

BATH AND NORTH EAST SOMERSET

CABINET

Wednesday, 14th September, 2011

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

Present:

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

49 WELCOME AND INTRODUCTIONS

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

The Chair welcomed everyone to the meeting.

50 EMERGENCY EVACUATION PROCEDURE

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

51 APOLOGIES FOR ABSENCE

Apologies had been received from Councillor David Dixon

52 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

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

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

53 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

54 QUESTIONS FROM PUBLIC AND COUNCILLORS

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

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

55 STATEMENTS, DEPUTATIONS OR PETITIONS FROM PUBLIC OR COUNCILLORS

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

56 MINUTES OF PREVIOUS CABINET MEETING 10TH AUGUST 2011

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

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

57 CONSIDERATION OF SINGLE MEMBER ITEMS REQUISITIONED TO CABINET

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

58 CONSIDERATION OF MATTERS REFERRED BY POLICY DEVELOPMENT AND SCRUTINY BODIES

There were none

59 SINGLE MEMBER CABINET DECISIONS TAKEN SINCE PREVIOUS CABINET MEETING

The Cabinet agreed to note the report.

60 NORTON-RADSTOCK REGENERATION TRAFFIC REGULATION ORDERS

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

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

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

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

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

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

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

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

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

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

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

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

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

Rationale

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

Other Options Considered

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

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

RESOLVED (unanimously)

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

61 A36 CLEVELAND BRIDGE, BATH - HGV RESTRICTION

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

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

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

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

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

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

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

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

Rationale

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

Other Options Considered

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

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

RESOLVED (unanimously)

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

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

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

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

62 YOUTH JUSTICE PLAN 2011-12

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

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

Councillor David Bellotti seconded the proposal.

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

Rationale

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

Other Options Considered

None.

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

RESOLVED (unanimously)

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

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

63 WINTER SERVICE POLICY

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

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

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

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

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

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

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

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

Rationale

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

Other Options Considered

None.

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

RESOLVED (unanimously)

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

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

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

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

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

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

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

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

Rationale

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

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

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

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

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

Other Options Considered

None.

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

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

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

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

65 POLICY STATEMENT - ACADEMIES AND FREE SCHOOLS

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

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

Councillor Tim Ball seconded the proposals.

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

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

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

Rationale

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

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

Other Options Considered

None.

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

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

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

66 MEDI VEND PLACEMENT AT PEASEDOWN YOUTH CENTRE

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

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

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

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

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

Councillors Hartley and Allen readily agreed to the request..

Rationale

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

Other Options Considered

None.

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

RESOLVED (unanimously)

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

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

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

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

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

67 REVIEW OF HACKNEY CARRIAGE TARIFF RATES

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

Councillor Paul Crossley seconded the proposal.

Rationale

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

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

Other Options Considered

None.

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

RESOLVED (unanimously)

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

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

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

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

Councillor Paul Crossley seconded the proposal.

Rationale

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

Other Options Considered

None.

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

RESOLVED (unanimously)

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

The meeting ended at 8.45 pm

Chair _____

Date Confirmed and Signed _____

Prepared by Democratic Services

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CABINET MEETING 14th September 2011

The following Statements and Questions had been registered by the time of publication.

REGISTERED SPEAKERS

There were 9 notices of intention to make a statement at the meeting. Where the intention is to speak about an item on the Agenda, the speaker will be offered the option to speak near the beginning of the meeting or just before the Agenda item.

Re: Winter Service Policy (Agenda Item 14)

- David Redgewell (South West Transport Network)

Re: Radstock Traffic Regulation Order (Agenda Item 16)

- Councillor Eleanor Jackson
- Amanda Leon (Radstock Action Group)
- Gary Dando (Radstock Action Group)
- John Sprateley
- David Redgewell (South West Transport Network)
- Deborah Porter
- Heather Chipperfield
- George Bailey

QUESTIONS AND ANSWERS - COUNCILLORS

M 01	Question from:	Councillor Malcolm Hanney
<p>Newbridge Park and Ride Extension – Question to Cllr. Roger Symonds regarding Council Resolution passed on 14 July 2011</p> <p>Having regard to matters as set out in 1-6 below, and given that the seconder of the motion to Council had already pledged in May 2011 that there would be no Park and Ride Extension at Newbridge, could the Cabinet Member confirm his understanding as to what Cllr. Morgan-Brinkhurst intended when she moved her amendment at Council and what he therefore accepted?</p> <ol style="list-style-type: none"> 1. Recommendation to Cabinet within agenda paper - Para 2.7 'Expansion of... Newbridge P&R by about 250 spaces. 2. Recommendation agreed by Cabinet - Para 2.7 Expansion of....Newbridge P&R by 250 spaces on the proposed site or a suitable alternative. 3. First draft (?) of Council Minute sent to me on 21 July 2011 - Para 1.5b Expansion of...Newbridge by 250 spaces on a suitable alternative site. 		

Para 1.15 ...An amendment to the motion was moved by Cllr. Loraine Morgan-Brinkhurst with the effect of removing words regarding the proposed P&R site which was accepted by the mover of the motion.

