

## **BATH AND NORTH EAST SOMERSET**

### **CABINET**

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

Thursday, 11th July, 2024

#### **Present:**

Councillor Kevin Guy (Ch)	Leader of the Council, LD Group Leader, Member Advocate for Armed Forces and Veterans
Councillor Tim Ball	Cabinet Member for Neighbourhood Services
Councillor Alison Born	Cabinet Member for Adult Services
Councillor Mark Elliott	Cabinet Member for Resources
Councillor Paul May	Cabinet Member for Children's Services
Councillor Matt McCabe	Cabinet Member for Built Environment, Housing and Sustainable Development
Councillor Manda Rigby	Cabinet Member for Highways
Councillor Paul Roper	Cabinet Member for Economic and Cultural Sustainable Development
Councillor Sarah Warren	Deputy Council Leader (statutory) and Cabinet Member for Climate Emergency and Sustainable Travel

#### **15 WELCOME AND INTRODUCTIONS**

The Chair welcomed everyone to the meeting.

#### **16 EMERGENCY EVACUATION PROCEDURE**

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

#### **17 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Dave Wood.

#### **18 DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **19 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR**

There was no urgent business.

#### **20 QUESTIONS FROM PUBLIC AND COUNCILLORS**

There were 11 questions from Councillors and 18 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.]*

## **21 STATEMENTS OR PETITIONS FROM PUBLIC OR COUNCILLORS**

Members of the public and Councillors made statements as follows:

- Chad Allen – Hedera Helix (English Ivy) and the need for trees and wildlife in B&NES. Mr Allen raised issues regarding the need to maintain and clear bridleways and footpaths. He also requested that water fountains be provided in graveyards to help wildlife and provide water for hedges. He stressed the need to maintain trees and retain natural habitats to ensure the capture of CO2.
- Richard Samuel – Future Funding of services in B&NES (a copy of the statement is attached as an appendix to these minutes).
- Ceris Humphreys – Debate not Hate Campaign (a copy of the statement is attached as an appendix to these minutes).
- Stefan Steinhoff – Sydney Road Liveable Neighbourhood (a copy of the statement is attached as an appendix to these minutes).
- Cllr Dave Harding – Bishop Sutton Football Field and Surrounds (a copy of the statement is attached as an appendix to these minutes).

## **22 MINUTES OF PREVIOUS CABINET MEETING - 6TH JUNE 2024**

**RESOLVED** that the minutes of the meeting held on Thursday 6<sup>th</sup> June 2024 be confirmed as a correct record and signed by the Chair.

## **23 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET**

No single member items were requisitioned to Cabinet.

## **24 MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES**

No matters were referred by Policy Development and Scrutiny Panels.

## **25 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING**

The Cabinet agreed to note the report.

## 26 TRANSPORT ACTION PLAN MAP

Cllr Manda Rigby, Cabinet Member for Highways, introduced the report, moved the officer recommendation, and made the following points:

- Looking at all the individual transport schemes in isolation can make it difficult to see the overall picture and to understand how the plan is working in context. This is why the Council is working towards having a Transport Action Plan.
- Over the next three years the Council will be investing an unprecedented amount in transport interventions across the whole of B&NES to deliver more travel choices for our residents and visitors. The Council will be delivering nearly 200 policies and schemes to take us forward in meeting our strategic aims and deliver on our council objectives. The Transport Action Plan provides greater transparency on proposed interventions and enables residents to have a greater say on our plans to achieve net zero goals, provide more travel choices, and improve accessibility to jobs and services.
- We have been working on an interactive map which will bring together all the proposed interventions making it easier for residents and visitors to see what is proposed in their area. It will be the main tool for people to view all the transport proposals in the area and be signposted to further information to include consultation dates, scheme details, funding status and construction timelines.
- In its first iteration the map will include areas we have under Council control, but it will expand to include WECA schemes and third parties such as Wessex Water or Network Rail who also have to do work on our highways. It will be fully reflective of our hierarchy of users which reflects the recent highway code revision which emphasises that pedestrians and wheelers are at the top, cyclists second, public transport next and private cars last in terms of allocating scarce road resources to different types of users.
- The map will be kept up to date as schemes progress and will provide the relevant contact details for each scheme. We expect the map to be available on the council's website from 2nd September 2024 and will work with our strategic partners to provide new information on interventions as and when they arise. It will be a definitive source of what is happening where and when in our road network.

