

BATH AND NORTH EAST SOMERSET

CABINET

Wednesday, 12th October, 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 13th to 19th October. 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 Tim Ball	Cabinet Member for Homes and Planning
Councillor Cherry Beath	Cabinet Member for Sustainable Development
Councillor David Dixon	Cabinet Member for Neighbourhoods
Councillor Roger Symonds	Cabinet Member for Transport

69 WELCOME AND INTRODUCTIONS

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

The Chair welcomed everyone to the meeting.

70 EMERGENCY EVACUATION PROCEDURE

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

71 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor Simon Allen.

72 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

Councillor Cherry Beath declared that with respect to Item 14 (Bath Community Energy), her brother-in-law had formerly been a Director of BCE, but that she did not consider this to constitute an interest.

73 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

The Chair announced that Cabinet would be asked to consider a report entitled "Civitas Renaissance and its Legacy", which had originally been scheduled for November Cabinet. The report would be considered under the Special Urgency provisions in the Council Constitution. Agreement had been given by the Chair of the Planning, Transport and Environment Policy Development and Scrutiny Panel, as well as the Council's Section 151 Officer, Monitoring Officer and Chief Executive. The report had been published as a supplementary agenda item; copies had been placed in the public gallery before the meeting; and Cabinet would consider the issue at Item 16 of the Agenda.

74 QUESTIONS FROM PUBLIC AND COUNCILLORS

There were 4 questions from the following people: Councillor Malcolm Lees, Councillor Patrick Anketell-Jones, Councillor John Bull and Amanda Leon.

[Copies of the questions and response, 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.]

75 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

There was one registered speaker. Councillor Gerry Curran agreed to speak immediately before the item to which his statement related.

76 MINUTES OF PREVIOUS CABINET MEETING 14TH SEPTEMBER 2011

On a motion from Councillor Paul Crossley, seconded by Councillor Nathan Hartley, it was

RESOLVED that the minutes of the meeting held on Wednesday 14th September 2011 be confirmed as a correct record and signed by the Chair.

77 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

There were none.

78 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none.

79 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

80 DETERMINATION OF THE STATUTORY NOTICE TO REVOKE THE NOTICE TO CLOSE CULVERHAY SCHOOL

Councillor Gerry Curran (Chair of Governors, Culverhay School) made a statement saying that he was pleased that Cabinet would consider revoking the notice of closure. Now that the consultation period for revocation had ended he asked the Cabinet to confirm the revocation so that the school could continue its plans to work towards sponsored academy status and, in due course, towards coeducational education so that it could effectively serve the local community.

Councillor Dine Romero made an *ad hoc* statement urging the Cabinet to confirm the revocation. She felt that the recent school open evening had demonstrated how many parents were interested in sending their children to the school if it were to become a coeducational academy. She said that this showed that the uncertainty about the school's future had persuaded many parents from sending their children

there in 2011, but that in 2012 this would be more than reversed. This would require the school to move rapidly to accept girls.

Sarah Moore made an *ad hoc* statement in which she said that the community would be very pleased if Cabinet were to revoke the notice of closure. It was what parents had been waiting to hear.

Councillor Tony Clarke made an *ad hoc* statement, saying that the Conservative Group position was that once closure had been revoked, the Group would be supportive of the school's application for academy status. He asked for reassurance about the freehold ownership of the site and an assurance that other schools would not suffer because of the significant cost of keeping Culverhay open.

Councillor Eleanor Jenkins made an *ad hoc* statement endorsing the views of previous speakers. She observed that she had heard assurances that the freehold of the site would remain with the Council. She felt that the Council should ask the Secretary of State to announce his decision as soon as possible so that parents could make their decisions about 2012 fully informed of the facts.

Councillor Nathan Hartley, in proposing the item, observed that the proposal being considered by Cabinet was the result of a long campaign to save Culverhay School. Many people had worked hard to get to this point. He thanked Ashley Ayre (Strategic Director, People) and Tony Parker (Divisional Director Learning and Inclusion Service) for the hard work they had undertaken in the last few months. He explained that during the consultation period, negative submissions had been received from one B&NES Councillor (out of 65), 3 Head Teachers (out of 70+ and only 2 Chairs of Governors (out of 70+). He emphasised that the correct legal process had been followed to get to the current point.

In response to Councillor Eleanor Jackson's reference to the Secretary of State, Councillor Hartley said that the Council had been determined to allow the Secretary of State to make up his own mind on the options available. He observed that the Liberal Democrat Group had for 20 years said that Culverhay should be allowed to become co-educational, and had this been achieved, the school would never have suffered the reduction in its intake. He responded to Councillor Tony Clarke by saying that there had never been any finance available to other schools, and no such promises should have been made. He confirmed that no other school would suffer financially as a result of a decision to revoke closure. He also confirmed that the freehold of the site would remain with the Council, whatever the eventual outcome for the school's future. Finally, he was delighted to see that the intake had risen from 21 in 2011 (when the school was threatened with closure) to about 70 expressions of interest for the 2012 intake (assuming a coeducational intake).

