

## **BATH AND NORTH EAST SOMERSET COUNCIL**

### **MINUTES OF COUNCIL MEETING**

Thursday, 10th July, 2014

Present:- **Councillors** Simon Allen, Patrick Anketell-Jones, Rob Appleyard, Sharon Ball, Tim Ball, Colin Barrett, Cherry Beath, David Bellotti, Sarah Bevan, Mathew Blankley, Lisa Brett, John Bull, Neil Butters, Anthony Clarke, Nicholas Coombes, Paul Crossley, Gerry Curran, Sally Davis, Douglas Deacon, David Dixon, Peter Edwards, Michael Evans, Paul Fox, Andrew Furse, Terry Gazzard, Charles Gerrish, Ian Gilchrist, Francine Haerberling, Alan Hale, Katie Hall, Liz Hardman, Nathan Hartley, Steve Hedges, Eleanor Jackson, Dave Laming, Malcolm Lees, Marie Longstaff, Barry Macrae, David Martin, Loraine Morgan-Brinkhurst MBE, Robin Moss, Paul Myers, Douglas Nicol, Bryan Organ, June Player, Vic Pritchard, Liz Richardson, Manda Rigby, Caroline Roberts, Nigel Roberts, Dine Romero, Will Sandry, Brian Simmons, Kate Simmons, Jeremy Sparks, Ben Stevens, Roger Symonds, David Veale, Martin Veal, Geoff Ward, Tim Warren, Chris Watt and Brian Webber

Apologies for absence: **Councillors** Bryan Chalker and Les Kew

#### **10 EMERGENCY EVACUATION PROCEDURE**

The Chairman drew attention to the emergency evacuation procedure as set out on the agenda.

#### **11 DECLARATIONS OF INTEREST**

Councillor Nicholas Coombes declared an 'other' interest in item 8, Core Strategy, due to being employed as a manager at the Planning Inspectorate.

#### **12 MINUTES - 8TH MAY 2014**

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

**RESOLVED** that the minutes of 8<sup>th</sup> May 2014 be approved as a correct record and signed by the Chairman.

#### **13 ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL OR FROM THE CHIEF EXECUTIVE**

The Chairman made the customary announcements regarding mobile phones being switched to silent, the meeting being webcast and a comfort break at an appropriate point.

#### **14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN**

There were no items of urgent business.

## **15 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM THE PUBLIC**

The Chairman made reference to the printed Q&A document which had been circulated at the meeting.

Statements were made by the following people;

Guy Matthews made a statement regarding the Fairer Rate Contribution policy and the negative effect the application of it had had on him. He also talked about difficulties with housing costs. Following his statement, the Cabinet Member for Wellbeing offered to meet Mr Matthews to discuss his concerns.

Susan Charles made a statement regarding warm water swimming. In response to a question from Councillor Gerrish regarding the cost to the Council, Ms Charles responded that she didn't have those figures, but said there were grants available towards building and that it wouldn't be a free facility. She urged the Council to think of its equalities duties. In response to a question from Councillor John Bull about the difference in recreational swimming and hydrotherapy, Ms Charles responded that small pools for rehabilitation were between 33 and 34 degrees, too hot for other activities, regular swimming pools were usually 28 degrees, a little too cold unless actively swimming, so the 32 degrees of the warm water pools was the ideal temperature for physical and mental relaxation. The statement was referred to the Cabinet Member for Neighbourhoods, attached to the online minutes and added to the Minute book.

The following statements were all made at the Core Strategy item;

David Redgewell made a statement in support of the Core Strategy, making a case for even more housing to be provided and calling for appropriate transport infrastructure to be in place to support it. The statement is attached to the online minutes and added to the Minute book.

Petra Scofield made a statement on behalf of Residents Protecting Peasedown. She raised the problems of extra development at Peasedown and the effect this had had on traffic, schools, GP surgeries etc. A sustainable planning policy was needed so that developers didn't always win at appeal.

Bob Elcome-Thorpe, Friends of Breaches Gate, made a statement in support of the green belt around East Keynsham and Saltford, outlining the many benefits to the community of this area. He argued there were no extraordinary circumstances to warrant development in this area.

Peter Duppa-Miller, Combe Hay Parish Council, made a statement putting forward the views of the Parish Council. The statement is attached to the online minutes and has been placed on the Council's minute book.

Robert Hellard, South Stoke Parish Council, made a statement opposing adoption of the Core Strategy and calling for more work to be done to produce a properly balanced plan. In response to a question from Councillor Eleanor Jackson asking for evidence to support Mr Hellard's assertion that this policy will 'create a student

ghetto', he referred to the 461 units being built in Green Park and a further application in James Street West. The statement is attached to the online minutes and has been placed on the Council's minute book.

Colin Webb, South of Bath Alliance, made a statement opposing adoption of the strategy. The statement is attached to the online minutes and has been placed on the Council's minute book.

Mary Walsh, Whitchurch Village Action Group, made a statement in support of adopting the Strategy. She acknowledged the loss of some green belt land but highlighted the greater damage that could be inflicted across the region and urged Councillors to be brave enough to vote for adoption. The statement is attached to the online minutes and has been placed on the Council's minute book

Peter Holland, Friends of Breaches Gate, made a statement opposing adoption of the strategy. He objected to residents being excluded from the process to date and presented 300 letters of protest which had been collected over 3 days from local people opposing the removal of land from the green belt between Keynsham East and Saltford.

Caroline Kay, Bath Preservation Trust, made a statement welcoming the fact that development will not be permitted at Weston but expressing regret that it will be permitted at South Stoke. A full copy of the statement is attached to the minutes and has been placed on the Council's Minute book.

Brian Huggett, Englishcombe Parish Council, made a statement opposing the loss of green belt, but supporting adoption of the Strategy to give a degree of certainty and control. He stressed that alternative traffic routes would be needed so that it wasn't all travelling on single lanes through villages. He suggested that providing retirement housing would introduce fluidity to the housing market.

The Chair explained that the statements would be taken into account during the debate.

## **16 B&NES CORE STRATEGY INSPECTOR'S REPORT**

The Council considered a report seeking a decision on accepting the Inspector's recommendations regarding necessary modifications needed to enable adoption of the Core Strategy. It was noted that, earlier that day, Cabinet had met and commended the proposals to the Council.

