this year, the future costs of the scheme had been covered, with additional income being allocated to sustainable transport initiatives, helping to provide practical and affordable alternatives to the car.

I am delighted with the substantial progress we have made here in Bath and want to thank everyone who has gone to the trouble and expense of upgrading their vehicle or changing their travel behaviour. However, we know there is no safe level of air pollution, and that's why I am ambitious to achieve more.

The World Health Organisation released new tighter guidelines last year on safe levels of six pollutants, and I immediately wrote to the Minister to urge their rapid adoption into UK law, combined with adequate advice, powers and financial support for councils in tackling them.

That's why, despite the substantial progress we have already made here in B&NES, we are not complacent, we are still ambitious to go further in support of the health of our residents and of the environment. We are increasingly thinking of clean air alongside our net zero commitment, because these objectives are aligned in so many ways. The Clean Air Zone is but one tool - our wider plans to give more people more practical options so that they can leave their cars at home more of the time are outlined in our Journey to Net Zero plan published earlier this year.

And that's why this evening we are asking officers to develop new local targets for air quality for B&NES that are more ambitious than those currently set by national Government.

In the papers this evening, a potential annual average target of 36 mg/m³ for nitrogen dioxide by 2025 is proposed for further consideration. This figure is currently breached at 7 monitoring locations in the city (including the 3 still above 40). Officers will be doing further work to establish feasibility in establishing this target, but we intend to adopt these in the coming months.

And we don't see this as the end of the road either - we expect to see year on year improvement in air quality, and to raise our ambition in line with that, as we see the transport transition unfolding across our district.

We are also asking officers to increase our monitoring of another important dangerous, traffic-related pollutant, particulates, as although we are compliant with current national limits, we would like to develop our understanding, with a view to making improvements in this area of air quality as well.

I would like to finish by thanking officers for their hard work monitoring the impacts of the zone so closely, and compiling the data into this annual report, which permits close public examination of our progress on this important public health measure. We clearly need to keep both air quality and potential traffic displacement under close review. We await government's assessment of the extent to which we are achieving success very shortly."

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

"Cllr Warren highlighted this in her speech, but I think it's worth emphasising that the rationale behind the Bath Clean Air Zone is to reduce toxic air pollution. Nitrogen Dioxide is a health risk to everyone and is particularly dangerous for children and vulnerable people.

This is the first annual report for the Clean Air Zone's first calendar year. It's a cautious assessment, recognising that we always need more data. But I welcome the headline findings, showing the CAZ is working to reduce nitrogen dioxide pollution and to increase the proportion of compliant vehicles (benefiting a much wider area as of course these cleaner vehicles don't just travel in Bath). All this despite traffic returning to normal levels following the pandemic.

This report illustrates both the challenge and the opportunity of being the first Council outside London to deliver a charging Clean Air Zone.

The challenge because we are the trailblazers, and everyone is looking to us to get this right. We are developing the precedents, so to speak, that all other Clean Air Zones will rely on. We're testing the methodology and developing the working relationships with the Joint Air Quality Unit – a government department supported by both DEFRA and DfT. B&NES is very much being seen as a national leader – demonstrated by the invitations we receive to share our experience at national forums.

And this gives B&NES the opportunity to continue to lead the way. At the start, in 2019, the goal of the zone was to comply with the ministerial direction. But compliance isn't an end point- it's really just the beginning. The science around air quality is continually developing, with new guidelines from the WHO as Sarah mentioned. And more cities are implementing clean air zones – indeed these will become the norm across urban areas, as we recognise the improvements in public health which can be brought about by these schemes B&NES has the opportunity to

stay at the leading edge and set new goals. We want to be ambitious. To build on the progress from the Clean Air Zone.

That's why we're working on a more ambitious local nitrogen dioxide target and we're focussing on providing more information to the public about the issue of particulate pollution alongside. That's why we urged the government to go further and set more ambitious targets. All the work we are doing around sustainable transport and tackling the climate emergency is aligned with the overarching goal of the CAZ – to protect public health – and I think it's right that we should be ambitious in this area. If nothing else, the pandemic has shown us the true value of health.

I'm proud of the hard work of our team in successfully implementing the Clean Air Zone. I'm proud of the difference it's already making. And I'm proud that we are aspiring to go further and protect our residents' health even more."