4. Letter to Mr. Emerson (Inspector for Core Strategy) sent on 18 July 2011 and published on 21 July 2011 - Para 8.10 Land is available (to provide an additional 250 spaces) without the need for a CPO.
 (This indicates that no alternative site to that proposed was going to be considered notwithstanding the amendment moved by Cllr. Morgan-Brinkhurst.)

5. For some reason the Draft Minutes were changed prior to publication such that Para 1.15 was amended to read 'A minor adjustment to the wording of the motion was suggested by Cllr. Loraine Morgan-Brinkhurst with the effect of removing some words regarding the proposed Newbridge P&R site which was accepted by the mover and seconder of the motion.'

6. It is stretching credibility to the extreme that the local Councillor and mover of the amendment intended 'a minor adjustment of the wording' deleting the words 'on the proposed site' from the motion so that only the proposed site would be considered. A speaker (Mr. Weston) at the PT&E PD&S Committee held on 26 July 2011 asked where the alternative site was to be and clearly his understanding was that an alternative site was to be considered.

Answer from:	Councillor Roger Symonds
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I note your view that the wording of the adjustment to the Council Motion in respect of Newbridge Park & Ride precludes the potential to develop 250 parking spaces on a part of the original site proposed for 500 spaces. Whilst I agree that the wording may be a little ambiguous, I do not agree with your interpretation that no part of the site originally earmarked for the 500 spaces may be used.

I accepted the adjustment from Cllr Brinkhurst in recognition of the uncertainties caused by the forthcoming report on the application to register part of this site as a Town & Village Green. It was not clear at the time of the meeting in July how this report would impact on the precise location of the expansion to the P&R. The report has now been received, and subject to final consideration of its recommendations, it is possible to provide 250 spaces as envisaged within the terms of the existing planning permission

M 02	Question from:	Councillor Eleanor Jackson
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When did the Council cease to be a Fairtrade Council serving Fairtrade coffee and why?

Answer from:	Councillor David Bellotti
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I am very grateful to Cllr Jackson for bringing this to my attention as everyone in the Council is committed to Fairtrade.

Catering Services and other suppliers of coffee to meetings arranged within the Council use every effort to comply with and promote the use of Fairtrade products. I regret however that a batch of non Fairtrade coffee was purchased for internal meetings within the Guildhall, and that error has now been rectified, with all future internal meetings to

be supplied with the appropriate commodity. However, there are no contractual arrangements in place to require persons booking the Guildhall rooms to employ Catering Services.

However, Property Services will use all endeavours to identify a range of Fairtrade products which will meet customer needs.

Supplementary Question:

Why has the Council also given up using milk jugs and is instead using milk cartons?

Answer from:

Councillor David Bellotti

The Cabinet member responded subsequent to the meeting:

Catering Services aims to use jugs of fresh milk when supplying refreshments to meetings. However, when refreshments have to be delivered well before the start of a meeting or collected well after (sometimes on the next day), fresh milk may have deteriorated, so jiggers of milk may be used in these circumstances

M 03

Question from:

Councillor Vic Pritchard

What is the current position regarding Home Improvement Agency (HIA) contracts covering the West of England area?

Answer from:

Councillor Tim Ball

The Cabinet member responded subsequent to the meeting:

All HIA contracts within the West of England sub-region are due to be recommissioned from March 2012.

M 04

Question from:

Councillor Vic Pritchard

What is the current status regarding the contract renewal with Care & Repair Somerset?

Answer from:

Councillor Simon Allen

The Cabinet member responded subsequent to the meeting:

As you will know the role of the Home Improvement Agency (HIA) has developed significantly since its inception over 20 years ago. From the sector's relatively modest beginnings - often a single person in the housing department helping people complete forms - they have now become pivotal in helping older, disabled and otherwise vulnerable people to remain independent. This is a role we truly value and fully support. I have been advised that the West of England Heads of Housing Group have often pondered the potential benefits of working sub-regionally on this issue, as indeed they

have on a number of other joint projects, such as, the Housing Delivery Panel, a House Condition Survey and HMO licensing. However, the differing commission dates between authorities prevented further consideration of this approach. With recent changes to some of the existing contracts, due to the withdraw of a provider in another authority, the opportunity to jointly procure an HIA has arising as all underpinning contracts across the 4 authorities come to an end by March 2012.

As such the group organised a workshop with Foundations, the Government appointed advisors on HIAs, to investigate whether the business case supported this partnership approach. This highlighted the following potential benefits for commissioners and clients:

Financial Benefits

- Savings in procurement costs. With an increasing complex and hostile procurement environment these costs are increasing. By working together we can, and do, make significant savings.
- Economies of scale in the commissioned service associated with the reduction in back room duplication, particularly around governance, management, IT and other professional support costs.
- Reduced contract management costs, through less duplication by the contract and field officers of the 4 authorities.