On a motion from Councillor Tim Ball, seconded by Councillor Paul Crossley, it was

### **RESOLVED**

- 1 To accept the main modifications listed in attachment 1 to the report, which the Inspector considers are needed to make the Plan sound in accordance with section 23 (3) of the Planning and Compulsory Purchase Act 2004;

- 2 To agree the Minor Modifications listed in Attachment 2 to the B&NES Core Strategy, which are needed to ensure consistency and accuracy in the Plan;
- 3 To adopt the B&NES Core Strategy (Local Plan Part 1) as modified in (1) and (2) above for the purposes of section 38(6) of the Planning & Compulsory Purchase Act;
- 4 To agree the B&NES Policies Map is amended in line with (1) and (2) above;
- 5 To agree that the adopted Supplementary Planning Documents/ Guidance listed in Attachment 3 should supplement the Core Strategy;
- 6 To note the success this Council has had in recent years in developing on brownfield sites across the Council area and encourage Cabinet to endeavour to maximise development on brownfield sites that are earmarked for housing across the District; and
- 7 To delegate responsibility to the Divisional Director for Development, in consultation with the Cabinet Member for Homes & Planning, to make minor textual amendments to the Core Strategy prior to publication.

*[Notes;*

- a) *The wording underlined in resolution 6 above was proposed by Councillor Katie Hall and accepted by the mover and seconder of the motion.*
- b) *The motion was carried with 40 Councillors voting for, 21 Councillors voting against and 2 abstentions. The following Councillors asked to have their vote recorded;*

***Against the motion;*** *Councillors David Veale, Neil Butters, Cherry Beath, Nigel Roberts, Steve Hedges, Roger Symonds, Geoff Ward, Marie Longstaff, Matthew Blankley, Francine Haerberling*

***For the motion;*** *Councillor David Dixon*

***Abstaining;*** *Councillor Nicholas Coombes*

## **17 PETITION FOR DEBATE - INDEPENDENT SHOPS OF BATH PROTESTING B&NES INCREASE OF PARKING CHARGES IN BATH CITY CENTRE**

A petition had been received, gathered by the independent shops of Bath, protesting the increase in parking charges in Bath city centre. According to the Council's petition scheme, if a petition with over 1000 qualifying signatures of people who live, work and study in Bath & North East Somerset is received, a debate is held at Council.

Tim Newark, as one of two lead petitioners, addressed the Council in support of the petition. He explained how the petition had originally been started by Jo Grasse at the start of the year after her shop was directly affected by parking charges. He outlined the recommendations from the petition which they hoped would achieve agreement at this meeting.

Following a debate by Council, Councillor Anthony Clarke moved the following motion, seconded by Councillor John Bull, which was then

## **RESOLVED that**

### **This Council:**

- Notes that, within the budget approved by Council, the level of parking charges are a matter for Cabinet, and so Full Council is in a position only to make recommendations to Cabinet on this matter.
- Believes that, in addition to the social and environmental impact, the Council also has a responsibility to consider the economic impact of its policies.
- Believes that it is essential to Bath's economic prosperity for residents and visitors to be able to make short shopping trips into the city centre.
- Believes that the Council does need to seek ways to reduce the number of cars needing to enter the centre of Bath, but that simply hiking the cost of parking is not the best way to achieve this.
- Is concerned that recent significant increases in on-street parking charges in Bath could have a detrimental impact on economic activity in the city, and believes that the new 'Ultra-Premium Zone' is particularly unfair and punitive.
- Is concerned that recent changes to evening parking charge times at Charlotte Street could have a detrimental impact on the evening economy.
- Is concerned that these changes in on-street parking charges were not undertaken as part of a broader review of parking charges, which should have included consideration of the impact on the local economy.
- Is concerned at the lack of consultation prior to these changes being implemented.

### **Council resolves:**

1. To ask that Cabinet undertake a review of current on-street parking charges, which includes an assessment of demand and supply at each location, and an assessment of the economic impact resulting from the Council's policy towards on-street parking charges.
2. That as part of this review, Cabinet is asked to take into serious consideration the proposals of the petitioners, and in particular seek to reduce or remove the new 'ultra-premium' on-street parking zone rates.
3. That, in addition, Cabinet is asked to seek to either reinstate a reduced evening parking charge from 6pm to 8pm, or alternatively amend the start time of free parking to 7pm rather than the current 8pm.

[Notes;

1. *The above resolution was passed with 33 Councillors voting in favour, 29 against and with 1 abstention.]*

## **18 APPOINTMENT OF COMMITTEES, POLITICAL PROPORTIONALITY AND CONSTITUTIONAL ISSUES**

The Council considered a report inviting it to consider various constitutional and proportionality issues.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, it was

### **RESOLVED**

1. To approve the allocation of seats on the Committees and Panels listed in Appendix 1 (such seats to be filled in accordance with the nominations made by the political groups) with the following changes
  - a. Labour group to lose one seat on Development Control and one on Wellbeing Policy Development & Scrutiny
  - b. Conservative group to gain one on Development Control
  - c. Independent group gain one on Wellbeing Policy Development & Scrutiny
2. To appoint to chair each committee and panel those Councillors as may from time to time be nominated by the political group to whom the chairmanship of the body is allocated;
3. To authorise the Monitoring Officer to fill any casual vacancies in membership of all the bodies constituted and vacancy in the office of Chair of such bodies in accordance with the wishes of the political groups;
4. To agree the revisions to the existing Petition scheme regarding petitions for debate at Council subject to the variations shown in the revised Appendix 2 (linked to these minutes);
5. To agree that no notices of motion, councillor statements, councillor petitions or councillor questions be permitted at the Budget Council and the Annual Council Meeting and amend the Constitution accordingly;
6. To authorise the Monitoring Officer to make and publicise any amendment to the Council's Constitution required, or take any other necessary action, as a result of decisions taken at this meeting on this and other reports within the agenda, or otherwise as required by law.

## **19 POLICY FOR APPOINTMENT OF FREEMEN AND FREEWOMEN**

The Council considered a report asking it to adopt a scheme for appointing as Honorary Freemen and Freewomen of Bath and North East Somerset, those

persons who have been appointed to this honorary office by resolution of full Council, in accordance with section 248 of the Local Government Act 1972.

During the debate, Councillor Paul Crossley moved, seconded by Councillor Tim Ball, that the meeting continue until 10.20pm in accordance with Council rule 48. This was accepted by the meeting.

On a motion from Councillor Paul Crossley, seconded by Councillor Tim Warren, and supported by Councillors Dave Laming and John Bull, it was

**RESOLVED** to adopt the scheme.

[Notes;

1. *The above resolution was passed with 57 Councillors voting in favour, 3 Councillors abstaining and the following Councillors voting against – Councillors Nicholas Coombes, Eleanor Jackson and Roger Symonds.]*

## **20 AVON PENSION FUND COMMITTEE ANNUAL REPORT**

Councillor Paul Fox, as Chair of the Avon Pension Fund Committee, introduced this report from the Avon Pension Fund setting out the work it has undertaken in the previous twelve months and the future work programme. In doing so, he thanked officers, the Committee and Vice-Chair Councillor Paul Gerrish.