Cllr Dine Romero stated:

"I am pleased that since I raised the issue of displaced traffic being rerouted onto roads in Southdown, in particular Whiteway Road monitoring of the volume and type of traffic has taken place. I am even more pleased to note that further monitoring is to be expected on this stretch of road. I look forward to hearing more on any mitigation measures that will be put in as a result of this data collection, perhaps the cabinet member might know when such discussions will take place, and whether they could they be linked to the discussions around measures which might be considered for Mount Road, under the heading of Liveable Neighbourhoods, since changes on one road will have an impact on a parallel one.

(The other issue I have previously raised around speeding is being dealt with separately)."

RESOLVED (unanimously):

- (1) To note the Annual report and the ongoing progress which has been made towards achieving reductions in nitrogen dioxide levels both within and on the boundary of the CAZ, which has been realised by the scheme increasing the proportion of compliant, less polluting vehicles driving in and around the city.
- (2) To note the continued performance of the CAZ against the scheme's financial model, ensuring it covers its costs of operation and avoids placing an additional burden on the Council and local taxpayers. In addition, note that surplus revenue is now being targeted towards sustainable transport projects as laid out in the full business case for the scheme.
- (3) To note the statement from the Joint Air Quality Unit (JAQU) on their assessment of the scheme towards achieving success with the Ministerial Directions which have been served upon the council.
- (4) In line with recommendation 3 of E3322 and Minute 1.5 of E3326, to note that further work to develop and implement a local nitrogen dioxide objective level will be continued.

- (5) To recommend that officers explore options for enhancing the capability to monitor particulate matter pollution within Bath and North East Somerset.

21 YOUTH JUSTICE PLAN 2022-23

Cllr Dine Romero introduced the report, moved the officer recommendation and made the following statement:

“As you will know the Local Authority has a statutory duty to produce an annual youth justice plan which is submitted to the national board.

The main objective of the youth justice system is to prevent offending by 10–17-year-olds.

The plan before you has been drawn together with input from the multi-agency team including police, social services, education, probation and health.

These partners have a shared responsibility not only for the plan itself and the part they play within it but for resourcing the youth offending service. The council pays the most, 54% of the budget. We are reliant on core national funding from ministry of justice and as far as I am aware we're still waiting the actual sign off but have been told it won't be less than before

In terms of how well we are doing again at the statutory purpose, the Youth Offending Service worked with 89 out of 36.7k children in B&NES in 2022 which is fewer than in previous years but there is concern that opportunities to intervene may have been missed and more children may enter the formal justice system in the future as a result.

Despite such low numbers and like many other places across the country a greater proportion of those entering the youth justice system are from black backgrounds, and as you will recall from my answer to Councillor Kumar earlier, the board are proactively looking at how we can increase representation on the board, and also within partner organisations to understand better why this is the case.

There is much more that I could draw your attention to but hope having read the plan cabinet are happy to endorse the plan, to appreciate the work that has gone into drawing it up, and finally but most importantly be supportive of the child first principle that is underpinning work in the youth justice system locally and nationally.”

Cllr Tim Ball seconded the motion and stressed the importance of keeping children out of the youth justice system and out of trouble. He also highlighted the need to recognise conditions such as autism, ADHD and poor mental health. He thanked all those working with children in the Youth Justice system and those working to prevent children from entering the system in the first place.

RESOLVED (unanimously): To recommend approval of the Youth Justice Plan to full Council, conditional on satisfactory confirmation of the budget.

22 HEALTH & SOCIAL CARE - NEW GOVERNANCE ARRANGEMENTS

Cllr Kevin Guy introduced the report, moved the officer recommendation and made the following statement:

“The report before you outlines the new, statutory, governance arrangements for health and social care in B&NES. These arrangements came into force on 1 July and stem from the new Health and Care Act.

Under the new arrangements, an Integrated Care System (ICS) – known as BSW Together – is replacing our previous partnership arrangements. The new ICS covers the three local authority areas of B&NES, Swindon and Wiltshire. It gives us the opportunity to build on our strong track record of working with local health services, developed over the last few years, with an overall goal of delivering integrated services, improving health outcomes and reducing inequalities.