Cllr Sarah Warren seconded the motion and stated that this is an important example of how the Council is trying to improve openness and accessibility.

**RESOLVED** (unanimously):

To approve the Transport Action Plan interactive digital map for publication in Summer 2024.

## 27 YOUTH JUSTICE PLAN 2024 TO 2026

Cllr Paul May, Cabinet Member for Children's Services, introduced the report, moved the updated officer recommendation, and made the following statement:

“I’m pleased to propose that the Cabinet endorse the Youth Justice Plan for 2024 to 2026 and it will be a recommendation through to the full Council that will make the final decision.

The overall goal of the Plan, and the Youth Justice Service, is to help make Bath and North East Somerset a safer place and support local children to live crime-free lives.

Our annual Plan is developed through the Bath and North East Somerset Youth Justice Service – a statutory, wide partnership with Avon and Somerset Police, the Probation Service, NHS Bath, Swindon, and Wiltshire (BSW) Integrated Care Board (ICB), Oxford Health, housing, Curo, housing, colleges and the Youth Bench plus other members. It is a wide partnership.

This year’s plan comes in an important year for the Youth Justice Service. Our long-standing and very much valued head of service has retired, and an external inspection is scheduled for later this year, so it’s vital we have a robust plan in place.

There are four strategic priorities for 2024 to 2026, as affirmed by the Youth Justice Service Partnership Board.

Firstly, working to reduce disproportionality – this means working to reduce the over-represented groups in B&NES who are in the Youth Justice service, such as children with Special Educational Needs and from minority ethnic backgrounds. We have clear targets for our future efforts to tackle overrepresentation.

Secondly, strengthening participation for children and families within the service and continuing to develop a more collaborative approach. This includes initiatives such as focus groups, new ways of gathering feedback, and more support.

The third strategic priority is embedding ‘Child First’ Principles to addressing offending behaviour. This will include offering individually tailored assessments, plans and interventions that are trauma-informed and recognise the child’s needs.

Finally, and importantly, we aim to reduce serious violence. The issue of knife crime is still high on the agenda and high in residents’ concerns. This has been a focus over the past year, with continuing weapons awareness work with children, education in schools, Street Doctors first aid and safety training as well as targeted prevention services. Four knife crime awareness events for parents and carers have taken place and further events are planned.

Reducing serious violence and making Bath and North East Somerset a safer place will continue to be an important priority. We are looking forward to the report from the Children, Adults, Health and Wellbeing Panel task and finish group later this year.

I also want to highlight that we have low numbers of children in the formal justice system – a real plus for this area. The Youth Justice Team does incredible work ensuring that children and young people avoid custodial sentences and steer away from offending again. Bath and North East Somerset has a low number of first time ‘entrants’ compared to the average in the South West and across England and Wales. In addition, reoffending rates are falling and are lower than our comparators, which is very encouraging.

In addition to the strategic priorities already mentioned, the Service will continue to ensure that children and their families are prepared for court and children are treated fairly, ensuring reports prepared for court reflect the impacts on the victims. And will ensure the workforce delivering the plan have the right training and support to make a difference to the children they work with.”

Cllr Alison Born seconded the motion and made the following statement:

“The service provided by the Youth Justice team is truly multi-agency in nature, which enables it to provide supportive, holistic, child-centred interventions that help the young people and their families engaged with the service to make the changes they need to reduce the likelihood of further offending.

By intervening earlier, there is far greater chance of changing patterns of behaviour which is reflected in the outcomes achieved.