On a motion from Councillor Paul Fox, seconded by Councillor Charles Gerrish, it was

**RESOLVED** to note the report.

## **21 TREASURY MANAGEMENT OUTTURN REPORT 2013/14**

The Council considered a report giving details of performance against the Council's Treasury Management Strategy and Annual Investment Plan for 2013/14.

On a motion from Councillor David Bellotti, seconded by Councillor Andy Furse, it was

**RESOLVED**

1. To note the 2013/14 Treasury Management Annual report to 31<sup>st</sup> March 2014, prepared in accordance with the CIPFA Treasury Code of Practice;
2. To note the 2013/14 actual Treasury Management Indicators; and
3. To note the debt rescheduling actions highlighted at paragraphs 5.8 to 5.10 of the report.

## **22 MOTION FROM CLLR NIGEL ROBERTS - AIR POLLUTION**

The Council considered a motion brought by Councillor Nigel Roberts on behalf of the Liberal Democrat group regarding air pollution in B&NES as set out below.

On a motion from Councillor Nigel Roberts, seconded by Councillor Lisa Brett, it was

**RESOLVED** as set out below;

This motion recognises that by reducing air pollution in B&NES we may be able to reduce residents' risk of respiratory diseases, heart disease, and lung cancer.

It also recognises that no one single agency, government department or community has all the answers; improvements to air quality can only be achieved by taking a nationally integrated, collaborative approach. It acknowledges that economic growth and improving the local environment are not mutually exclusive. The Government has advised local authorities to bear in mind the synergies between air quality and climate change, and the benefits of having an integrated approach to economic development, housing and tackling climate change and air quality objectives.

Nevertheless, it is the UK government that is responsible for implementation of clean air laws and remains the major source of finance for clean air policy, both for national policies and through the funding of local authorities. The government's Localism Act sought to transfer more responsibility for air quality from central government to local authorities, especially attempting to make them potentially liable for a share of EU fines, but has failed to give Local Authorities the power they need.

B&NES Council's report on air pollution source apportionment shows that road traffic contributes up to 92% of the total NO<sub>x</sub> concentration. The most recent modelling suggests that road traffic contributes 74% to NO<sub>2</sub> concentration.

We therefore call on Central Government to give Local Government greater powers to influence polluters in their areas. It is unacceptable that councils outside London have no ability to influence the air quality in relation to major transport routes since this falls to the Highways Agency. This limits our ambition to respond to residents' concerns when developing a Transport Strategy for Bath

As host to the UK's only World Heritage City, we request the same powers as London to manage traffic flow and to decriminalize certain moving traffic offences. We also demand that the Highways Agency develops a strategy for the A46/A36 that does not direct HGVs and other traffic through the city of Bath, thus contributing to the serious air quality problems within the city.

In addition we request that

1. The Department for Transport and DEFRA should continue to support developing a wider network of Low Emissions Zones to cut emissions in locations where limit values for NO<sub>2</sub> are being breached, piloting in B&NES if found viable and in breach.
2. B&NES are permitted to test differentiated parking permit charges based on emission of vehicles.



3. B&NES is allowed to pilot a Berlin-type system in their city, where cars have to display colour-coded visible road tax permits based on the emissions levels (where, for example, a low polluting car would display a green sticker and high polluting one a red).
4. More central government funding is made available to reduce the NO2 emissions from buses by retrofitting buses with SCRT pollution filtering systems. While welcoming the £5 million Clean Vehicle Technology Fund made available to local authorities to bid for across England and make improvements to local bus fleets, we do not feel this is sufficient funding to make the impact needed.
5. Central government funding is made available to provide incentives to clean up the emissions of local taxis as the highest mileage urban vehicles.
6. Greater regulation of Bus Fares, to encourage modal change.
7. Financial support be made available for improved walking and cycling routes as an alternatives to the motor car
8. Diesel vehicles are subject to the same small surcharge under Vehicle Excise Duty as they are under the Company Car Tax. This would help ameliorate the current, arguably perverse, encouragement of diesel vehicles and bring consistency to the treatment of private and company cars.
9. Smoke control and air quality management rules should not be weakened as government attempts to promote renewable energy in homes and businesses, and if necessary should be strengthened to ensure that local authorities have discretion to determine whether biomass installations are right for their area.
10. Once officers have completed work on assessing the effectiveness, feasibility and social fairness of all of point 1 – 9 above, the findings are fed into the emerging draft Transport Strategy for consideration.

B&NES Council has been proactive in attempting to deal with the problem of poor air quality. It is time for the government to take a bold and radical approach to cutting pollution by giving councils greater influence over polluters in their areas and investing to save taxpayers from footing these huge health bills in the future.

Government needs to give local communities the powers to implement traffic management measures and the finance to ensure that economically those areas are not disadvantaged, by offering alternatives to polluting vehicles.

*[Notes;*

1. *The underlined wording in resolution 10 above was offered by Councillor Anthony Clarke and accepted by the mover and seconder of the motion.*
2. *This motion was passed with all Councillors voting in favour except for one abstention from Councillor Matthew Blankley*
3. *During this debate, Councillor Chris Watt asked for the Chief Executive to ensure that taxis licensed by this Authority comply with proper regulations regarding diesel*

*particulate filters, and that our own garages that run checks on taxis also check this aspect.]*

**23 QUESTIONS, STATEMENTS, PETITIONS AND DEPUTATIONS FROM COUNCILLORS**

The Chairman made reference to the printed Councillor Q&A document which had been circulated at the meeting.

The meeting ended at 10.20 pm

Chairman .....

Date Confirmed and Signed .....

**Prepared by Democratic Services**

**Council 10<sup>th</sup> July 2014**  
**Public statements & questions**

**List of registered public speakers**

**Items not listed on the agenda – taken at item 7**

1. Guy Matthews
2. Susan Charles
3. David Redgewell

**Core Strategy – item 8**

- |                       |                                   |
|-----------------------|-----------------------------------|
| 4. Jan Fletcher       | – Residents Protecting Peasedown  |
| 5. Bob Elcome-Thorpe  | – Friends of Breaches Gate        |
| 6. Peter Duppa-Miller | – Combe Hay Parish Council        |
| 7. Robert Hellard     | – South Stoke Parish Council      |
| 8. Colin Webb         | – South of Bath Alliance          |
| 9. Mary Walsh         | – Whitchurch Village Action Group |
| 10. Peter Holland     | – Friends of Breaches Gate        |
| 11. Representative    | – Protect Bath                    |
| 12. Caroline Kay      | – Bath Preservation Trust         |
| 13. Brian Huggett     | – Englishcombe Parish Council     |

**Petition for debate – item 9**

14. Tim Newark

- **Statements, when supplied in advance, are attached at the end of the document.**

## **Public Questions for Council 10<sup>th</sup> July 2014**

*(NOTE: The following questions and answers will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)*

### **1. Question from George Riley (Batheaston Parish Councillor)**

The pavement in front of the shops in London Road East comprises a narrow gully and too many accidents are happening. The Parish Council has been pursuing a refurbishment for some 25 years now and in the B&NES Capital finances for 2013 - 2014 some £40,000 monies were set aside.