Non-Financial Benefits

- A larger contract value is likely to interest more potential providers, thus generating greater competition. The increase in bidders would also improve the sustainability of the sector avoiding the prospect of only a single or even no bidders for a single authority commission.
- A larger contract value would provide the economies of scale to develop services which may prove unviable for a single authority.
- It is more effective for a single provider to market themselves across the sub-region, particularly given that referrers, such as client's children & siblings may live out of district though within the sub-regional.

Given the potential benefits the lead commissioners in each authority unanimously made the decision to initiate a process which will potentially enable the procurement of a sub-regional HIA. This is of course subject to a number of factors, including consultation and final contract sign off procedures. Given that this is jointly funded through the Community Grant & Supporting People budgets the final decision will be a delegated officer decision. Within the next few weeks the commissioning strategy will go out to consultation. The aim is to implement the new commission for the financial year 2012/13.

M 05	Question from:	Councillor Martin Veal
<p>The River Avon through the City of Bath, but also along its length through Bath and North East Somerset, has a number of health, safety and usage issues. There have also been a number of unfortunate tragedies on the river in recent years. Could the Cabinet Member update us on when recommendations for improving river safety will be published and what aspects of responsibility will be accepted by the Council for implementation?</p>		

Answer from:	Councillor David Dixon
<p><i>We have, in partnership with Avon and Somerset Police commissioned a report from the Royal Society for the Prevention of Accidents (RoSPA) which assesses the risks to the public concerned the stretch of the River Avon between Churchill Bridge and Windsor Bridge Road in Bath where the accidents have happened.</i></p> <p><i>A preliminary draft of the report has been received. This is now the subject of discussions with RoSPA (to ensure that it covers the required scope and that we can understand any recommendations made) prior to publication.</i></p> <p><i>I would hope to be able to share the final report with Members during the next few weeks.</i></p> <p><i>The riparian ownership along this particular stretch of river is complex and investigations are being made to establish individual responsibilities for the implementation of any recommendations which may result from the report. The Council is not currently aware of any riparian ownership issues for itself along here.</i></p> <p><i>The Council currently has no plans to review river safety beyond this stretch, apart from the sections where it does have riparian ownership responsibilities such as between Pulteney Bridge and Churchill Bridge and at The Shallows in Saltford. These sections are subject to on-going review and monitoring of safety equipment in order to comply with current advice and good practice.</i></p>	
Supplementary Question:	
<p>I welcome the Cabinet member's reply. Are there any quick wins which he can tell us about, eg replacing the lifebuoys by the railings?</p>	
Answer from:	Councillor Paul Crossley
<p><i>We will look into the possibility of quick wins and will keep Councillor Veal informed.</i></p>	

M 06	Question from:	Councillor Tony Clarke
<p>Will the Cabinet Member provide details of the consequences of the revocation of the notice to close Culverhay School, to include legal aspects, costs, and views of stakeholders, such as the Schools Forum, and parents and teachers, to enable Council to come to an informed decision on future nature of the school?</p>		
Answer from:	Councillor Nathan Hartley	
<p><i>The Cabinet will consider the outcome from the publication of the Public Notice to reverse the closure of Culverhay School when it meets on 12 October, the report to Cabinet will set out the advantages and disadvantages of revocation and the representations that have been made. The meeting itself will give a further opportunity for interested parties to make their views known.</i></p>		

Supplementary Question:	
I am still concerned that there are unanswered issues. Can the Cabinet member assure us that a full report will be submitted to the next Cabinet meeting?	
Answer from:	Councillor Nathan Hartley
<i>All the issues will be addressed when the Cabinet considers the report scheduled for the next Cabinet meeting.</i>	

M 07	Question from:	Councillor Tony Clarke
Will the Cabinet Member for Early Years, Children & Youth confirm that all stages of the process of change for Culverhay will undergo a full consultation and scrutiny exercise?		
Answer from:		Councillor Nathan Hartley
<i>The Cabinet meeting on 12 October will be a public meeting where any interested parties can make their views known. As Councillor Clarke knows there has been extensive consultation and debate over the last 18 months. I am content to discuss this matter further with Councillor Clarke and would be happy for further discussion at the Early Years, Children and Youth Policy Development and Scrutiny Panel. However, it is imperative that we end the uncertainty over the future of the Culverhay School and I therefore wish to ensure that we make a final decision as soon as is feasible and proper.</i>		

M 08	Question from:	Councillor Tony Clarke
Does the Cabinet Member for Early Years, Children and Youth agree that the costs and risks of revoking the closure of Culverhay including an increasing amount of small school support should be for the account of the Council budget and not for our schools? i.e. the Direct Schools Budget should be reimbursed to the extent that any decision by the Cabinet to revoke the closure of Culverhay would put the Direct Schools Budget in a worse position than they would have been had the closure of Culverhay proceeded. Similarly, will the Cabinet Member for Early Years, Children and Youth guarantee the Schools Forum that capital availability for our other schools will be unaffected by any decision to revoke the closure of Culverhay? i.e. the loss of a capital receipt from the Culverhay site will be replaced by comparable Council investment into our schools.		
Answer from:		Councillor Nathan Hartley
<i>I do not believe that the Council can make the financial commitment that Councillor Clarke seeks. The deployment of the Dedicated Schools Grant is for the Schools</i>		