This is a model of intervention that has been eroded as budgets have been cut in recent years, but it is something that we should seek to replicate in other services wherever possible.”

Cllr Tim Ball stressed the importance of keeping children out of the Youth Justice System and thanked the Youth Justice Team for the valuable work that they undertake.

**RESOLVED** (unanimously):

To recommend that full Council approves the Youth Justice Plan 2024-26.

## **28 SOMER VALLEY ENTERPRISE ZONE - COMPULSORY PURCHASE ORDER**

Cllr Paul Roper, Cabinet Member for Economic and Cultural Sustainable Development, introduced the item, moved the officer recommendation and made the following statement:

“The Somer Valley Enterprise Zone (SVEZ) is a key component for the delivery of our Economic Strategy for our authority. This is an ambitious and complex project. What we are doing is delivering an exemplar, net zero, green business park creating around 1,300 jobs of the type that we aspire to. That is good quality, secure, well paid, fulfilling and local employment. We are convinced that this will provide a much needed and significant economic boost to the local area and the authority as a whole.

I would like to remind cabinet of one of the key points I made back in February this year when we adopted the Local Development Order to enable the delivery of this scheme. The communities of Midsomer Norton, Paulton and Radstock used to be almost completely self-sufficient in terms of local employment, but the loss of key employers over the last few decades has completely reversed that, with most employment opportunities now being outside the area. And the land that was once used for employment now contains housing and this compounds the problem of insufficient local employment opportunities.

To try and reverse the damage caused by the decline of local employment, the land in question was allocated as a potential site for industrial development in 2007, but

the market failed to deliver it. So, this administration has set about the enabling and delivery of the scheme. That is no small undertaking, and I am proud of the ambition that this authority has in this regard.

To deliver this scheme requires the acquisition of at least 47 separate parcels of land from 40 landowners. It is hoped that most, if not all, the land purchases can be carried out on the basis of willing buyer and seller, and negotiations continue to try and secure land on this basis.

What we cannot allow to happen is for the scheme to fail because any one of the multiple land interests cannot be acquired on a voluntary basis. It is therefore deemed necessary to have the powers to compel and these powers are enshrined in a Compulsory Purchase Order. In short, this will enable delivery of the scheme. On 1st Feb this year cabinet approved an in-principle decision to pursue a Compulsory Purchase Order (CPO) process and this paper before us this evening enables officers to progress to the detailed phase of the CPO process.

I am acutely aware of the sensitivities of this and the implications it has on the landowners affected. I am aware of the continued resistance by some to the creation of this employment site. What we do believe however, is that the benefits to the local communities associated with the creation of the SVEZ do justify the use of this land. Indeed, for the CPO to be successful, we must pass certain prescribed tests for viability. We are of the view that our aspirations for the use of this land will meet the requirements for a valid CPO.

To reiterate, this decision is not one taken lightly, and we will only use these powers as a last resort. It is our preferred route to reach a negotiated settlement with all interested parties.

I would like to underline the fact that the landowners will be compensated at fair value. The principle of compulsory purchase compensation is generally to place the owner of an interest (land or other affected interest) in no better or worse position than prior to the compulsory purchase. Compensation is assessed and paid in accordance with the statutory compensation code which applies to the compulsory acquisition of land, property and other interests.

In addition, landowners may also claim reasonable costs incurred in the transaction, including surveyors or agents' fees for negotiating compensation and legal costs properly incurred in the purchase by the acquiring authority."

Cllr Paul May seconded the motion and made the following statement:

"The community of Midsomer Norton has seen a combination of two major pressures.

First, because so much of the area of Bath and North East Somerset is green belt, Midsomer Norton, Paulton and Radstock have seen high levels of new housing.

Secondly, many of the traditional major employers in the area have disappeared.

This has caused a real community need for more employment, including to provide young people with local job opportunities and training.

The pressure created by local people having to travel to work is awkward for them and is contrary to the need to reduce car travel.

