

BATH AND NORTH EAST SOMERSET

CABINET

Wednesday, 14th September, 2011

The decisions contained within these minutes may not be implemented until the expiry of the 5 working day call-in period which will run from 16th to 22nd September. These minutes are draft until confirmed as a correct record at the next meeting.

Present:

Councillor Paul Crossley	Leader of the Council
Councillor Nathan Hartley	Deputy Leader of the Council and Cabinet Member for Early Years, Children and Youth
Councillor David Bellotti	Cabinet Member for Community Resources
Councillor Simon Allen	Cabinet Member for Wellbeing
Councillor Tim Ball	Cabinet Member for Homes and Planning
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor Roger Symonds	Cabinet Member for Transport

49 WELCOME AND INTRODUCTIONS

The Chair was taken by Councillor Paul Crossley, Leader of the Council.

The Chair welcomed everyone to the meeting.

50 EMERGENCY EVACUATION PROCEDURE

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

51 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor David Dixon

52 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Councillor Nathan Hartley declared a personal, non-prejudicial interest in Item 16, as a Director of the Norton Radstock Regeneration Company.

Councillor Simon Allen declared a personal, non-prejudicial interest in Item 16, as an owner of a property in Radstock.

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

54 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 12 questions from the following people: Councillors Malcolm Hanney (2), Eleanor Jackson, Vic Pritchard (2), Martin Veal, Tony Clarke (3), Geoff Ward; and from members of the public: Ian Barclay (2).

[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.]

55 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

A number of speakers had registered before the meeting and all spoke at item 16, Radstock Regeneration Traffic Regulation Orders.

56 MINUTES OF PREVIOUS CABINET MEETING 10TH AUGUST 2011

On a motion from Councillor Paul Crossley, seconded by Councillor David Bellotti, it was

RESOLVED that the minutes of the meeting held on Wednesday 10th August 2011 be confirmed as a correct record and signed by the Chair.

57 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

The Chair announced that proposals for HGV restrictions on the A36 Cleveland Bridge in Bath had originally been a single Member decision but Councillor Roger Symonds had referred the matter to Cabinet under the Council's procedural rules, and that the issue would be considered at item 12 on the agenda

58 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none

59 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

60 NORTON-RADSTOCK REGENERATION TRAFFIC REGULATION ORDERS

Councillor Eleanor Jackson made a statement *[a copy of which is attached to the Minutes as Appendix 2 and can be seen on the Council's website]* in which she appealed to Cabinet to defer consideration of the TRO until after planning permission for the whole scheme had been determined, when it would be known whether the road would be needed.

Amanda Leon (Radstock Action Group) made a statement *[a copy of which is attached to the Minutes as Appendix 3 and can be seen on the Council's website]* in which she urged the Cabinet not to adopt the proposals but to consider more carefully the impact they would have on the town of Radstock.

Gary Dando (Radstock Action Group) made a statement *[a copy of which is attached to the Minutes as Appendix 4 and can be seen on the Council's website]* in which he explained his disagreement with the Council's response to the consultation objections; and pointed out that adopting the order would be premature because the land assembly had not yet been completed and planning permission had not yet

been gained. He presented a petition to Cabinet expressing opposition to the proposals to divert a road through the centre of Radstock.

The Chair referred the petition to Councillor Roger Symonds, for his response in due course.

John Sprateley made a statement as an HGV driver. He felt that the proposals would oblige HGV drivers to mount the pavement to navigate the small roundabout, risking injury to pedestrians and causing damage to pavements and tyres.

Deborah Porter made a statement [*a copy of which is attached to the Minutes as Appendix 5 and can be seen on the Council's website*] observing that the report submitted to Cabinet had not given due weight to the comments made during the consultation relating to social inclusion, safety and sustainability. She further observed that the data analysis provided for consultation was out of date and that more recent data, from 2009, had not been properly considered. Finally, she felt that there were no net benefits of the scheme and appealed to Cabinet not to adopt the traffic order.

Heather Chipperfield made a statement in which she said that there was massive local opposition to the scheme; she asked why local businesses had not been consulted; and asked the Cabinet to listen to the views of the people of Radstock.

George Bailey made a statement [*a copy of which is attached to the Minutes as Appendix 6 and can be seen on the Council's website*] in which he referred to section 5 of the report. He felt strongly that local business would be negatively affected; congestion would be badly increased; air pollution would not be reduced; and vehicle vibration would cause damage to buildings and cellars.

Other members of the public made *ad hoc* statements, appealing to Cabinet in every case not to adopt the proposals.