Forum to decide including that proportion devoted to supporting small schools. The proposed changes to Culverhay School should result in a reduction in surplus places and therefore provide a small benefit to the DSG, this will depend upon the success of the school in attracting a greater number of students and this in turn will be helped by enabling the school to become co-educational. The Council has sought to recognise the impact of the retention of Culverhay School through its decisions to allocate some additional "one off" funding to place the school on a more sustainable footing. Councillor Clarke will also be aware that the Government are also presently consulting upon the possibility of moving to a national funding formula for schools and upon the methodology for "top slicing" local authority funding as a result of the growth in academies, it would therefore be unwise to make commitments when the financial situation at the national level as regard school funding is so unclear. Finally, the Council had made no reference to any receipt from the sale of the Culverhay School site in its capital plans for schools, as always we will seek to maximise the use of any funding stream that becomes available to support the improvement of our school buildings.

M 09	Question from:	Councillor Geoff Ward
<p>I am increasingly concerned for the Public Health of our residents and visitors and for our World Heritage status from the increasing menace of urban Gulls in our City. I am informed by our Officers that despite the current interventions there is now around 1000 breeding pairs in our Bath colony and it is growing by 7% per year.</p> <p>I also understand that there are a considerable number of Campylobacter and Salmonella infections within the area, the source of which cannot be solely subscribed to the more common food related causes. In my professional opinion, environmental contamination from the droppings of wild could in fact be a common cause of these individual infections. Furthermore, our buildings are smeared with the constant bombardment of droppings and debris which has is causing excessive cleaning and maintenance and marring their World Heritage appearance. Waste bags are constantly being ripped open and scattered around the streets attracting other pests and vermin and compounding the health threat.</p> <p>I know that this is a long-standing issue which has been looked at by the Council many times before, however I would suggest that there may be a degree of fatigue in our appetite to effectively deal with the problem and reduce numbers.</p> <p>I therefore ask the Cabinet Member what further action and investigations are currently planned by the Council to address the growing problem of urban Gulls in Bath and ask for a refreshed Gull reduction campaign be put in place, harnessing the energy of all interested parties.</p>		
Answer from:		Councillor David Dixon
<p><i>Whilst the Council has no statutory responsibility to act except where an environmental health issue is evidenced, it recognises that urban gulls are a high profile issue for residents and visitors to Bath and North East Somerset and it aims to take what action is possible having regard to both legal and resource constraints.</i></p> <p><i>I accept that this is an important issue. Quoting Don Foster MP, “..with gull populations</i></p>		

expanding rapidly, the problems, previously perceived as little more than an irritation and often with a great deal of mirth, have, instead, become very costly indeed. Repairs to damage, clearing up fouling and mess, nest clearance and so on are obvious areas of expense, but gull noise elicits the vast majority of complaints, affects tourism and the resource from it, causes sleep deprivation in the work force and distresses hospital patients. Attacks from aggressively protective parent birds deter shoppers, with obvious effects on local economies”.

The Council has been monitoring the size of the urban gull population on a yearly basis and can demonstrate that over the past 3 years the population growth appears to be stabilising and slowing- 2009 (6.9%), 2010 (7.9%) and 2011 (6.9%).

Since 2008 the number of campylobacter infections occurring within B&NES has increased and the number of salmonella infections has decreased. Whilst it is true to say that research has identified that gulls can carry salmonella and campylobacter in their faeces, there is no evidence, either anecdotal or confirmed, that directly links a case in B&NES with urban gulls.

The Council's currently policy to control the growth of the gull population is to continue to employ non-lethal interventions such as egg replacement and egg oiling. In addition, the introduction of domestic food waste collections together with the development of better arrangements for the collection of trade waste in the city centre should reduce the opportunistic scavenging by gulls. The Council also attends a regional group made up of representatives from other local authorities to ensure that it remains up on current methods and good practice.

The issue of urban gulls is a regional issue and the matter has been discussed with Don Foster MP. I support his call for further research and will be writing to him to support this stance in the near future. He has raised the issue in parliament on a number of occasions and has had meetings with the Environment Agency, DEFRA officials, experts and researchers in the field and, most recently, with the relevant Minister. It is increasingly clear that there is inadequate information to assist local authorities in targeting resources at effective control methods and I am delighted by the Minister's commitment to carry out further research on the subject. I also note the comment from Don Foster MP that if research cannot be entirely funded by government, then affected councils should contribute a small amount and I am willing to take a proposal to Cabinet for such a sum from this Council if it is necessary.

M 10	Question from:	Councillor Malcolm Hanney
<p>All questions relate to Culverhay School:</p> <ol style="list-style-type: none"> 1. Why were Council and the public not advised on 14 July 2011 of the various discussions that had already been held with the DfE regarding an Academy including agreement of the terms for a Statutory Notice of revocation of Closure? 2. Why were Council and the public not advised on 14 July 2011 that any decision or decisions to uphold the call-in and revoke the closure of Culverhay would preclude the possibility of a Free School and that this issue had already been discussed and understood with the DfE? 3. Why were Council and the public not advised on 14 July 2011 of the views and concerns of the Schools Forum Members expressed at the Schools Forum meeting on 5 July 2011 particularly as the Schools Forum had previously indicated its support for 		

the closure of Culverhay?