This local authority does not ever lightly use CPO powers, but this is a case of the sub regional need vs the local concerns. We do not take local concerns lightly, and I have seen how hard the council officers have worked to improve the designs in response – as much as they can. We have worked towards local agreement, but if that cannot be achieved then we must consider this proposal for the future benefit of the wider community.

I am therefore pleased to support these proposals which are complicated but necessary to move the overall scheme forward.”

**RESOLVED** (unanimously):

- (1) To approve the area to be the subject of a compulsory purchase order (CPO) or supplemental CPO shown edged red on the plan at Appendix 1 (the CPO Map), which identifies the outline area of the land, interests, and new rights to be acquired for the SVEZ Scheme (the CPO Land) by voluntary acquisition or compulsory purchase.
- (2) To authorise the making of a CPO or supplemental CPO pursuant to s226(1)(a) and 226(3) of the Town and Country Planning Act 1990 and s13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land, interests, and new rights within all or part of the area identified as the CPO Land, for the purposes of facilitating the development of the SVEZ Scheme.
- (3) To authorise all necessary steps to be taken to secure the making, confirmation and implementation of a CPO(s) including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council's case at any public inquiry required to secure confirmation of the CPO(s) by the Secretary of State.
- (4) To note and give due regard in determining whether or not to authorise the promotion of the CPO(s), the public sector equality duty contained in section 149 of the Equality Act 2010 (PSED) and the requirements of the Human Rights Act 1998, as detailed further in section 11 and Appendix 2 of the report.
- (5) Subject to confirmation of the CPO(s), to delegate authority to the Executive Director of Sustainable Communities to acquire all the land and rights over the CPO Land, including service of a general vesting declaration, notice to treat and/or notice of entry, subject to any compensation to be paid being within the SVEZ Scheme budget as set out in section 8 of the report.
- (6) To delegate authority to the Executive Director of Sustainable Communities to make any necessary amendments to the CPO(s) including, if required, to reduce the extent of the CPO Land to align with works and land requirements and (once the boundary is finalised)

update the CPO Map to reflect on a plot-by-plot basis the extent of acquisition and rights required.

- (7) To delegate to the Executive Director of Sustainable Communities for payments of over £500,000), in consultation with the S151 Officer authority to:
  - (i) Authorise agreements to be entered into with landowners to secure the withdrawal of objections to the COP(s) and to authorise the Executive Director of Sustainable Communities to take all necessary steps to acquire by agreement land and/or rights forming part of the CPO Land, subject to any consideration payable being within the SVEZ Scheme budget as set out in section 8 of the report;
  - (ii) to negotiate and settle all necessary compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and/or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the SVEZ Scheme budget as set out in section 8 of the report.
- (8) To authorise the instruction of the SVEZ Scheme Project Team's legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the CPO(s).
- (9) To note the ongoing progress which has been made towards the acquisition of land required to develop the SVEZ Scheme and the previous decisions outlined in the report.

## **29 REVENUE AND CAPITAL OUTTURN 2023-24**

Cllr Mark Elliott, Cabinet Member for Resources, introduced the item, moved the officer recommendation and made the following statement:

"This report presents the council's final figures for the financial year which ended in April.

When we talk about "the budget" we really mean two budgets - the Revenue budget for ongoing costs and income, and the Capital Budget for one-off income and spending on assets.

Starting with the Revenue Budget, I'm delighted to say that we finished the year essentially in balance, which really is a fantastic achievement. In order to recognise how much of an achievement this is, it's worth reminding ourselves of a little history. This report covers the financial year which started in April 2023. We were only 6



months on from the disastrous Truss-Kwarteng train crash. Inflation was still very high, borrowing costs were still rising rapidly, and the impact of inflation on the council's contract spending was severe. By October 2023 it was clear that, without urgent action, the council would be severely over budget at year end - the projection at that point was for a £6.5m negative position. At that point we implemented corporate interventions such as recruitment and vacancy controls and controls on all non-essential spend, and we asked Directors to develop mitigation plans for individual departments. By the end of December, through those actions, the projected position had improved, but we were still looking at a £1.7m negative position by the April year end. So, pulling it back to being basically on target by the end of the financial year is no mean feat, and all the council officers need congratulating on their joint efforts to achieve this. It's a position many councils will be very envious of.