The BSW Together partnership is made up of local health and care organisations including Councils, hospitals, GPs, mental health service providers, an ambulance trust, community health providers and voluntary organisations. They will all work together to plan and organise the delivery of health and care services and are committed to giving local people and communities a louder voice in how services are provided.

A new Integrated Care Board will replace the previous Clinical Commissioning Group across Bath and North East Somerset, Swindon and Wiltshire. The Board will take the lead on planning and coordinating how £1.5 billion of health and care services are delivered.

The Integrated Care Partnership will develop strategy for health and social care and the Integrated Care Alliance will be a local ‘delivery mechanism’ setting and overseeing delivery of strategy at Bath & North East Somerset level.

We are asked to agree the Council’s participation in the Integrated Care System, approve proposals for the Council’s representation on the new structures, as laid out in the report, and endorse the overall governance arrangements.

These new arrangements provide an opportunity to work even more closely with our partners and our communities to provide the services that people need, further to integrate health and social care, and to tackle health inequalities. They also provide greater opportunities for preventative work to improve residents’ health, helping people stay healthy and independent for longer. They align closely with our overall corporate purpose of ‘improving people’s lives’.

I would like to thank our Council officers and Councillor Alison Born for their hard work.”

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

“I am happy to second this paper, and support of the formation of the Integrated Care Board. As an area we have a strong track record of working with partners especially the local health services. This new arrangement should be even more beneficial for our residents provide the services they need but also as we will be able to collaborate more closely, we will have greater opportunities to integrate health and social care, address inequalities and in the longer term delay the need some may have of these services.”

RESOLVED (unanimously):

- (1) To agree that the Council participates in the Integrated Care System (ICS) for Bath, Swindon & Wiltshire and to ensure appropriate representation on the various committees which make up the ICS.
- (2) To request the Leader of the Council to make the appropriate nominations for councillors to sit on the committees making up the ICS.
- (3) To authorise the Chief Executive Officer to nominate Officers (including himself) to:
 - Sit on the Integrated Care Board and to represent the Council on said Board including the making of decisions that require financial expenditure on the part of the Council provided such expenditure is within budgets agreed by Full Council; and
 - Sit on the sub-committee of the Integrated Care Board established to make placed-based decisions as may be required to ensure that the Council is appropriately and fully represented in accordance with the constitutional documents of said sub-committee.
- (4) To agree the overall governance arrangements set out in Appendix 1 of the report.

23 REVENUE AND CAPITAL OUTTURN 2021/22

Cllr Tom Davies introduced the report and moved the officer recommendation. He stated that this has been one of the most challenging and unpredictable years and that it is a huge testament to the strong financial leadership provided by Cllr Richard Samuel and the Council’s senior officers that the report presents a £4m favourable result for the last financial year. This was the second year of the Covid pandemic and there was considerable pressure on the budgets for both adult and children’s services. The favourable position enables the Council to build resilience for this and future years so that investments can be made in services to improve the lives of all B&NES residents. For example, £2.7m will be invested to provide the Park and Ride service and the strong position will also help the Council to manage the extraordinary increase in energy prices without impacting on services. He also thanked Andy Rothery, Chief Finance Officer, and the finance team for producing such clear and transparent reports. Sound financial management enables the Council to remain resilient in the face of current challenges and to continue to invest in the priorities of residents.

Cllr Manda Rigby seconded the motion.

RESOLVED (unanimously):

- (1) To note the revenue budget outturn on budget position for 2021/22, after allowing for carry forwards and transfers to reserves.
- (2) To approve the revenue carry forward proposals listed in the tables in paragraph 3.30 of the report.
- (3) To approve that all other over budgets are written-off as an exception to the Budget Management Rules for 2021/22.
- (4) To approve the transfer of £4.03m to corporate earmarked reserves, the breakdown of which is detailed in paragraph 3.31 of the report.
- (5) To note the revenue virements for 2021/22 reported for information in Appendix 2(i) of the report.
- (6) To note the reserve positions and the use of flexible capital receipts shown in paragraphs 3.40-3.43 of the report.
- (7) To note the outturn position of the 2021/22 capital programme in paragraph 3.52, and the funding outlined in paragraph 3.54 of the report.
- (8) To approve the capital rephasing and write-off of net underspends as listed in Appendix 3 of the report. This reflects the outturn spend position on projects against final budgets as detailed in Appendix 4(ii) of the report.