4. Why were Council and the public not advised on 14 July 2011 that the DfE had previously decided against intervention into Culverhay 'purely because we [the Council] had been about to close it' and that this was 'because of its relatively low level of attainment in comparison to other schools; also it is viewed as having less chance of attaining the new benchmark of 50% 5A*-C GCSEs.

5. It appears from comments made by David Carter of the Cabot Learning Foundation to the Bath Chronicle and otherwise that the curriculum proposed for any Academy will be substantially different from other B&NES secondary schools and will be vocationally focused.

- on what evidence has such a proposal been put forward having regard to the outcome of the Bath Secondary review?
- why should such a curriculum be considered appropriate for the local community for Culverhay as opposed to other areas of B&NES?
- what will be the Admissions requirements for any such school given the indicated differences from our other secondary schools?
- given that a decision to close Culverhay had been made, what analysis has been done in terms of a transfer of a site indicated to be worth £6-8m to Cabot (alongside other financial support from the Council, the DSG and the Government) in terms of the use of such funds for such purpose as opposed to other educational priorities and what were the views of the Schools Forum on this?
- if an Academy is unsuccessful or if Cabot otherwise decide to close any Academy, under the arrangements being proposed will Cabot receive the full proceeds of the site if sold for alternative use?

Answer from:	Councillor Nathan Hartley
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The issues raised here are the subject of threatened legal action against the Council. In these circumstances, my response is that it would be contrary to the Council's interests to deal with any issues raised in such a challenge other than through the legal process.

QUESTIONS AND ANSWERS - PUBLIC

P 01	Question from:	Ian Barclay
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How is the Equality Act 2010 being complied with on planning applications that are determined by the Development Control Committee when, it appears, there is no Equality Impact Assessment procedure in operation by Development Control?

Answer from:	Councillor Tim Ball
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The Planning Department has adjusted its routine practices to accommodate the requirements of the B&NES Statement of Community Involvement therefore the Local Planning Authority complies in full to its requirements – this includes going beyond the statutory minimum in consulting the public on planning applications (See page 23 of the SCI for full details).

Furthermore, although the Council cannot require it, we do actively encourage developers to engage with the community in pre-application consultation activities. Details of any pre-application consultation is required to be outlined alongside the planning application in the form of a consultation statement. This statement will be assessed by the Case Officer as part of their consideration of the case. Comments from the community will also be considered alongside this. The DC Committee will then receive a report from the Case Officer upon which they will determine the case. Guidance on the type and level of community engagement at the pre-application stage for developers to consider is included in our SCI (p20-22) and this forms the basis of guidance offered to developers by the planning department. As stated in our SCI, it must be noted that the Council cannot refuse a planning application because pre-application consultation has not taken place. However, failure to carry out suitable consultation activities could result in objections being made which lead to the refusal of the planning application.

P 02	Question from:	Ian Barclay
How is compliance with the Council's Statement of Community Involvement assessed, and by whom, with respect to individual planning applications that fall to the DC Committee to determine?		
Answer from:		Councillor Tim Ball
<p>The Council aims to comply with the Equality Act 2010. The Council does undertake Equality Impact Assessments (EqIAs) of planning applications being lodged by ourselves. However, the Council is not required to undertake EqIAs for every planning application that is submitted to the Council by a third party, but instead to undertake a broad EqIA of the policies and processes that we use to make decisions within the planning framework and regulations. To this end we have undertaken a general EqIA of the development management process:</p> <p>www.bathnes.gov.uk/environmentandplanning/planning/planningpolicy/localdevelopmentscheme/Pages/StatementOfCommunityInvolvement.aspx#equalities</p> <p>and EqIAs are also undertaken to accompany all policy decisions and service delivery changes as a matter of course. These assessments are readily available online or in other formats on request, e.g:</p> <p>www.bathnes.gov.uk/SiteCollectionDocuments/Environment%20and%20Planning/Equalities%20Impact%20Assessment%20of%20Draft%20Core%20Strategy%20Nov%202010.pdf</p> <p>It should be noted that Town Planners must adhere to the Code of Conduct of the Royal Town Planning Institute which includes, a fundamental requirement to:</p> <p>“not discriminate on the grounds of race, sex, sexual orientation, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity”</p> <p>Furthermore, Bath & North East Somerset Council has committed to a Corporate Equality Commitment, this commits employees of the Council in their day to day operations to consider equalities issues – to take positive steps to stop any unfair/unlawful discrimination, and carry out positive action where lawful. All Members of the Council routinely receive Equality training when first elected and further training is given if there are any significant legislative changes.</p>		

Cabinet Meeting 14 September 2011.