Councillor Roger Symonds, introducing the item, said that the Cabinet was committed to the regeneration of Radstock. He said however that his proposal to Cabinet would not be the recommendations from the report, but that he was moving that Cabinet should defer consideration of the order until a future date.

Councillor Cherry Beath seconded the proposal and thanked the members of the community who had taken the trouble to speak to the Cabinet.

Councillor Tim Ball also thanked the speaker for engaging with Cabinet on this issue. He observed that the regeneration had been mooted for over 11 years but had not been moved forward. He felt however that the traffic order proposals needed to be looked at in further detail, particularly since the planning application had not yet been resolved.

Rationale

The Cabinet wishes to take further opportunities to listen to representations from the community and to consider the available survey data. Deferral will not prejudice the intention to regenerate Radstock.

Other Options Considered

A number of alternative options were evaluated as part of the planning process, which will all be taken fully into account when the item returns to Cabinet.

On a motion from Councillor Roger Symonds, seconded by Councillor Tim Ball, it was

RESOLVED (unanimously)

(1) To DEFER consideration of the Traffic Regulation Orders until a future date

61 A36 CLEVELAND BRIDGE, BATH - HGV RESTRICTION

Councillor Tim Warren made an *ad hoc* statement in which he agreed that Bath had a congestion problem, but said that the current proposals would not help.

Councillor Martin Veal made an *ad hoc* statement in which he said that he had fought for a partial ban for a number of years. He felt that vehicles should use the A350, but was disappointed that Wiltshire would not help. He pointed out the link between HGV traffic and the damage to cellars along their route.

Cate Le Grice-Mack FRSA, (chair of the Norton Radstock Regeneration Company) made an *ad hoc* statement in which she appealed to the Cabinet not to approve the proposals, which she felt would damage Radstock.

Councillor Roger Symonds, in proposing the item, said that the proposals were for an 18-month trial period only, but would be a start after years of suffering the consequences of heavy traffic on this route. He said that some research had been done on destination analysis; The Council was in discussions with Wiltshire, although they objected to some proposals. He felt that most of the problems were not being caused by Bath traffic, but by traffic which wanted to pass through the city and the proposals were long overdue.

Councillor Symonds responded to Councillor Veal's comment about the damage to cellars by saying that there was a weight limit in force to protect cellars, but it was not effectively enforced by the police. If the council had this responsibility, it would enforce the limit more rigorously.

Councillor Paul Crossley seconded the proposal and said that the proposals were an experiment, which would inform the debate when long-term solutions were being discussed. He felt that ministers should be made aware that many lorry drivers use sat navs designed for use by car drivers, the effect of which is that they take inappropriate routes.

Councillor Tim Ball said that the problem had been repeatedly deferred and he felt that now was the time to hold this 18-month experiment because the council must find a way to deter heavy vehicles from using the city as a through route.

Councillor Symonds summed up by saying that Bath was a World Heritage City – the only whole city awarded that status in the UK – and it must be protected. If the 18-month ban proved successful, he would want to move to a full ban on Cleveland Bridge.

Rationale

The proposals will reduce congestion and pollution on the A4 and A36 through Bath by reducing through HGV traffic movements. An experimental Traffic Regulation Order will allow before and after monitoring to take place to establish the impact of the weight restriction before a final decision is made.

Other Options Considered

The Bristol to South Coast Study considered options for building a link road between the A46 and the A36 to remove through traffic from Bath, and, whilst there are significant benefits for road users, the cost and environmental impact of a link road are also significant and should be considered as a last resort.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To AGREE that subject to consultation with affected local highway authorities, the police, the Highway Agency, Freight Transport Association and Road Haulage Association:

i) A local experimental environmental 18 tonne weight restriction be made for a period not exceeding 18 months under Section 1 of Traffic Regulation Act 1984 on the A36 Primary Route in the left hand turning lane on the A36 Bathwick Street approach to the A36 Beckford Road junction and in the central right turning lane on the A36 Beckford Road approach to the A36 Bathwick Street with an exemption for emergency services;

ii) An experimental 'U' turn prohibition be made for a period not exceeding 18 months under Section 1 of Traffic Regulation Act 1984 on the A36 Primary Route on Darlington Street and Pulteney Road for a distance of ¼ mile in a southbound direction from the junction of Darlington Street with Sydney Place with an exemption for emergency services;

(2) To DELEGATE authority to the Group Manager, Planning and Transport Policy to modify or suspend the operation of the order, or any part of it, in accordance with Section 10 Traffic Regulation Act 1984 in consultation with the Cabinet Member for Service Delivery.

