

BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING, TRANSPORT AND ENVIRONMENT POLICY DEVELOPMENT AND SCRUTINY PANEL

Tuesday, 6th December, 2011

Present:- Councillors Marie Longstaff (Chair), Caroline Roberts (Vice-Chair), Malcolm Hanney, Geoff Ward, Neil Butters, David Martin and Douglas Nicol

Also in attendance: Glen Chipp (Strategic Director , Service Delivery), Matthew Smith (Divisional Director, Environmental Services), June Brassington (Libraries Operations Manager) and David Trigwell (Divisional Director, Planning and Transport)

41 WELCOME AND INTRODUCTIONS

The Chairman welcomed everyone to the meeting.

42 EMERGENCY EVACUATION PROCEDURE

The Chairman drew attention to the emergency evacuation procedure.

43 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillor June Player had intended to speak at the meeting on Agenda Item 7 (Article 4 Direction) but was unwell so had sent her apologies to the Panel.

44 DECLARATIONS OF INTEREST UNDER THE LOCAL GOVERNMENT ACT 1972

There were none.

45 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIRMAN

There was none.

46 ITEMS FROM THE PUBLIC OR COUNCILLORS - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS RELATING TO THE BUSINESS OF THIS MEETING

David Redgewell made a statement to the Panel on a variety of transport matters.

He called upon the Council to protect the budget associated with the Supported Bus Services as he had heard that Somerset County Council had planned a reduction in its budget of £1.4m.

He wished to make them aware that three months of intensive work lay ahead of the West of England with regard to agreeing a new rail franchise. He suggested that a specialist officer should be put in place to oversee this work on behalf of the four unitary authorities. He also called for there to be no loss of carriages across the network.

He stated that he hoped that Equality Impact Assessments (EIAs) would take place prior to any new bus tendering and asked that low floor vehicles remain a priority.

Finally, he spoke of the need for the integration of the train and bus station to be honoured by the developer.

The Strategic Director for Service Delivery replied that there were no plans to cut the revenue of Supported Bus Services, but said that some routes may need to be assessed.

On the matter of the rail franchise he said that he would be in discussions with other West of England colleagues.

He assured Mr Redgewell that EIA's would take place prior to any new bus tendering and added that a high proportion of the current vehicles do have low floors.

The Chairman thanked him for his statement on behalf of the Panel.

47 PLANNING CONTROL (ARTICLE 4 DIRECTION) FOR HOUSES IN MULTIPLE OCCUPATION (HMOS) IN BATH

The Divisional Director for Planning & Transport Services introduced this item to the Panel. He explained that in June 2011 the Cabinet requested that an Article 4 Direction be implemented in order to exert greater planning controls over the spread and increase in Houses in Multiple Occupation (HMOS) in Bath. He added that Arup were appointed to support the Planning Service in gathering the evidence and formulating the options for action.

He stated that it is the officer's recommendation that option 3 of the Consultant's report should be pursued (subject to greater clarity on cost implications) and that the implementation of an Article 4 Direction should be preceded by a 12 month notice period to avoid third party compensation claims.

Councillor Geoff Ward commented that he had met with Councillor June Player and saw the problems she faces within her ward. He asked how long the option of introducing an Article 4 Direction had been available.

The Divisional Director for Planning & Transport Services replied that it had been available for as long as permitted development rights had existed. He added that the current Government had actively reminded Councils of the option.

Councillor Geoff Ward asked if any other Council had implemented one.

The Divisional Director for Planning & Transport Services replied that most who were considering it were in the early stages and some were in the process of consultation.

Councillor Geoff Ward asked if there would be any cost implications if an Article 4 Direction were to be implemented.

The Divisional Director for Planning & Transport Services replied that no charge could be levied against a planning application where it has had its permitted development rights removed. He added what work was on-going to establish the potential loss of income. He felt that this would likely lead to an increase in enforcement activity.