Agenda Item 16

Norton Radstock Regeneration TROs

So much to say, so little time to say it in! It is very easy to focus on the details such as whether or not a left hand turn out of Fortescue Road is practicable or not, and fail to see the wider socio-economic context of what will happen if these TROs are ever implemented. Of course some details are the most outrageous aspects of the case: eg raiding the social capital buildings fund for the £400,000 which is B&NES Council's contribution to the road scheme, or felling the 120 year old 'jubilee' oak tree. Vital information is still lacking such as the *analysis* of the 2009 traffic flow and car parking figures or a proper 2011 data based (not 2004!) case for the scheme's capacity to bring economic regeneration. Above all there is no certainty that the new housing estate will ever be built. There is no currently valid planning application in place, and will not be for at least another three months, probably much longer. Therefore I am asking you tonight to defer a decision until January 2012.

This is a difficult and complicated site. Like any community which has endured since the Bronze Age, whose manors and churches are mentioned in the Domesday Book, and which played a key role in the 19th century industrial revolution, it 'just grew'. It needs to grow again now, in a properly planned way, because we need more jobs – rather than see the Post Office (63 jobs in Victoria Square) re-located to Bath, and our existing businesses need larger premises and facilities, not gridlock on their doorsteps in a contrived bottleneck that will ruin delivery schedules and drive away customers. No-one in their right mind now would close Peasedown bypass and send the traffic back into the High Street. No-one would re-introduce two way traffic into Midsomer Norton High Street. Yet the effect of these TR orders would be to do just that in Radstock. Cottle's bakery sells 85,000 pies and rolls per year to passing motorists. If they lose the parking spaces in Fortescue Road, they will close. You have seen in the meetings you kindly attended and in the responses a united cross section of Radstock Traders, Radstock Co-operative Society, bus company directors and hauliers, community groups and town centre churches, Lord Hylton's estate manager and Somer Housing pensioners, and even Mr Jacob Rees-Mogg MP. I suppose as a Labour councillor, I should be pleased if you alienate Radstock as you have done the votes of Keynsham by applying different standards from those you would in Bath, but I am concerned about the credibility of Council. If Cllr Crossley gives a commitment to residents to postpone a decision until the housing is assured, to do another engineering assessment of the A367 junctions, to consider alternatives and to listen, and understand local residents' concerns, then passing these TROs tonight not only blows a hole in the principles of the Localism Bill, the Draft Core Strategy and much else, but gives the Council such a bad name that residents will not engage again, except at judicial review. Please defer the decision until you really know the costs and implications are. You could be building a road to nowhere.

Cllr Eleanor Jackson (Lab. Radstock)

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**B&NES CABINET Meeting 14 September 2011
Statement regarding TROs for Radstock
Agenda (Item 16)**

Amanda Leon, Radstock Action Group

Last Saturday, Radstock got a taste of the future that will emerge if these TROs are implemented. Wessex Water, in the course of major works, introduced traffic lights into the town centre to control traffic flow at a number of points. The result? Buses from Peasedown to Radstock (less than 3 miles) were taking up to one hour, Drivers trying to get to the Working Men's Club to set up for a daytime event queued for long periods without progress; shops reported one of the worst days of trading ever. During the busiest time of the week, Radstock was deserted, and even at 3.30 in the afternoon, the traffic was still backing up to Clandown turn off with drivers performing risky three point turns simply to escape.

The TROs are a recipe for gridlock; once it has taken hold, no-one will come into Radstock, it will be deserted. Laying waste of our town in this way is not an option. We have yet to hear the economic and regenerative benefits which are claimed will follow from the adoption of the TROs.

I wish to concentrate on the inadequate Equality Impact Assessment.

3.2 states that 'Elements of this scheme have been designed to improve the freedom and mobility of disabled pedestrians in the area.' 3.1 states that 'The introduction of these works is based on improving safety for all road users by providing a safer environment for all.' This statement is cited in relation to all targeted groups and finally refers to Radstock as an urban, as opposed to a rural community. It is neither and has specific characteristics which should be properly addressed.

The question of disability has been reduced to reference to people with mobility issues. It is abundantly clear from the proposed TROs that the environment will be less rather than more accessible to them.

Those who suffer chronic chest conditions, and other 'physical and mental impairments' are not considered. However, the overcrowding, the additional air pollution, the increased traffic flows and ensuing difficulties for pedestrians trying to negotiate the traffic will inevitably lead to negative impacts for people with a wide range of impairments

and pose a threat to both the physical and mental well-being of Radstock residents, workers and visitors alike.

It is also clear that the scheme will have a differential and negative impact on the very young and the elderly, as they too will have additional issues in negotiating the traffic which will pose a particular danger to them.

Last week Cllrs Crossley and Beath suggested that they were listening. They clearly are not. Professional drivers, traffic engineers, traders are telling us and you that this scheme will not work. The people of Radstock are united against this road.

Cllr Crossley has repeatedly said that if there are no houses there will be no road. But the planning application renewal has yet to be heard. We regard the processes in use in the council as lacking in transparency, flouting consultation and public opinion. We urge you to throw out these ludicrous proposals.