62 YOUTH JUSTICE PLAN 2011-12

Councillor Anthony Clarke made an *ad hoc* statement in which he said that the Conservative Group supported the proposals.

Councillor Nathan Hartley, in proposing the item, said that the Youth Justice Plan was a statutory requirement. He paid tribute to the Council's Youth Offending Team, which played a critical role in family intervention, restorative justice, deterrence and increasing participation by young people.

Councillor David Bellotti seconded the proposal.

Councillor Cherry Beath endorsed the proposals. She particularly appreciated the emphasis on assessment and planning.

Rationale

Submission of a Youth Justice Plan is a statutory requirement under Section 40 Crime and Disorder Act 1998 and the plan is part of part of the Council's Policy and Budget Framework. The work programme contained within the plan contributes to making Bath and North East Somerset a safer place and to helping young people involved in offending to work towards more positive outcomes.

Other Options Considered

None.

On a motion from Councillor Nathan Hartley, seconded by Councillor David Bellotti, it was

RESOLVED (unanimously)

(1) To AGREE that the Youth Justice Plan fulfils the requirements of the Crime and Disorder Act 1998;

(2) To RECOMMEND the Youth Justice Plan to Council as part of the Council's Policy and Budget Framework.

63 WINTER SERVICE POLICY

Councillor Tim Warren in an *ad hoc* statement welcomed the changes to the policy, particularly the snow warden scheme. He was concerned that community volunteers were worried about possible liability and asked the Cabinet for assurances about this.

Peter Duppa Miller (Secretary of the Town and Parish Councils Association) made an *ad hoc* statement in which he expressed support for the snow wardens pilot scheme, as laid out in paragraph 5.10 of the report. He referred to paragraph. The Association also supported the proposal in the policy that grit bins in rural areas would be either yellow or green.

Councillor Vic Pritchard made an *ad hoc* statement in which he observed that the scheme had previously been weak in rural areas, and he was concerned that these areas should not be excluded from the proposed scheme.

Councillor Roger Symonds, in proposing the item, said that a further report would be brought to Cabinet at a later date about the snow wardens scheme and in response to Councillor Warren's observations about personal liability, he said that the issue would be fully addressed in that report. In response to Councillor Pritchard, he explained that although the Council was able to keep the main roads clear, it was not possible to cover all roads, so volunteers were needed in rural areas, supported by grit bins.

Councillor Cherry Beath in seconding the proposal said that she applauded the trial which would be in place in time for the coming winter. She observed that it would be important to provide training so that volunteers did not use more than the required amount of salt.

Councillor Paul Crossley thanked Councillor Symonds, and Kelvin Packer (Service Manager - Highways Networks Management) for the hard work they had put into improving the scheme. He recognised that there would be high demand during the winter, but felt that the pilot scheme was the way forward.

Councillor Nathan Hartley thanked Councillor Symonds for meeting with Peasedown St John Parish Council in July. He hoped that Peasedown could be a pilot area.

Councillor Symonds summed up by saying that the Highways Service Manager would consider additions to the gritting rounds, but this would be difficult to achieve.

Rationale

The Winter Service Policy is based upon nationally recognised standards set out in Well Maintained Highways – A code of Practice. The Council's Winter Service Policy is a good standard of service to provide for the residents and the travelling public. An increase in standards would require significant extra investment for relatively rare snowfall events. Any reduction in standards of service would be very unpopular with the residents and users of the highway network, as well as increasing the potential for claims against the Council.

Other Options Considered

None.

On a motion from Councillor Roger Symonds, seconded by Councillor Cherry Beath, it was

RESOLVED (unanimously)

(1) To APPROVE the Winter Service Policy as the Highway Authority's policy for winter maintenance in Bath and North East Somerset;

(2) To ASK for a separate report to Cabinet on the outcome of the Community Snow Warden Pilot scheme, following Winter 2011.

64 DETERMINATION OF THE STATUTORY NOTICE TO EXPAND THE AGE RANGE OF ST. GREGORY'S CATHOLIC COLLEGE TO ADD A SIXTH FORM

Councillor Anthony Clarke made an *ad hoc* statement in which he urged the Cabinet to support the proposals.

Raymond Friel (Head Teacher, St Gregory's Catholic College) made an *ad hoc* statement thanking the Cabinet for their support and urging them to adopt the proposals. He reminded the Cabinet that in an earlier consultation in March, there had been 100 responses in addition to those made in August.