Councillor Paul Crossley seconded the proposal. He said that, if Cabinet revoked the closure notice, he would write to the Secretary of State pointing out the Council's position. He was delighted that the Cabot Learning Foundation was set to become involved with the school. He felt that it had been the right decision for all four Group Leaders to sign the recent letter to the Secretary of State supporting Academy status for the school. He envisaged that Bath would have a very good mix of coeducational, single-sex and faith schools which had been the Council's aim for a number of years.

Councillor Dave Dixon referred to paragraph 3.6 of the report and pointed out that "CPR Overview and Scrutiny Panel" should read "Resources Policy Development and Scrutiny Panel". He had been very disappointed to see some interested parties

apparently pitting one school against another, and he hoped it would never happen again.

Councillor David Bellotti referred to paragraph 3 of the report (Financial Implications) and said that the assumptions of the Schools Forum had been wrong because they had been incorrectly led to believe that the £700K cost of keeping the school open would fall on the Council. But this was not true, because as was known, the school had applied for Academy status and therefore the costs would fall on the Secretary of State. On the contrary, had the school been closed, the redundancy costs would have fallen to the Council and these would have been £1M.

Councillor Bellotti referred to the long running argument about surplus places in Bath. He said that there were 700 places, spread over 7 schools. The previous administration had incorrectly used children from outside the authority to make the surplus appear worse. He felt strongly that the authority must run with a number of surplus places, so as to give parents a real choice of schools. He observed that the birth rate was rising, and that the effect of this in a few years would be that the authority might need to build new schools, not close existing ones.

Councillor Roger Symonds welcomed the prospect that a coeducational school might be established at Culverhay. He was delighted that this had become a real possibility.

Councillor Cherry Beath endorsed the previous statements. She felt that the previous administration had made very poor judgements and that was why the local community had made their feelings known so strongly. She welcomed and valued the diversity that the proposals would make possible.

Councillor Tim Ball added that in his community, the main topic of conversation had been that Culverhay should stay open to serve the whole community. He observed that the previous administration had failed to acknowledge that the school was used by a number of community groups, and had a thriving sports centre.

On a motion from Councillor Nathan Hartley, seconded by Councillor Paul Crossley, it was

RESOLVED (unanimously)

(1) To REVOKE the decision to close Culverhay School, to enable the school to stay open

81 DRAFT NATIONAL PLANNING POLICY FRAMEWORK

The Chair drew the attention of the Cabinet to the Update Report, which had been put into the public gallery in advance of the meeting [*a copy of which is attached to the Minutes as Appendix 2 and is available on the Council's website*]. The additional material was a submission from the Development Control Committee which the Committee asked Cabinet to submit to government as part of its response.

Councillor Lew Kew made an *ad hoc* statement [*a copy of which is attached to the Minutes as Appendix 3 but is not available on the Council's website*], on behalf of the Conservative Group, saying that there had been a number of misconceptions in the press. He said that the government's intentions had been to encourage economic growth; to provide housing; and to do these things sustainably. He said that the protection of the green belt was paramount. He welcomed the Cabinet proposals in the main and felt that government should clarify its definition of "sustainable development".

Councillor John Bull made an *ad hoc* statement on behalf of the Labour Group in which he said that the framework was flawed throughout. The word “sustainable” was not defined, which meant that it would be a charter for developers. He was pleased that the comments of the Local Development Framework Group had been taken into account, especially the abandoning of the brownfield site provisions. He welcomed the recommendations and hoped that the Council’s response would lead to the framework being amended.

Councillor Gerry Curran, in an *ad hoc* statement, agreed with Councillor Bull. He said that it had always been the policy of the Council to use brownfield sites first, and wanted to see this continued. He observed that it was no longer acceptable to build houses close to where the jobs were – people now wanted a nice house, wherever it was located and the key was now to provide the right transport infrastructure.

Councillor Tim Ball, introduced the item, saying that the draft framework, as had been pointed out by others, did include a number of massive ambiguities, especially over the use of the word “sustainable”. He had many concerns. He referred to Councillor Les Kew’s observations about the green belt, and pointed out to him that the framework said that previously developed land could be used. He promised that all the comments received would be passed back to government. He repeated his concern that the framework if not amended would prove to be a field day for developers to build anywhere they wanted.

Councillor Ball moved the amended proposals which he had reworded so as to allow all the Council’s responses to be forwarded to government.

Councillor Davis Dixon seconded the proposal. He congratulated Councillor Tim Ball and the Planning officers for their hard work in preparing the response.