Councillor Malcolm Hanney also wished to thank Councillor June Player for showing him the problems that exist within her ward. He stated that he felt a balance of communities was required and anticipated that many recent house purchases in areas with an already high HMO figure would have been bought for that purpose.

He urged officers to act with caution on any enforcement activity.

The Divisional Director for Planning & Transport Services replied that the quality of some properties had concerned us for a while and that additional licensing would give a measure of control on properties.

Councillor David Martin asked if the Article 4 Direction can be applied retrospectively.

The Divisional Director for Planning & Transport Services replied that it could not.

Councillor David Martin asked what the officers perceived as the main problems associated with HMOs.

The Divisional Director for Planning & Transport Services replied there were significant issues over parking, the impact that they have on neighbourhood amenities and property value. He added that following a recent workshop it had been identified that concern exists within the community over the summer period when the majority of HMOs are empty.

Councillor Ben Stevens addressed the Panel. He stated he was here both in his capacity as a ward councillor and as member champion for graduate retention small business and entrepreneurship. He added that he currently lived in an HMO.

He spoke of how the Article 4 directive is a highly emotive issue and that the problems with a high level of transient population were well stated in the consultation paper. He said that one of his primary concerns as a ward councillor for a highly affected area, was the lack of community cohesion felt by residents on any particular street.

He said that he had a number of massive reservations about the approach stated in Option 3 and would be keen to see those concerns addressed in whatever planning policy comes forward. He called for a decision to not be made until that planning policy is finalised.

He called for the Council to be careful to make sure the directive does what it's designed to do. He stressed the need to recognise that nothing can achieve what residents want. Nothing is going to reduce the numbers of HMOs that exist and so we need to make sure that roads can "opt out" if they want to leave a heavily studented area.

He informed the Panel that in his ward a landlord was converting unattached garages into en-suite bedrooms with a kitchenette and that this action is not covered by planning, licensing or anything else. Consequently no consultation with residents is required and he is able to run roughshod over the legitimate concerns of local people. If we are not clear about this legislation then "enterprising" landlords will find ways to circumvent the system making this whole process irrelevant.

Secondly: the biggest problem we have in Bath is arguably traffic. At present the one good thing about the HMOs is they are settled along bus service routes. If we force them to spread out, I believe we also force them into their cars, putting further pressure on the roads and parking.

He stated that most importantly he was not very impressed with what he considered a heavy-handed approach as it seems very open to the law of unintended consequences. He spoke of how he had spent last weekend chatting to young councillors from across the UK including York where they are in the process of bringing an Article 4 in. They have already seen a jump in rental prices, and are having to consider draconian measures like rent capping. In Bath, any rise in price will simply make the city unaffordable to young professionals wanting to settle here.

The B&NES economic strategy emphasises the need to encourage well paid, graduate level employment to settle in Bath. This will not happen if people cannot afford to live here. On the panel I'm a vice-chair of, we are presented with the grand vision for economic development- the city of ideas. If we keep driving those young sparky people to Bristol, our Enterprise Area at Bath Western Riverside will simply atrophy. I've spoken to several officers in the economic development team who are incredibly concerned that this article 4 directive will disadvantage us compared to the rest of the West of England LEP.

I completely understand the reason for the 12 month consultation and agree it is vital, however in discussions with councillors where this has been brought in, during the 12 month period there is a big jump in people turning houses into HMOs.

I understand the problems with high levels of rented accommodation. I live on a road that is 80% HMOs and most of my casework is made up of the problems that causes. But I cannot accept that Option 3 is the best option in its current state, and this is a very expensive option to get wrong. I would urge the panel to request that cabinet really thinks about how to mitigate the threat this poses to our economic future and comes back to this panel (and possibly my own) with some solid ideas on that planning policy. The planning policy document must be in place before the Council makes a decision. Can our Council really not come up with something more imaginative that better balances our resident's needs and the future of our city?

Councillor Geoff Ward asked if it would be possible to solely bring the additional licensing measures forward.