24 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO JUNE 2022

Cllr Tom Davies introduced the report and moved the officer recommendation. He thanked the finance team for presenting this information in such a timely manner. He highlighted the challenges faced by the Council and, in particular, the forecast for a £2.3m overspend in children's services due to staffing pressures and the high cost of placements. The fact that this information is being presented now will enable officers and Cabinet Members to manage the situation and the Cabinet will continue to monitor this very closely. This is a particularly challenging time to manage and provide core services. The combinations of Brexit, the Covid pandemic, the war in Ukraine and the failure of the Government to provide appropriate funding to local authorities have placed enormous pressure on Councils. He highlighted the investment plans set out in the capital programme including improvements to Midsomer Norton High Street, the Radstock Healthy Living Centre, Bath Quays North and the further development of the Bath Western Riverside and the final element of the Sydney Gardens project.

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

“Continued financial resilience here at the council allows us to invest in our capital projects, such as the site redevelopment of Pixash recycling centre, with its exceptionally strong sustainability credentials; our liveable neighbourhoods programme that aims to make residential areas safer to move around on foot and by

bike; and the refurbishment of Cleveland Bridge. Thanks of course should go to not only to Cllr Samuel and his team for their ongoing excellent management of the budget in these very unpredictable times; and of course, to Cllr Davies for picking up this work at short notice and bringing forward these papers.”

Cllr Tim Ball noted the importance of future investment in Council services and the excellent financial prudence demonstrated by Cllr Richard Samuel and the finance team.

RESOLVED (unanimously):

- (1) To note the 2022/23 revenue budget position (as at the end of June 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 3.21 of the report.
- (4) 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.

25 TREASURY MANAGEMENT OUTTURN REPORT 2021/22

Cllr Tom Davies introduced the report and moved the officer recommendation. He noted the excellent position of the Council and stated that the excellent cashflow management had led to savings of over £1m. Investments regularly perform above the relevant benchmark. The two ESG investments have been particularly successful providing above average returns. The Council is in a strong position with regard to its treasury management.

Cllr Wood seconded the motion.

RESOLVED (unanimously):

- (1) To note the Treasury Management Report to 31 March 2022, prepared in accordance with the CIPFA Treasury Code of Practice.
- (2) To note the Treasury Management Indicators to 31 March 2022.

26 TREASURY MANAGEMENT PERFORMANCE REPORT TO 30TH JUNE 2022

Cllr Tom Davies introduced the report and moved the officer recommendation. He pointed out that the two ESG funds are performing well. The Council is now starting to receive some extra income due to the increase in interest rates. He thanked officers for their hard work in relation to treasury management.

Cllr Kevin Guy seconded the motion.

RESOLVED (unanimously):

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

27 QUARTER 4 YEAR END 2020/21 CORPORATE PERFORMANCE REPORT

Cllr Kevin Guy introduced the report, moved the officer recommendation and highlighted the following achievements of the administration which have been possible due to strong financial management:

- Building a new state of the art recycling hub
- Investing £14m to improve and maintain highways
- 17,894 calls received by the Community Wellbeing Hub
- Developing 6 new residents' parking zones
- A reduction of 66% in carbon emissions from Council buildings since 2010
- Investing over £900k in cleaner green neighbourhoods
- Recruiting more foster carers
- 3,100 new homes including 700 affordable homes in the last 3 years
- Allocating more than £38m over the next 5 years to drive down carbon emissions
- 33,000 trees planted on Council and private land since 2020
- Building the first ever Council homes for a generation

He thanked all Council staff and Cabinet members for their hard work in delivering these achievements.

Cllr Tom Davies seconded the motion. He stated that the report contains a vast amount of interesting information about the work of the Council which demonstrates how much is going on.

RESOLVED (unanimously):

- (1) To note progress on the delivery of key aspects of the Council's service delivery, details of which are highlighted in section 3.6 and Annex 1 of the report.
- (2) To note the level of service activity for 2021/22 highlighted in the infographic presentation at Annex 2 of the report.

The meeting ended at 7.20 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services