However, we cannot be complacent - the reality is, as you can see in the report, that whilst the budget came in balanced overall, the variances between departments were quite large. Most obviously, social care costs - particularly in Children's Services - face eye-watering rates of increase. These pressures still seem to be ongoing. We also need to be vigilant about the overspend in Waste and Fleet management where staffing costs were significantly higher than budgeted, and again there is continued pressure in that department.

That said, we should celebrate the successes - Heritage Services continues to go great guns, with visitor numbers significantly higher than projected. And with visitor numbers high our Parking income is also up. I know everyone is aware how important our Heritage Assets and our Tourism Industry is, but I want to emphasise how fortunate we are to have these as council owned assets, meaning that the income that comes in via tourism doesn't just get focused on Bath, but is then redistributed across the authority area, as it is used to help mitigate things like the huge increase in social care costs. Having highly capable, commercially aware officers running these departments so successfully is one of the reasons why, despite the huge pressures in social care and elsewhere, we're able to balance the books whilst still having the fourth lowest council tax in the south west. Turning to the Capital Budget, we spent just under £19m less than we had budgeted for in the year. £63.5m against a budget of £82.2m. Whilst spending £18.7m less than planned sounds great, what this really represents is mostly projects slipping into this financial year, so whilst it does save the council some money on financing costs, it's not necessarily a good thing. Ideally, we'd be budgeting for what we are able to spend, rather than over-estimating in the budget and then under-spending. Spending 77% of the capital budget is an improvement on the previous four years and I'd like to see that trend continue.

There is a genuine underspend of about £1.3m included in in the £18.7 figure, so that is good news. And I'd also like to highlight that our Capital Financing Requirement is over £121m higher than our borrowing - that's the gap between what, on paper, we could have needed to borrow in order to finance our capital programme, and what we actually borrowed, and that's because of the great work done by our Treasury Management function.

I'd like to reiterate that this really is a "good news" story - "Council Balances Budget" is unlikely to get many headlines, but given the very, very difficult financial landscape we have all experienced over the last couple of years, it really is something to celebrate."

Cllr Kevin Guy seconded the motion and thanked the Finance Team and Cllr Elliott for the work they have undertaken to address the financial pressures faced by the Council.

Cllr Paul May noted that the Children's Services budget was under pressure and highlighted the importance of openness when dealing with public money.

**RESOLVED** (unanimously):

- (1) To note the revenue budget outturn on budget position for 2023/24, after allowing for carry forwards and transfers to reserves.
- (2) To approve the revenue carry forward proposals listed in the tables in paragraph 3.7 of the report.
- (3) To agree that all other over budgets are written-off as an exception to the Budget Management Rules for 2023/24.
- (4) To approve the transfer of £0.13m from corporate earmarked reserves.
- (5) To note the revenue virements for 2023/24 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 paragraph 3.21 of the report.
- (7) To note the outturn position of the 2023/24 capital programme in paragraph 3.34, and the funding outlined in paragraph 3.36 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.

### **30 REVENUE & CAPITAL BUDGET MONITORING, CASH LIMITS AND VIREMENTS – APRIL TO JUNE 2024**

Cllr Mark Elliott, Cabinet Member for Resources, introduced the item, moved the officer recommendation and made the following statement:

“This report is looking at progress since April against this year's budget. It's an early indication based on the first two month's data, which will allow us to spot risks early and, I hope, allow us to act on them early so that we're not having to take more dramatic action later in the year.