Your Mr Kelvin Packer emailed the Parish Council in February this year stating that the Consultants - Halcrow - are progressing the necessary drawings. We have telephoned the Council on numerous occasions without success; the silence is deafening.

When will the Pavement refurbishment commence, with an estimated completion time please?

### **Answer from Cabinet Member for Transport**

This Council remains committed to improving the footway fronting Batheaston shops. The scheme proposed by the Parish Council is however more costly than the scheme funded and approved in this Council's capital programme.

Initially it had been proposed to deliver a jointly funded scheme but, as the Parish Council is no longer willing to contribute to costs, this Council will have to make a greater contribution from our budgets. In order that we may identify and approve the additional funding required, I have asked officers to bring forward proposals that establish funding options and the consequences of this for other schemes.

There is a considerable capital programme of schemes to deliver in 2014/15. I regret there has been a delay in progressing the Batheaston scheme whilst officer resources have been have deployed to emergency schemes and projects.

### **2. Question from Nicolette Boater**

To inform the Council's consideration of Item 10 on this agenda ("Appointment of Committees, political proportionality and constitutional issues"), and in particular its decision as to whether to agree to recommendation 2.2, please can the Leader of the Council and/or relevant officer clarify;

1. By whom and how agendas for PDS meetings are currently determined;
2. The extent of discretion allowed the PDS Chair in allocating profile and airtime at PDS meetings to external contributors and Member participants;
3. Whether recommendations 2.1 and 2.2 and the table in appendix 1 jointly imply that Council is being asked to accept the current allocation to the

Political Groups of Chairs to the 6 PDS Panels, or as suggested by resolution 5 under item 8 of the 8.5.14 Council meeting, Members are being asked to decide whether our local democracy might be better served by a more politically proportionate allocation of these roles?

*[In this regard, please note that the quality of democratic service is determined by a number of factors, including;*

- *Political proportionality i.e. the extent to which political parties are mandated by the electorate*
- *Transparency i.e. the extent to which the electorate can see how decisions are being influenced and made*
- *The effectiveness and rigour of decision making i.e. extent to which it addresses the short and long term needs and interests of the electorate as a whole*
- *Efficiency i.e. the benefits arising from the service (or a change to the service) relative to its use of scarce resources (or the additional resources required to effect the change).*

*The current ratio of Conservative to Independent to Labour Members is 73:16:11 whereas the current ratio of Conservative to Independent to Labour PDS Chairs is 50:0:50]*

### **Answer from the Leader of the Council**

1. *Agendas for Policy Development & Scrutiny meetings are determined with reference to the Cabinet forward plan to enable scrutiny to undertake their policy development role, and also in response to significant issues that may arise via officers and scrutiny members. Discussion takes place between Chairs and Vice-Chairs of Panels about allocation of items to Panels, and any resourcing implications. There is also liaison with the relevant Cabinet member to ascertain if they are available/needed to provide an update on particular items.*
2. *External contributors are allowed time at a Panel meeting if they have registered via the relevant procedural rules in the Constitution or if the Chair/Panel consider their ad-hoc contribution would be helpful. The Chair has discretion to manage this. The Chair will manage the debate on the day with a view to enabling adequate discussion of the issue whilst having regard to other items on the agenda and management of the timetable as a whole.*
3. *The May Council deferred consideration of the allocation of chairing rights until this meeting. It will be a matter for Council to decide whether to approve them as currently allocated, or re-allocate them.*

### **3. Question from Guy Matthews**

When is this Council going to allow a single parent with proper legal parental responsibility for a child/children the ability to claim for a two (or more) bedroomed property and will the 'bedroom tax' be abolished for this class of person.

### **Answer from the Cabinet Member for Community Resources**

The under-occupancy ruling was introduced under the Welfare Reform bill on 01/04/2013.

Although the reduction is administered via a tenants Housing Benefit (which is assessed by the Local Authority) we are unable to change this legislation unless it is revised by The Secretary of State.

Following the under-occupancy ruling being introduced, there have been a few caveats that exempt certain situations. These are;

- People who have a 'spare room' specifically set aside for overnight care;
- Parents with adult children in the Armed Forces who continue to live with their parents will continue to be considered as living at home when whilst away on operational duty;
- Approved foster carers whether or not they have a child placed with them or are between placements will be allowed an extra room, as long as they have fostered a child within the last 12 months or become a registered foster carer within the last 12 months;
- People who receive care, support or supervision from their landlord in supported exempt accommodation will not be affected;
- If a student's main residency is their parents' home, then their bedroom will not be considered as spare;
- Where under-occupancy arises due a death we allow a year's grace so that bereaved families have some time to come to terms with their loss and are able to make the right decisions about their finances and size of accommodation.

#### **4. Question from Guy Matthews**

When a policy is 'not fit for purpose' how long will it take this Council to adapt it to make workable? The fairer rate of contribution policy leaves disabled younger people on the breadline because of their varying special needs and even when one of your financial officers visited me at home they were unable to answer questions on incorrectly worded parts of this policy. This policy is unfair to younger disabled people as it is biased strongly towards the elderly.

#### **Answer from the Cabinet Member for Wellbeing**

The Council does not accept Mr Matthews' statement that the current Fairer Contributions Policy is not fit for purpose, leaves disabled younger people on the breadline or is unfair to younger disabled people as it is biased strongly towards the elderly.

The Fairer Contributions policy was introduced in May 2010 for all new service users entering the social care system. The policy replaced an array of different policies which had previously been in operation with the aim of increasing transparency and reducing confusion for both staff and services users.

The policy was rolled out to existing service users (i.e. those already in receipt of a social services funded package of care & support) in April 2011 in line with the single member decision of 28/05/2010 to extend a year's protection to those who might see an increase in their assessed contribution. Before a decision was taken, the policy was the subject of extensive consultation with service users and carers, Elected Members and the Older People & Healthier Communities Overview & Scrutiny Panel.

The revised financial assessment process under the new policy aims to bring a greater degree of equality to the charging system and to ensure that anyone in receipt of a social care service, regardless of age, need or disability is treated consistently and fairly on the basis of their individual financial circumstances

The financial assessment process is fully compliant with Department of Health guidelines and with the national minimum income thresholds prescribed by central government. These thresholds are set to reflect the same level of income that someone on basic state benefits could expect to receive. In addition, government guidelines require that a 25% income buffer is applied to the minimum thresholds so that a reasonable level of income is protected from charging and B&NES' policy does include this 25% income buffer.