Councillor Nathan Hartley, in proposing the item, thanked Raymond Friel and Councillor Clarke. He pointed out that the Council had supported the confederation of St Mark's and St Gregory's, and that the Cabinet's policy was to support both coeducational schooling and the provision of faith based education in the area. Despite the concerns over numbers, he was convinced that young people must be offered the choice to go on to sixth form without having to go outside the area.

Councillor Tim Ball seconded the proposal and said that it would be a very important step for local children. The Council had a duty to provide alternatives to the long journeys for young people making their sixth form choices.

Councillor David Bellotti offered his warm support. He believed that some young people had been missing out on sixth form because of the transport problems. He advised the school to contact the Divisional Director (Tourism, Leisure & Culture) who might be able to agree to the use of playing fields.

Rationale

i) The proposal will contribute to the Council's strategy for secondary provision and as agreed by the Cabinet in July 2010;

ii) The proposal has the support of pupils at St. Gregory's, parents of pupils at the school, parents of pupils at St Mark's and parents of primary age pupils who have expressed their desire for a sixth form at St Gregory's via the consultation process and the representation period. The nine comments on the proposal received during the representation period as outlined in Appendix 1 were all in support of the proposal. There were no objections to the proposal. All representations received during the representation period have been taken into consideration as a part of the overall decision making process;

iii) The proposal will add to diversity of provision by the addition of Christian faith based post-16 places in the Local Authority and in Bath;

iv) There is a strong case for approval on parental preference and standards grounds and evidence suggests that there is sufficient demand for Christian sixth form places at the expanded school for the additional provision to be sustainable;

- v) There is strong evidence to suggest that the provision will be of high quality and will have a positive impact on standards and school improvement in the Authority;
- vi) The 'condition to be met' dates set out in the recommendations are believed to be achievable; however they can be varied at the request of the proposer (the school) if it looks as if the condition will not be met by that date. If a condition cannot be met the proposal will go back to the Decision Maker (the Cabinet) for fresh consideration.

Other Options Considered

None.

On a motion from Councillor Nathan Hartley, seconded by Councillor Tim Ball, it was RESOLVED (unanimously)

(1) To AGREE that the age range at St Gregory's Catholic College should be expanded to add a sixth form on 1 September 2013, subject to the following conditions being met by the dates specified:

(a) Detailed Planning Permission being granted for the additional school accommodation by 31 June 2012. (The Governing Body has been granted Outline Planning Permission for the additional building that will be required as a result of the proposal);

(b) The acquisition of the site required for the implementation of the proposals by 31 December 2011.

65 POLICY STATEMENT - ACADEMIES AND FREE SCHOOLS

Councillor Anthony Clarke made an *ad hoc* statement offering his support and pointing out that the proposals were in line with government policy.

Councillor Nathan Hartley, in proposing the item, observed that governments had been giving increasing autonomy to schools since 1988. The Local authority retained many responsibilities, and must have a strategy on how to fulfil its role. He thanked the education officers for their work, and particularly thanked Councillor Dine Romero for her advice and support over this issue. He referred to clause (2) of the proposals, which would ensure that the policy would be reviewed periodically to ensure that it remained current.

Councillor Tim Ball seconded the proposals.

Councillor Roger Symonds said that he was supportive of Academies but was suspicious of Free Schools because although some were excellent, others were not so. He supported the proposals.

Councillor David Bellotti said that government would only approve a Free School when there were existing empty places, and in fact had only approved 24 Free Schools across the country last year.

Councillor Nathan Hartley confirmed that government was very cautious about approving Free Schools.

Rationale

The Government's approach to the development of academies is a 'permissive' one, which allows schools (subject to certain conditions) to apply directly to the Department for Education (DfE) to be allowed to convert. Equally, any group which believes there is demand for a new free school can put forward proposals to DfE. Whilst the Council may choose to express a view about an application for an academy or a free school, the decision to approve rests with the Secretary of State.

The authority retains a number of statutory responsibilities for specific functions relating to academy pupils as well as an overall responsibility towards all children and young people in the area. It is appropriate for the authority to have a proactive and coherent approach to these developments and to its evolving role.

Other Options Considered

None.

On a motion from Councillor Nathan Hartley, seconded by Councillor Tim Ball, it was RESOLVED (unanimously)

(1) To ADOPT the policy statement regarding the Council's proposed approach to the development of academies and free schools and to the evolving role of the Council in working with schools;

(2) To ASK the lead member to review this policy statement periodically to ensure it remains current and reflects changes and developments in our local context.