Councillor Roger Symonds expressed his disappointment that the framework did not propose the removal of Planning Inspectors.

On a motion from Councillor Tim Ball, seconded by Councillor David Dixon, it was

RESOLVED (unanimously)

(1) To AGREE that the comments in paragraphs 5.4 – 5.19 of the report, as well as those contained in Annex 1 (suitably amended to include the comments received from the Development Control Committee and from others during the debate), be forwarded to the Department for Communities and Local Government, with the request that amendments are made to the Draft Framework;

(2) To DELEGATE authority to the Divisional Director for Planning and Transport, in consultation with the Cabinet Member for Neighbourhoods, to finalise the comments before submission.

82 BATH COMMUNITY ENERGY COOPERATION AGREEMENT

Councillor Charles Gerrish in an *ad hoc* statement welcomed the proposals.

Councillor Paul Crossley referred to the Update Report which had been put into the public galley before the meeting [*a copy of which is attached to the Minutes as Appendices 4(i) and 4(ii) and on the Council’s website*]. The update report showed proposed changes to paragraph 6.6 of the agreement, which would ensure that revenues could only be used for the benefit of the Council’s district.

Councillor Crossley moved the proposals, amended to reflect the contents of the update report.

Councillor Cherry Beath seconded the proposals, saying that it was very appropriate for the Council to engage in the way proposed by the report. The BCE was not for profit and its work started with schools. It would bring direct benefits for the local community.

On a motion from Councillor Paul Crossley, seconded by Councillor Cherry Beath, it was

RESOLVED (unanimously)

(1) To AGREE that the Council should enter into a Cooperation agreement with Bath Community Energy.

(2) The proposed agreement be amended at paragraph 6.6 to include the words: 'The intention of the Parties is that Community Fund revenues accrued from Projects within the District will be reinvested only in other projects within the District.'

83 TOURIST INFORMATION CENTRE REFURBISHMENT

Councillor Cherry Beath, in proposing the item, said that the Bath Tourist Information Centre presently looked a little sad, surrounded as it was by such beautiful buildings. Yet it was the second most used TIC in the country. She explained the proposals and said that the refurbishment would enable better promotion of events.

Councillor David Bellotti in seconding the proposal referred to paragraph 3.1 of the report, which clearly stated that all borrowing would be repaid. He pointed out that by bringing together the tourist Information Centre and the Festivals Box Office, a staffing reduction of 0.4 would be achieved.

Councillor David Dixon supported the project which he said was a real example of joined up thinking.

Councillor Tim Ball supported the proposals, but with reservations. He felt that in times of austerity, this would be a big investment. He saw the benefits of the investment but would have preferred to see it paid back in 5 years instead of 10 years.

Councillor Roger Symonds supported the proposals. He felt that Bath was fortunate to have its TIC in such a good location and reminded Cabinet that the TIC had almost been lost to the city a few years earlier when it had been proposed for closure. He was delighted it had been saved and would now be refurbished.

Councillor Cherry Beath said that she would be mindful of the comments made by Cabinet members.

On a motion from Councillor Cherry Beath, seconded by Councillor David Bellotti, it was

RESOLVED (unanimously)

(1) To APPROVE the capital project enable Bath Tourism Plus, a controlled company of the Council, to progress the refurbishment of the Tourist Information Centre on behalf of the Council;

(2) To AGREE that the Council's annual borrowing costs should be met by reducing the annual fee to Bath Tourism Plus by an equivalent amount.

[At this point, Councillor David Dixon left the meeting]

84 CIVITAS RENAISSANCE AND ITS LEGACY

Councillor Roger Symonds explained the need for urgency in the matter and confirmed that the Council's provision for Special Urgency had been invoked with all the required agreements. He referred to the report [*which had been distributed as a late agenda report on the Council's website and copies of which had been placed into the public gallery before the meeting*]. He moved his proposals, which were displayed on the screen.

Councillor Symonds recommended in particular to Cabinet that the Council should retain the Freight Consolidation Trial, which he said had been very successful in its trial period. The Council now needed to clarify its position in order to avoid losing out on the progress already made.

Councillor David Bellotti seconded the proposals. He referred to the explanation on page 7 of the report, and promised that there would in future be clarity about the dates by which next steps must be taken.

On a motion from Councillor Roger Symonds, seconded by Councillor David Bellotti, it was

RESOLVED (unanimously – 7 Cabinet members present))

- (1) To AGREE that they wish to retain the legacy provided by the Civitas transport demonstrators, in particular Freight Consolidation Trial;
- (2) To TAKE UP and fund the option in the contract for the Freight Consolidation Trial scheme to run for a second year in Bath, funded from revenue budget contingency at a cost of £102,873;
- (3) To CONTINUE to engage with Bristol City Council on this joint contract.

The meeting ended at 7:50pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services