Before implementing the new Fairer Contributions policy Bath & North East Somerset received the lowest proportion of income from personal contributions to social care services in the South West. Aside from ensuring equity and compliance with the new national framework, the revised policy has enabled Bath & North East Somerset to increase income to fund adult social care services. This has had the effect of reducing the level of savings that would otherwise have had to be made and has meant that the Council has not needed to reduce levels of service or, indeed, cut services in the way that some other Councils have done.

In relation to Mr Matthews' experience of the Financial Officer's visit and provision of advice and information; the Assessment Officer who visited Mr Matthews along with a Social Worker did explain that the purpose of the meeting was to explain how the financial figures were used in the calculation to reach the final assessed contribution rate and to ensure the figures the Council had recorded for income and expenditures were correct.

Mr Matthews had detailed queries and questions about the Council's Fairer Contributions Policy, which the Assessment Officer was not in a position to answer having not been involved in the development of the national Policy or, indeed, the local Policy. Another Council Officer, who was involved in the establishment of the Policy, did respond to these queries and questions.

## **5. Question from Guy Matthews**

Why is it when you are owed money under the fairer rate of contribution policy (because of erroneous overcharging) that the money is not repaid to yourself directly but goes into your 'care pot' with no 'free weeks' of your contributions, and then if not used up in 3 months is clawed back to the Council?

### **Answer from the Cabinet Member for Wellbeing**

A person's care assessment establishes the maximum level of funds that may be required to meet their care needs. All Personal Budgets allow an element of funds to accrue in their accounts up to a maximum of 4 weeks to allow for some fluctuation in weekly care needs. Any money unspent at the time of audit over the allowable 4 weeks accumulated figure is clawed back and utilized to fund adult social care services for other eligible individuals. A review as to the care required and the level of assessed funds required to meet a person's care needs is completed when regular or excessive funds are accrued. This is to ensure that the Personal Budget reflects the required care needs and that the assessed, eligible, care needs are being met.

All individuals are financially assessed to make a weekly contribution towards their care costs. The assessed contribution is based on the Department of Health's Fairer Contributions Policy and is based on individual financial circumstances and not the amount of service a person receives. The amount the person will be asked to contribute will depend on their financial circumstances and not the number or frequency of different services a person receives/purchases.



## **Presentation to B&NES Council meeting – July 10th 2014**

### **Susan Charles, Chair Warm Water Inclusive Swimming & Exercise Network.**

You haven't heard much from us for a while but we have been working away in the background keeping abreast of developments and waiting for the appropriate moment to speak to you again. Now is that moment!

You currently have a fantastic window of opportunity to provide leisure facilities which will benefit an enormous number of people, help you achieve many of the objectives you've set yourself in a number of your visions, plans & strategies and furthermore enable you to make better use of finances in the long term. It will also be a great example of innovation and forward thinking and create flagship facilities of which B&NES could be justly proud

Negotiations are under way to award a long-term contract to run all the BANES leisure facilities for up to 30 years, a contract which includes the rebuilding of Keynsham Leisure Centre and the remodelling or redeveloping of Bath and other Leisure Centres. It is vital that an integral part of that contract is the provision of a fully accessible warm water pools at 32°C, with changing facilities suitable for all ages and all levels of disability. Having such pools in the community will not only greatly assist you in the delivery of your Vision as a Council, but also your Health & Wellbeing Strategy, your Children and Young People's Plan and now your Fit for Life Strategy. It also has the potential of enormous savings to the NHS & Social Service budgets, while further finally ensuring that B&NES has leisure facilities that are at long last truly inclusive for all members of the community.

We want to know that this has total Council-wide support and that there will be no room for compromise over the provision of these pools in the new contract.

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# Building on the Success of the Greater Bristol and Bath Bus Network Upgrades

Both the new fares policy and the delivery of new and refurbished buses have had a significant impact on the ridership figures for First and Wessex's local bus services. This has also entailed the provision of what is now a fully DDA-compliant fleet in the Bristol and Bath Travel-to-Work Area. Disabled access is also improving in terms of Community transport and the local taxi fleet—with the notable exception of South Gloucestershire, about which, more, later.

To make the best use of this progress we now need to bring the commuter bus network into the picture along with improvements to fleet and services in Bath and Weston-super-Mare. The fleet upgrade should include leather seats, wifi, re-trimming, complete repainting and branding, in line with the practice in Cheltenham, Exeter and York. This "widening circles of improvement" approach is what characterised the improvements to London's transport network driven by the city's Mayors—starting with the inner core services and working out into "Green Line" territory.

In the local region key commuter routes need to be identified for upgrading. We have already seen massive improvements to the

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renumbered services from Bristol to Weston-super-Mare, Clevedon and Portishead, with new vehicles, new routes and new timetables. Routes which should receive the same kind of treatment are:

- 376 Bristol to Street via Knowle, Hengrove, Whitchurch, Farrington Gurney, Wells and Glastonbury.
- 379 Bristol to Bath via Pensford, Paulton, Midsomer Norton and Radstock
- 37 Bristol to Bath via Old Market, St. George, Hanham, Longwell Green, Bitton and Kelston
- 319 Cribbs Causeway to Bath via Bristol Parkway, UWE, Downend, Staple Hill, Kingswood, Cadbury Heath and Bitton
- 309, 310 Bristol to Thornbury via Bishopston, Filton, Patchway, Cribbs Causeway, Aztec West, Almondsbury, Rudgeway and Alveston
- 311 Thornbury to Dursley via Charfield, Kingswood (SG), Wotton-under-Edge, Cam
- X? Bristol to Gloucester — new service
- 635 Bristol to Chippenham via Kingswood, Warmley and Marshfield
- 47 X47 Bristol to Chipping Sodbury via Fishponds, Downend, Coalpit Heath and Yate
- 46 Bristol to Yate via Stapleton, Frenchay, Hambrook, Winterbourne, Frampton Cotterell and Coalpit Heath
- 126 Weston-super-Mare to Wells via Locking, Winscombe, Axbridge and Cheddar

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- 161 Wells to Frome via Shepton Mallet, Stoke St Michael and Nunney
- ? Bristol to Shepton Mallet
- 21 Weston-super-Mare to Taunton via Brean, Burnham-on-Sea, Highbridge, Huntspill, Pawlett, Dunball, Bridgwater, North Petherton and Monkton Heathfield
- 265 265A Bath to Warminster and Salisbury via Bradford-on-Avon, Trowbridge and Westbury
- 231 X31 Bath to Chippenham via Batheaston, Box, Rudloe and Corsham
- 173 Bath to Wells via Radstock, Midsomer Norton, Chilcompton and Gurney Slade
- 184 Bath to Frome via Radstock, Midsomer Norton, Chilcompton, Coleford and Mells
- 267 Bath to Frome via Midford, Norton St Philip, Rode and Beckington

The list is not exclusive, but these represent the commuter routes in greatest need of upgrade and redesign.