The Divisional Director for Planning & Transport Services replied that the licensing option could be brought forward by itself and be potentially cost neutral to the Council.

The Chairman on behalf of the Panel stated that at this stage of the process they felt unable to approve the officer recommendations due to concerns over the potential financial pressures on the Council and the impact it may have on current homeowners who may wish to sell their properties.

48 MEDIUM TERM SERVICE & RESOURCE PLANNING - 2012/13 -2015/16

Henry Brown, Chairman of the Federation of Bath Residents' Associations (FoBRA) addressed the Panel. He raised a number of points from within the report which are summarised below. A full copy of his submission can be found on the Panel's Minute Book.

Pages 1 & 35 - Will the Council be consulting with residents on its new Corporate Plan in 2012?

Page 3 - Consultations with the public to be proportionate – does this mean less consultation?

Page 3 - Partnership working / encouragement of volunteers - Please involve us. In particular, residents ready to act as eyes & ears on enforcement.

Page 11 - Community management of assets – please discuss with FoBRA.

Page 12 - Why can't Public Protection look for new charging opportunities, eg in the licensing regime, for tables & chairs on the pavement, and for A-boards?

Page 12 - Park & Ride shortfall. Need to promote a culture of using P&R. Three changes would encourage usage:

- Higher charges for parking in Bath city centre.
- Operate P&R on Sunday and evenings.
- Create Eastern P&R.

Page 19 - Redesigned residents parking - Could zones be simplified and rationalised (eg residents-only bays in central area)? Please consult residents.

Page 20 - Reduced footway maintenance - Broken pavements already hazardous in Bath. FoBRA totally opposed to any cut.

Page 22 - Why cut back maintenance in Heritage Services as they are one of Council's top earners? Income from Heritage Services should be ploughed back into

the World Heritage Site. Does the Council have any principles to govern the use of this income?

Page 34 – Under the Localism Bill, we hope the Council is making provision to support Neighbourhood Forums and Neighbourhood Planning. Essential that implementation is not left to the whim of property developers.

The Strategic Director for Service Delivery responded to the points raised as follows.

He felt sure a consultation on the Corporate Plan would take place.

He replied that proportionate consultation would simply mean consulting with the right people at the right time.

On the issue of partnership working he said it was the intention to build a community capacity and that talks will take place with partners and similar organisations.

As part of the Localism Bill there will be legislation referred to as 'Community right to buy' and this may lead to public management of some of our assets.

He stated that he felt the Licensing Dept were doing as much they possibly could over the management of tables & chairs on the pavement, and A-boards.

He replied on the issue of Park & Ride by saying that the patronage patterns had changed and that usage had risen slightly. He added that further capacity was required, but any thoughts on an increase to parking charges should be treated with caution. Use of the service is always under review and a real demand would need to be shown for it to be opened on a Sunday. Alternative sites are currently being considered for the East of Bath Park & Ride.

He stated that a review of Residents Parking had been carried and that the findings of that would be released early next year.

On the matter of Heritage Services he responded by saying that it was a very professionally run area of the Council which had a strong re-investment policy. He wished to add that the service had recently recorded a record number of visitors.

Peter Duppa-Miller made an ad-hoc statement to the Panel. He wished to address them as the Clerk to Combe Hay Parish Council, Secretary of B&NES Local Councils Group and Vice Chair, B&NES Local Strategic Partnership.

On the issue of mobile libraries he stated that 32 of the 51 parishes were visited by the service for around 20 minutes every two weeks. He recalled that around three years some discussions took place as to whether a book cupboard could be managed by volunteers at a local venue and proposed this idea as a way forward for the future.

The Strategic Director for Service Delivery replied that the current proposal was made due to the fact that one of the vehicles is coming to the end of its natural life. He wished to add that within the Plan the library service as a whole would receive an increase in budget. He said that an investigation would take place to identify what type of service will serve the community the best.

The Libraries Operations Manager added that this was an opportunity to deliver the service in a better way. The eight static libraries would be open for longer and a consultation on the future of the mobile library service would begin within a couple of months.