Statement to B&NES Cabinet Meeting 14.09.11 from Gary Dando, RAG Committee Member

**REF: Norton Radstock Regeneration TROs Executive Forward Plan
Reference: E2291**

I have a number of issues regarding this report (pp.111-130 Cabinet Papers).

Page 112 Item Corporate Priorities

Building communities where people feel safe and secure plus Improving transport and the public realm

This report does not fulfil the above aspirations.

I do not agree with answers given to objections 2,3,4,6 for the following reasons:

1. This road plan points to a serious flaw in the traffic analysis carried out on behalf of Bellway the then developer. It is six years since this study was carried out
2. The Highway Agency has issued new guidelines for mini-roundabouts ref. Design Manual for Roads and Bridges (DMRB) August 2007, section TD54/07 Part 2, Chapter 2. This sets the standard for trunk roads but should also be relevant to the mini-roundabout at the junction of A367 and the Street because of the volume of traffic handled including more heavy goods now, because of weight restrictions on Cleveland Bridge, Bath.
3. Para 2.7 of the manual states the use of mini-roundabouts is not recommended at or near junctions where turns in or out of side roads are prohibited.
This is because drivers do not expect to see vehicles u-turning on mini-roundabouts. The exit from Fortescue Road is left turn only requiring all Midsomer Norton and Bath bound vehicles to u-turn on the mini-roundabout. This is unsafe for road users as indicated in this manual
4. B&NES maintains that there is no evidence that vibrations from vehicles cause structural damage to buildings. In this case, why are they restricting traffic over Pulteney Bridge and Cleveland Bridge and through traffic in front of the Royal Crescent, Bath etc?

Attachment to Statement by Gary Dando

Excerpts from a Report

A professional report on the road proposals states that they point 'to a serious flaw in the traffic analysis carried out on behalf of Bellway, the then developer. The time that has elapsed, six years, since the traffic study was carried out, is also cause for concern.

In the meantime, the Highway Agency has issued new guidelines for mini-roundabout design. (Design Manual for Roads and Bridges August 2007 Section TD 54/07 Pt 2 Chapter 2.) This sets the standard for trunk roads, but should also be relevant to this junction because of the volumes of traffic handled. The new standards look more demanding with increased emphasis on the safety of two-wheeled vehicles.

Para 2.7 of the manual states: 'The use of mini-roundabouts is not recommended at or near junctions where turns in or out of side roads are prohibited. This is because drivers do not expect to see vehicles u-turning on mini-roundabouts.' The exit from Fortescue Road is left turn only requiring all Midsomer Norton and Bath direction vehicles to u-turn on the A367/Street roundabout. The phrase 'accident waiting to happen' springs to mind.

Para 2.10 of the manual states: the designer must 'assess the lengths of queues likely to be generated do not adversely affect the operation or safety of adjacent highway features'. However, the traffic modelling carried out for Bellway was apparently done taking each new highway feature in complete isolation from the other changes. No attempt was made to model the knock on effects of each component on the others.

What is clear from the modelling carried out is that the new road system will increase the traffic in Wells Road by 50% increasing the difficulty of crossing the road.

The traffic analysis carried out for Bellway is based on observed traffic flows in 2005. The world has changed since then, traffic and vehicle ownership have grown and not necessarily proportionately. Traffic counts from B&NES some time ago suggested traffic on the Frome Road was growing faster than Bath-bund traffic. B&NES Council is trying to divert through HGVs from Bath. Some vehicles already come this way because of the congestion in Bath at certain times of the day. This diverted east west traffic can realistically only travel via the M4 or via Frome Road and Radstock. Because the traffic analysis was done so long ago, when objecting to the planning application, we should ask that the counts be retaken.

It is also worth noting that granting planning permission is premature because land assembly is incomplete.

Public speaking to Cabinet, 14th September 2011, Deborah Porter.

The report to the Cabinet has not included objections made by Somer Valley Friends of the Earth which relate to social inclusion, customer focus, health and safety and sustainability, all matters you are instructed to consider in the report. These include that:

- there are fewer bus stops proposed than considered necessary at outline
- anticipating the addition of the stop at outline presumes permission, but the divided locations in the outline plan are a transport step backwards
- increased distance between buses and existing shops, doctor's surgery and chemist means decreased access and public transport use
- bus queues will share the pavement with people accessing the adjacent retail/commercial buildings, shops, community areas etc, leading to conflict and disabled access problems;
- dropping off at the bus stops will be impossible if the single parking spaces near them are filled
- the road orders act against the HCA's stated purpose for grant of funds, connectivity between shops and community areas. There are much cheaper ways to achieve this, but the HCA says it is the only road scheme identified. A crossing over The Street would do the job. I suggest that the Agency may be more motivated by the impending handover to it of a financial claw-back agreement by SWRDA than the traffic implications.