Branding is also a significant issue in the Bristol/Bath/Weston/Wells region and we need to make greater use of the TravelWest and West of England brands. Branding can be complex but should not be complicated. If we are going to use sub brands (such as Buses of Somerset or Buses of Bath) these need to be clearly unified by the TravelWest brand along with the company logo (for both Wessex and First).

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The local rail network also needs to be brought into the same branding style. In the build up to the delivery of MetroWest, the TravelWest brand should be applied to rail stations, trains and network facilities. The current "First Great Western Central" is highly confusing and completely meaningless to most people, and as such it does pretty much the opposite of what we might expect from a brand.

The preferred statutory structure for management of local transport would be best served by a Statutory Quality Partnership rather than the Quality Contract which was proposed by the recent report commissioned by Bristol City Council and the West of England Partnership. As far as management is concerned the ideal structure is a combined authority with a Transport Board to manage the operations of the local rail, bus and ferry services.

With the Fares Review we need to make sure that we have integrated ticketing across the region with a tourist ticket which can be purchased in Dorset, Gloucestershire, Devon and Cornwall, Somerset, Wiltshire or Greater Bristol at the same rate, for both weekly and daily journeys. This ticket should be intermodal, with rail and ferry services and should include discounts for disabled people, OAPs, students and families.

On the issue of Safe Travel, we need to be aware and increasingly vigilant about the prevalence of tagging and other unauthorised graffiti on transport infrastructure in sensitive areas of the city region, such as Stokes Croft (which impacts on perception of the Bus and Coach Station), Temple Meads, Easton, and Oldfield Park in Bath amongst

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others. There have been several arrests recently following a spate of bus-shelter spray tagging in Stokes Croft and we need the councils to follow up such incidents with the BTP and Avon and Somerset and press for prosecution as well as putting in place procedures to ensure the prompt repair of damaged bus shelters and real-time information points. This vigilance may require additional CCTV on stations and around areas where tagging is prevalent.

In response to the consultation on the Bath Transport Strategy and the BaNES Core Strategy, we welcome the upgrade of the bus services and the cheaper ticketing (although this needs to be better defined around Peasedown St John which should be included as part of the outer Bath fringe), We would like to see more bus lanes on the Upper and Lower Bristol Roads and on London Road.

As far as the rail network is concerned, we are highly supportive of the MetroWest plans to open stations at Saltford Parkway, Corsham and upgrade Keynsham and Oldfield Park. However, we are concerned about the role of Bathampton which, whilst desirable as a station for the East of Bath and the Park and Ride, cannot be served as a shuttle service at the same frequency as the bus service due to the line capacity constraints. It would work well as an additional stop on a Bristol to Bedford service via Corsham and Swindon, and on existing services to Southampton, Weymouth and London Waterloo. As with all parts of the MetroWest project, this will have to go through the 9 GRIP stages and must be shown to have a strong business case rather than just being an adjunct to a road scheme between the A36 and the A4.

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We welcome the ongoing work on the Bath Transport Strategy, but would like to see the Community Transport incorporated along with the Bristol MetroBus project, which should be fully integrated with the commuter bus network and the rail network providing useful interchanges across the entirety of the Bristol and Bath city region.

I referred to an issue with DDA compliance in the South Gloucestershire taxi fleet above. This is most particularly problematic at Bristol Parkway Station where only 35 out of 400 vehicles are compliant—a nasty surprise for any disabled passengers arriving from other areas of the country where DDA compliance is now taken for granted. Of course we welcome the fact that taxi fares in South Gloucestershire are not set to rise, but this cannot excuse the lack of disabled accessible vehicles.

David Redgewell

**South West Transport Network** - Tel 07814 794953



# South West Trains

## Franchise Extension

Support for present one hourly service - Waterloo to Exeter - which passes through Trowbridge, Bradford on Avon, Bath to Bristol Temple Meads. These should stop additionally at Oldfield Park as well as Keynsham as this would serve the regeneration package of housing and high-tech industry at Weston Riverside. We also request that the EXETER-Waterloo service be extended beyond Exeter to Paignton and Plymouth, whilst others options could include Okehampton and Barnstaple.

At present the Bristol service provides catering as far as Salisbury. We request that this should continue to Bristol Temple Meads.

We request that consideration be given to a half-hourly service between Waterloo and Yeovil as this could assist the present severe overcrowding which occurs through West Wiltshire into Bath and Bristol. (Weymouth has a half-hourly service from Waterloo via Bournemouth so Hampshire presently has the benefit of these half-hourly services

We request the consideration of timetabling integration with FGW services at Westbury for the Weymouth trains.

We request better revenue protection on the Bath to Salisbury stretch of the service i.e. better barriers at Trowbridge

We request better facilities at Trowbridge - buffet and ticket office - and improved barriers.

We need to retain cheap ticketing on the Exeter-Waterloo and Bristol to Waterloo routes, including MegaTrain.

David Redgewell

**South West Transport Network** – Tel 07814 794953

**From:** The Clerk to COMBE HAY PARISH COUNCIL  
**To:** Council.  
**Reference:** G3498.  
**Date:** 10 July 2014.

## **THE CORE STRATEGY.**

**I am Peter Duppa-Miller – I am the Clerk to Combe Hay Parish Council.**

**This statement is in four parts -**

- 1. Combe Hay Parish Council is greatly dismayed that the Inspector examining the Core Strategy has decided to set aside all the well-evidenced arguments contesting the allocation of the Land Adjoining Odd Down for new housing. These arguments, advanced throughout the lengthy examination period, included -**
  - a. The very significant over-provision of market-price housing,**
  - b. The extremely harmful effect on the Setting of the City of Bath World Heritage Site,**
  - c. The removal of land from the supposedly-permanent Bath Green Belt,**
  - d. The un-necessary building in the Cotswolds Area of Outstanding Natural Beauty,**
  - e. The damage which would be inflicted on the Plateau's biodiversity.**
  - f. The loss of land which is currently producing food.**
- 2. The Combe Hay Conservation Area Appraisal is due to be adopted by the end of July 2014 (see Forward Plan item E2648). It is requested that it be added to the list of Supplementary Planning Documents at Attachment 3, as part of the minor textual amendments which the Cabinet Member and the Divisional Director are authorised to make.**
- 3. Similarly, Combe Hay Parish Council requests that the Placemaking Principles relating to the Land Adjoining Odd Down (see Main Modification MM 39) be amended to include in section 2 (The MasterPlan) the specific requirement for both South Stoke Parish Council and Combe Hay Parish Council to be parties to the preparation of the MasterPlan.**
- 4. With regard to a separate issue, Combe Hay Parish Council is, and many other rural settlements are, extremely grateful to see that Additional Modification AM 47 now includes very strong wording with regard to Broadband being a Rural Strategic Issue.**

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**PRESENTATION to BANES Council by South Stoke Parish Council. 10.07.2014.**

South Stoke Parish Council are deeply concerned that you may be about to vote to adopt the final modified version of BANES Core Strategy, which includes the intention to remove land from the Green Belt in South Stoke Parish.