The main headline is that the pressure on Children's Services which we experienced throughout last year isn't showing much sign of abating. Of the £3.95m forecast overspend we're currently projecting, nearly £2.5m is in Children's Services. Obviously, areas like this where we have a statutory, and moral, duty to provide care, and there is demand-led pressure, are the most difficult to mitigate. But we have work already underway internally to try to address this, and we think some progress can be made. The other significant area of pressure is the operational cost of the council's estate, and we have work ongoing in this area to make sure we're making

best use our assets, to dispose of assets we no longer need, and to bring back into use assets where that's appropriate. A good example of this is the decision we made at the last Cabinet meeting to place the specialist SEND and Alternative Provision schools on the Culverhay site.

So, for those areas where there is significant pressure, I've scheduled regular meetings with the responsible senior officers and cabinet members over the coming weeks so we can make sure everyone is focused on bringing those budgets back in line where possible, and making sure we understand exactly what the pressures are if it really isn't possible to bring the budgets back on track.

With regard to the Capital Budget, we're currently projecting we will spend £64.8m of the budgeted £76.6m, and if we can keep that on track, we'll be at around 85% which will meet the objective of improving upon the 77% we managed last year.

So, overall, the story is one of continuing pressure, but we've seen it early, and that gives us the best chance of being able to introduce mitigating measures before things get out of hand."

Cllr Tim Ball seconded the motion.

**RESOLVED** (unanimously):

- (1) To note the 2024/25 revenue budget position (as at the end of June 2024).
- (2) To note the revenue virements listed for information in Appendix 3(i) of the report.
- (3) To note the capital year-end forecast detailed in paragraph 3.22 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.

## **31 TREASURY MANAGEMENT PERFORMANCE REPORT TO 31ST MARCH 2024**

Cllr Mark Elliott, Cabinet Member for Resources, introduced the item, moved the officer recommendation and made the following statement:

"The Treasury Management report for the last financial year sets out the council's performance with regard to its investments and borrowing. As usual, our treasury management performance is very good. We're within the approved limits set out in our Treasury Management Strategy, which are set out in appendix 1 of the report. Persistent high inflation meant that the Bank of England kept rates at relatively high levels compared to recent times, and our average return on our investments over the period was 4.85%. Borrowing increased by £36m compared with the start of the year, but with most of that borrowing being taken towards the end of the year, in line with our strategy to minimise borrowing costs and, and as noted in the earlier outturn report, we had an overall underspend of £3.4m on Capital Financing Costs.

I'm grateful for the diligent work done by our Treasury Management team - it's not a glamorous part of the council's activity but it really does underpin everything else we do."

Cllr Tim Ball seconded the motion.

**RESOLVED** (unanimously):

- (1) To note the Treasury Management Report to 31<sup>st</sup> March 2024, prepared in accordance with the CIPFA Treasury Code of Practice.
- (2) To note the Treasury Management Indicators to 31<sup>st</sup> March 2024.

## **32 REVISIONS TO STRATEGIC PERFORMANCE INDICATORS**

Cllr Manda Rigby, Cabinet Member for Highways, introduced the item, moved the officer recommendation and made the following points:

- The expansion of the performance indicators is important to the residents of B&NES in terms of transparency, demonstrating delivery and ensuring the use of public funds is driven by data and evidence.
- The Council collects, monitors and reports on data regardless of what it says. We are open with the public and willing to show how we are working to get back on track where necessary.
- Officers have worked hard to expand the range of indicators we monitor and report on so that they better reflect the manifesto for delivery and to align the priorities to those issues that are important to residents.
- Preventative measures are now included in the data.

Cllr Matt McCabe seconded the motion and noted the work that has been undertaken to produce the Corporate Strategy and stated that it is right to revise the indicators to obtain a clear picture of our performance.

**RESOLVED** (unanimously):

To agree revisions to the Strategic Performance Indicators as set out in the report.

The meeting ended at 7.30 pm

Chair \_\_\_\_\_

Date Confirmed and Signed \_\_\_\_\_

**Prepared by Democratic Services**