The report dismisses objections regarding local plan policies on the grounds that they were considered at outline and that the outline is extant. This has three major faults:

1. The outline consent is a live, but not actionable, consent.
2. The Government stipulates that time extension applications must be treated as new applications for the same developments, taking into account material changes and Government policy introduced since outline; and says Climate Change policy supersedes Local Plan policy. All this should result in a different decision due to increased commuting, changes to the site, lack of evidence for the economic and socio-environmental cases, sustainable build considerations, and the higher importance of the biodiversity resource in a climate change context.
3. Local plan policy was not taken fully into account at outline:
 - Councillors were instructed at outline to weigh up the benefits cited against the remaining ecological harm only - other key disbenefits were not taken into account; indeed, the socio-economic case assumed nil impact on existing traders.
 - The town centre vitality and viability were theoretical, and not backed up by any credible analysis and Town Centre policy T.13, which deals with this, is not listed in the decision notice amongst the policies with which the NRR proposal conformed.
 - The 43 long-term jobs cited by the developers will be more than offset by the inevitable loss of over 60 jobs from the Sorting Office and loss or decline of existing local of businesses.

I challenge any Cabinet member to be able to say what the actual net benefits will be, and how these will actually come about, without reverting to the meaningless developer-speak that the Council has been fed by the regeneration lobby, both internal and external to the Council.

Lastly, the standardised traffic flow analysis just presented to the Town Council has been presented too late in the day and does not correlate with reliable data from April and September 2009 surveys. Turning surveys at crucial locations have not been done and I do not think that it can be trusted. Respected hauliers do not think their lorries will make the turns without causing delays, if at all.

Thankyou. Deborah Porter.

HCA and B&NES policy quotes:

The HCA's stated purpose for grant of funds is *"to support the delivery of a suitable highway infrastructure to improve connectivity between the core shopping area, community amenity areas (including the library, Victoria Hall, Radstock Museum and key car parks) as set out in the proposed Policy SV3."*

Policy T 13, *"Traffic management proposals for the centres of Bath, Keynsham and Norton Radstock will have as their prime aim the further exclusion of through traffic and other unnecessary motorised vehicles from the main shopping streets whilst enhancing vitality and viability. They will also seek to achieve the following objectives:*

- i) environmental improvements for the benefit of pedestrians;*
- ii) improved safety for all road users;*
- iii) maintained or enhanced standards of access for cyclists and the mobility impaired;*
- iv) improvements in the quality and integration of public transport;*
- v) access that adequately meets the servicing needs of commercial, cultural, recreational and residential activities both now and in the future;*
- vi) unimpaired access for the emergency services;*
- vii) the enhancement of air quality;*
- viii) the protection and enhancement of Conservation Areas and of City of Bath as a World Heritage Site".*

The needs of all road users will be taken into account in their design and implementation

**Statement to Bath & North East Somerset Cabinet, 14th September 2011
Regarding Norton Radstock TRO's**

I will deal with some items mentioned in the Report, Section 5.

1. Undoubtedly, local trade will be negatively affected. Technically, access to local shops will be retained but with fewer parking places in Fortescue Road and much greater traffic in The Street (see below). However, to use the shops in Fortescue Road drivers wishing to continue to Bath must perform a U-turn at the new roundabout.

2. Your traffic impact assessment claims that there will be no additional congestion in the vicinity of the town centre. This is difficult to understand: currently all East / West and West / East traffic uses the by pass of the double mini roundabout, but it is proposed to reroute all of this through The Street. Also, this Council is expected to authorize closing Cleveland Bridge in Bath to HGV's. Which route will be used? Yes, through Radstock! This cannot be in line with the stated priority of Building Communities where people feel safe and secure.

3. Councillor Paul Crossley announced on 7th September in Radstock that a right turn will now be permitted at the junction of Church Street and The Street. I would like confirmation of that comment.

4. You claim that the proposal will not produce significantly greater air pollution. Therefore, you admit that an increase is expected. How can this be permitted when the stated aim of this Council is to reduce pollution and encourage use of public transport?

6. I reproduce a statement from the report verbatim: "There is no evidence that vibrations from vehicles cause structural damage to buildings". If that is correct, why stop HGV's crossing Cleveland Bridge? If wrong, what will happen to the

Victoria Hall with all that traffic passing so close? At the junction mentioned in the original question vehicle would pass over the cellars, but Councillor Paul Crossley stated on 7th September in Radstock that the road would be narrowed outside Automania to ensure HGV's do not pass over the cellars: this would surely increase delays.

Other Matters:

The response in Section 5.2 strongly implies that this is the only way to provide access to the new development. This is simply wrong. A junction at Charlton's Corner would provide access to the site and be far cheaper. Moving / rebuilding the substation has not been properly investigated by the Officers (admitted on Weds 7th September): this would suggest that leaving all other roads in place would be a cheaper and safer option.

Since publication, there are at least two amendments (Church Street right turn and permission for 'buses to turn right on leaving 'bus-gate). So that due consideration can now be given, I would like ask for updated versions to be made available in Radstock (not just Midsomer Norton), for local people.

Included in the papers for tonight is the traffic survey prepared for the Cleveland proposal. It appears a thorough analysis with "before and after". Why could this not have been attempted for Radstock?

Finally, the paper petition has reached virtually 1000 signature. Please accept it now.

Thank you