The land area defined is far greater than that needed for the 300 houses now intended. Any potential future constraint to limit development to this number, will be dramatically weakened by the loss of Green Belt status. The Government Inspector has made it clear that his decision to support this part of your plan is based on the Council's assertion, that no more affordable housing is possible within the City.

You know that if this is true, it is as a direct result of Council's decision to pursue commercially lead development on every possible major site. It now transpires that this policy will create a student ghetto in the commercial south of the City, with no provision at all for much needed affordable housing, for key workers.

It is a dreadful quandary that we all now face:

Either,

To adopt a Core Strategy that allows the start of significant erosion of the Green Belt that surrounds our World Heritage City;

Or,

To face a modest period of upheaval, whilst a properly balanced plan, which provides the right sort of housing in and for the City, is fashioned.

Your decision tonight will have dramatic consequences. Either the potential for an element of modest chaos for short while, or a long term total disaster for Bath and its green surroundings.

We are asking you to take a clear decision now to save the Green Belt for the Community and put affordable housing where it is needed, on Council land, in the City.

If you fail to do this and vote to adopt this discredited plan you will be responsible for the start of a cancer in our "Green Lungs", equivalent to the "Sack of Bath".

We, our children and our children's children will remember how you vote tonight.

Please Vote No!

Robert Hellard  
Vice Chairman South Stoke Parish Council.

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Council meeting 10<sup>th</sup> July 2014

This is a Statement on behalf of the South of Bath Alliance (SOBA) by Colin Webb

40 years have passed since an unenlightened Bath Council wrought havoc on our city in what became known as the Sack of Bath.

With the unnecessary removal of acres of valuable artisan housing – ironically artisan housing sorely needed today - their action is still identified by the ugly replacement buildings which remain as scars on the city.

Of course it is impossible to forecast how we might look back on today in another 40 years. But we believe that the inclusion in the Core Strategy of crucial green belt at the Southstoke plateau as land designated for new housing will coalesce the city with the countryside and will have comparable negative implications.

Eric Pickles, the Secretary of State for Communities and Local government, has stated that only in **exceptional** circumstances should such release of green belt land be considered.

We regard the circumstances that have led to Southstoke green belt being in the Core Strategy as **not** being exceptional and more a matter of political expediency. As such it is a compromise of staggering proportions.

As Adam Fergusson the distinguished author of The Sack of Bath has written

*“If I were the Minister, or the Secretary of State, or his Inspector, reviewing new proposals for in-and-around Bath, I would say this: “Plan as you please, but don’t come back to me to approve any development in the countryside **until every brown-field acre in this world-heritage site has been used up**; and every existing building properly occupied” And, even after that, **I would add that the green belt round Bath is not negotiable.**”*

Councillor Crossley has posted on his Facebook page

"Whilst I fully accept *some* people will be disappointed overall, it is good news for us *all*," He has thus chosen to ignore and dismiss the 1,400 signatories to a petition presented to this Council from Bath residents and from people around the world – those who regard the green belt at Bath as being sacrosanct and a key aspect of our UNESCO status. It is not good news for **all of us**.

And to quote once more Adam Fergusson:

“No matter that the country is said to need more houses on more virgin land: what remains of the beauty and uniqueness of Bath, its ethos and its context, is simply not to be trifled with, not to be compromised any more.”

Fortunately for them the names of the Councilors responsible for the travesty of 40 years ago have been lost in the mists of time.

But in July 2014 this is the moment to recognize that a vote against the proposition or a deferment is the result needed to secure, protect and maintain the all essential green belt as designated.

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My name is Mary Walsh- joint chair of Whitchurch Village Action Group

As a long term campaigner for the protection of Whitchurch I am very sad to see that land will be released from the Green Belt to build another 125 houses .Horse World application was rejected by B&NES on Green Belt issues knowing that the land would be removed from the Green Belt Horse World could then reapply and be accepted,a waste of time, effort and money for all concerned.

This is however to be set against the greater damage which would be inflicted on us and almost all other villages if the Core Strategy is not adopted tonight.

Some time ago we approached our local ward councillor to help us set up a Neighbourhood plan this was rejected and the reason given "The Core Strategy would deal with planning and as an RA1 village we would be allocated 20 houses "So we took his word,how foolish we were! We have suffered 2 years of the worst kind of speculative opportunist development imposed on us by lack of a 5 year plan policy in the form of a current Local Plan.

If we were to continue the countryside in B&NES would be destroyed by the greed of the developers.If our neighbourhood plan had been instigated I would not be here today and the people of Whitchurch would be much happier

We have been told on numerous occasions that B&NES dare not object to obviously inappropriate developments for fear of financial penalties of losing at appeal.

If local democracy means anything at all this must stop and the only way is to adopt the Core Strategy tonight.

I am brave enough to accept that it is not perfect but I can see that it is the only way forward and I urge you to be brave enough to vote for it.

One more anomaly before I finish the parcel of land 7100 Gypsy Site Woollard Lane Whitchurch was granted permission by B&NES overriding 3 Inspectors refusals is on green belt land. Where is this mentioned in the Green Belt removal?

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# BATH PRESERVATION TRUST

## Statement to Cabinet/Council 10 July 2014

Good afternoon, I am Caroline Kay, Chief Executive, Bath Preservation Trust.

First of all I should like to say that Bath Preservation Trust has consistently opposed the removal from Bath's Green Belt of the two areas proposed by the Council, through all stages of the Core Strategy process.

We therefore regret the Inspector's finding that development may proceed at Odd Down/South Stoke, and we welcome the fact that he rejects it at Weston. We also welcome his rejection of the Duchy's proposals for an urban extension at Newton St Loe and for any extension of the MOD Ensleigh development into the Kingswood School playing fields, although neither of these were being promoted by the Council. We are awaiting a reply to a letter to Eric Pickles, Secretary of State for Communities, to see if he agrees with his Inspector about Odd Down.

In both the Green belt areas there are some very important messages for the future on which the Council must act.