66 MEDI VEND PLACEMENT AT PEASEDOWN YOUTH CENTRE

Councillor Anthony Clarke made an *ad hoc* statement expressing his support for the proposals. He felt that, at some point, the evidence base should be presented for the claimed benefits. He asked whether the costs would be met by the Council or by the PCT Social Enterprise. He also asked that the Policy Development and Scrutiny Panel should be involved in any proposals to develop the provision.

Councillor Nathan Hartley said that he would approach the Chair of the relevant Policy Development and Scrutiny Panel about future involvement. He felt that the proposals demonstrated that the Council was serious about caring for young people.

In proposing the item, Councillor Hartley added a third clause, the effect of which was to agree that further installations could take place at other locations.

Councillor Simon Allen seconded the proposal. He emphasised the need for young people to get good quality advice and support.

Councillor Tim Ball thanked Councillor Hartley for bringing the proposals to Cabinet. He said it was a shame that the previous Medi vend, installed at Southside Youth Centre, had not been discussed openly by the previous administration before being installed. In the light of this, he asked Councillor Hartley if he would accept an additional clause, the effect of which would be to ratify in retrospect the previous installation of a Medi vend at Southside Youth Club.

Councillors Hartley and Allen readily agreed to the request..

Rationale

The medi-vend is a tool for enabling young people to access safe confidential sexual health services, offering good quality information and advice this will lead to the improvement of good sexual health for young people, reduction in teenage pregnancy and abortion rates. The medi-vend adds to the services already provided at Peasedown and is complimentary to the delivery program.

Other Options Considered

None.

On a motion from Councillor Nathan Hartley, seconded by Councillor Simon Allen, it was

RESOLVED (unanimously)

(1) To AGREE that Medi-Vend machine will increase the range and quality of sexual health services available to young people and it will enhance delivery and the service provided by Youth Workers, in an area of greatest need;

(2) To AGREE that it will help to protect young people from sexuality transmitted diseases, reduce teenage pregnancy as well as providing information about drugs.

(3) To AGREE that further Medi-Vend machines may be installed around the local authority in locations where there is a need, in agreement with senior Children's Service and Youth Service staff.

(4) To RATIFY the existing installation of a Medi-Vend machine at Southside Youth Centre.

[Clause (4) above was included at the request of Councillor Tim Ball, after the mover and seconder had agreed to adopt it as part of the substantive motion]

67 REVIEW OF HACKNEY CARRIAGE TARIFF RATES

Councillor Roger Symonds, in proposing the item, observed that no objections had been received during the consultation period.

Councillor Paul Crossley seconded the proposal.

Rationale

In the 1980's Bath City Council adopted a formula to calculate a "fair" increase in the tariff rate. With only one or two exceptions this formula has been used every year to calculate the percentage increase. The adopted formula used for calculating the proposed tariff rate is one-half of the percentage increase in the Average Earnings Index plus one-half of the percentage increase in the cost of motoring. Using the formula the proposed increase calculates as 5.64%. The formula is based on the annual increase between the 1st April and the 31st March the following year.

However, since the last review there has been a sharp rise in the price of fuel which has made a substantial increase in the running costs of Hackney Carriage vehicles. The proposed increase is in line with the formula that the Council uses to calculate an increase and is based on current information from the Office of National Statistics.

Other Options Considered

None.

On a motion from Councillor Roger Symonds, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To AGREE an increase of 5.64% on the current Hackney Carriage fares for time and distance.

68 REVENUE AND CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS - APRIL 2011 TO JULY 2011

Councillor David Bellotti, in proposing the item, observed that in clause (1) of the proposals, Strategic Directors would be asked to keep within their budgets, and below budget where possible. He referred to paragraph 4.1 of Appendix 1, and corrected the statement by saying that there was now evidence that the New Homes Bonus Grant was being used.

He asked that the wording in paragraph 1.13 of the appendix, referring to Keynsham Regeneration, should be amended from “the scheme” to “a scheme”.

Councillor Paul Crossley seconded the proposal.

Rationale

The report is presented as part of the reporting of financial management and budgetary control required by the Council.

Other Options Considered

None.

On a motion from Councillor David Bellotti, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

- (1) To ASK Strategic Directors to continue to work towards managing within budget in the current year for their respective service areas, and to manage below budget where possible by not committing unnecessary expenditure, through tight budgetary control;
- (2) To NOTE this year’s revenue budget position as shown in the report;
- (3) To NOTE the capital expenditure position for the Council in the financial year to the end of January and the year end projections detailed in the report;
- (4) To AGREE the revenue virements listed for approval in the report;
- (5) To NOTE the changes in the capital programme listed in the report.

The meeting ended at 8.45 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services