On Weston:

Here, the Inspector says in paragraph 173 *'The Council's assessment in relation to the World Heritage Site and the AONB underestimates the impact (that is harmful impact) in some of the locations.* I suggest that the Council should look at its assessment methodology in particular in relation to the green hillsides and views of the WHS when considering any form of development affecting them.

In paragraph 180, the inspector says *'Surprisingly, there is no conservation area appraisal to set out what makes the conservation area special'*. I think the Inspector is indulging in ironic understatement here. It is shameful that the Bath Conservation Area has no up to date, compliant conservation area appraisal to assist in the management of development in this internationally designated city. This has been put in the 'too difficult' tray for years, with lack of resources given as the reason, but those resources are being applied to deliver such appraisals in other parts of B&NES and the WHS has been ignored.

On South Stoke:

This is more complicated. The inspector's ruling is by no means a developer's charter for that area of land. He has agreed that such development will cause harm to the natural and heritage assets; it is his assessment of the degree of harm alone that allows him to reach the conclusion that development can go ahead, as long as appropriately mitigated. He agrees that 40% affordable housing must be delivered; he has ruled out development in the field immediately to the south of the Wansdyke and adjoining South Stoke Lane; he has agreed that any development must be



# BATH PRESERVATION TRUST

pulled back from the edge of the plateau and screened; he has made clear that building heights will need to be managed very carefully; he rejects the idea of a vehicular access point leading off the Cross Keys or South Stoke Lane, and concludes there is no scope for including any safeguarded land (that is, land earmarked for potential future development) in this location.

If the Cabinet now, and the Council this evening, adopt this Core Strategy, I should like to make clear that Bath Preservation Trust will watch very closely to see that the detail outlined in the Inspector's report is fully met by any development proposals brought forward. I assume that they will ensure a significantly higher quality of delivery than the development at Sulis Meadows which originally left this area so substantially compromised.

There is a strong case for having an adopted Core Strategy, and indeed new housing where it is needed. But not at any price. We do not believe that the Council worked hard enough to find city centre sites – themselves much more sustainable – for the affordable housing it needs.

Instead you are choosing to build houses in the green belt. You must be sure, in turn, to achieve the mitigation and protection that our historic and natural environment deserves and the Inspector's report demands.



## POLITICAL PROPORTIONALITY TABLE – AGREED JULY 2014

Licensing Sub-Committee	<b>3</b>					<i>LD</i>		
Pensions Investment panel	<b>3</b>	1	2			<i>C</i>		3
<b>Optional proportionality</b>								
Health & Wellbeing Board	<b>3</b>	3 (as appointed by the Leader)	1 (observer)	1 (observer)	1 (observer)			
Licensing Committee	<b>12</b>	5	5	1	1	<i>LD</i>		

## Appendix 2

### **Proposed amendments to the Council's petition scheme – Petitions seeking a full Council debate**

#### **What are the guidelines for submitting a petition requiring a full Council debate?**

Petitions submitted to the council requiring a full Council debate must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- The details (set out below) of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

If a qualifying petition contains signatures of more than 1% of the electorate it will be debated by the full council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at a following meeting. Petitions will not be considered at the Council's budget meeting or the Annual General meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

A qualifying petition is one

1. That contains the details set out below of persons supporting the petition
2. That does not relate to a planning, licensing or other matter where there are existing avenues of appeal.
3. Seeks one or more specific actions from the Council.

How may petitions be submitted?

1. Via the Council's e-petition facility on its website
2. In paper form
3. By email
4. Via an external web-based petition generating site.

In all cases the name, address, signature (either ink or electronic as applicable) and, **for electronic petitions**, email contact details of all supporters will be required.



## **Councillor Questions for Council 10<sup>th</sup> July 2014**

*(NOTE: The following questions and responses will be published on the Council's website as soon as possible after the meeting and linked to the published draft minutes of this meeting.)*

### **1. Question from Councillor Nigel Roberts**

What is going to happen to destructor bridge during the Western Riverside development. If it is due to be demolished, would the executive councillor consider a relocation, which has happened to this bridge before, as a number of alternative routes across the river would be welcome?

### **Answer from Cabinet Member for Sustainable Development**

The replacement of Destructor Bridge is now planned to commence this autumn following agreement with Canals & River Trust to its replacement. The Consented scheme sets out a rationale for replacement within the Design and Access statement (document can be viewed via the Portal;

<http://idox.bathnes.gov.uk/WAM/showCaseFile.do?appNumber=13/01649/ERES>)

As part of a comprehensive historical review of the structure, the design team explored possible re-use options both with the Highway Authority and Sustran's. The structure is past the end of its design life and would not meet current bridge design codes for reuse as a vehicular crossing. In addition, the 1950's deck modifications to cast a concrete deck over the structure has a significant impact on the ability to dismantle/demolish which renders the majority of the structure useless for relocation. The 2 trusses were also considered but their condition and relative utilitarian appearance do not favour relocation. Both organisations concluded that it was unsuitable for relocation or reuse.

As part of the discharge of conditions, a full archaeological evaluation and photo record is being assembled for the archive and in addition to this the original decorative scrolls are being re-incorporated as public art within the development. This has now been submitted to the LPA.

The bridge materials not being retained will be recycled as part of the demolition process.

## **2. Question from Councillor Nigel Roberts**

There have been a number of new bus shelters installed in Odd Down that have been welcomed in Odd Down. Some of the shelters have been installed without sides, which in an area that is very windy such as Odd Down, has caused issues when it rains. Residents have been seen standing on the bench to try and keep out of the rain; would the executive councillor please instruct the officers to install sides to the shelters in Odd Down?

### **Answer from Cabinet Member for Transport**

In May, the Strategic Transport Team received an enquiry from Cllr Nigel Roberts concerning a replacement shelter which had been installed on Bloomfield Drive, Odd Down. He noted that passengers using this shelter were exposed to the elements. The original shelter here had no end panels and as a 'like for like' the replacement shelter had been specified.

Two factors are considered when determining the use of end panels on bus shelters. These are the 'passage width' which relates to the amount of space between the end of the shelter's side panel and the kerb edge and our legal requirement to ensure unobstructed view from adjacent junctions including private accesses.

The regulations which provide local authorities with the power to install shelters specifies that they should not be "in a position obstructing or interfering with any existing access to any land or premises abutting on a highway." The definition of interference includes any obstruction to visibility which could make exiting such an access unsafe.

A private access to a number of garages belonging to adjacent residents is within 6 metres of the site of the bus shelter is. Having reviewed the design here at the request of Cllr Roberts, the officer view is that end panels will interfere with visibility and cannot be included on the shelter in the current arrangement. Given the high level of demand from passengers, officers have however now asked for site assessments to be undertaken to establish whether any form of additional weather protection can be provided whilst not compromising visibility.