The Chairman asked Peter Duppa-Miller if he felt his proposal would work in rural areas.

He replied that he fully believed it would.

The Libraries Operations Manager added that because of resource implications they were hoping to extend the home library service through the help of volunteers. She stated she was keen to try the Combe Hay proposal and that if it was to go ahead other activities would be encouraged to take place at the site such as reading groups for children and writing classes.

The Strategic Director for Service Delivery returned to taking the Panel through the report. He explained that this was the third year in a row that the Council was attempting to maximise efficiencies and that the directorate was attempting to match staff levels to business volume.

Councillor Malcolm Hanney questioned if the reduction in fees to Bath Tourism Plus would have any effect on the Council's involvement in the Business Improvement District (BID) and if the reduction of some areas of the Heritage and Tourism budgets were required.

The Strategic Director for Service Delivery replied that he did not think the reduction would have any impact on the BID as any budget reduction would be proportionate.

Councillor Malcolm Hanney asked if future funding to the Holbourne and Radstock museums could be identified so as to have regard to the total visitor offer available to the area.

The Strategic Director for Service Delivery replied that he would have to respond at a later date on that matter.

Councillor Malcolm Hanney wished to share his concern over the delay with which some Public Rights of Way cases are processed as he was recently made aware of one case that had finally been dealt with after a wait of 13 years.

The Strategic Director for Service Delivery replied that he would investigate why that particular case had taken so long to reach a conclusion.

Councillor Malcolm Hanney asked for options to be explored regarding the mobile library service before any cuts were made.

The Libraries Operations Manager replied that she recognised that some communities will need a different type of service in the future.

Councillor Malcolm Hanney asked if the reduction in highway drainage and maintenance would have a greater impact to the Council in later years.

The Strategic Director for Service Delivery replied that a risk based approach would be taken so there should be no long term impact.

Councillor Neil Butters commented that at a recent event he had heard how successful Wiltshire Council had been in keeping their libraries open through the help of volunteers and that the hours of use at static sites had increased. He added that consultation would be key in determining what type of service would be provided in the future.

Councillor Caroline Roberts asked if the Council had considered charging per vehicle for the Park & Ride rather than per person.

The Strategic Director for Service Delivery replied that the tariffs are reviewed regularly and were structured on the basis of frequency of use.

Councillor David Martin asked about the staffing impacts of the proposed plan and asked was it necessary to lose the equivalent of 13.8 FTE.

The Strategic Director for Service Delivery replied that he felt that given the overall budget position this loss of staff was about the right level. He added that last year the directorate had to make significantly more reductions and that it had become smarter about its commissioning of services.

Councillor Douglas Nicol asked for information on the future of Victoria Bridge as he could not see it within the plan.

The Strategic Director for Service Delivery replied that existing capital resources were being used to fund a temporary solution and negotiations were taking place with English Heritage on the future requirements for the bridge.

Councillor Douglas Nicol asked if the Council could approach Crest Nicholson for a further contribution to the Section 106 agreement.

The Strategic Director for Service Delivery replied that this would be very unlikely, but he would discuss it with the Development & Major Projects Director. He added that funding may be available through the National Lottery or other sources.

Councillor Geoff Ward commented that he felt that nothing should be done that would adversely affect the Heritage / Tourism offer of the city and called for more to be done in the Olympic year to attract visitors. He also wished to express his concern over the withdrawal of the mobile library service.

The Strategic Director for Service Delivery replied that one of the vehicles had come to the end of its natural life and so he was investigating how a change in service can be provided.

The Chairman commented that she was concerned about the lack of a Corporate Plan prior to the budget being decided and asked if the reduction to the 'Parks & Green Spaces – Ground Maintenance' budget was necessary.

The Divisional Director for Environmental Services replied that the reduction was simply because the service was not required to be carried out as regularly as it currently is.

In summary the Panel asked for the following comments to be passed to the relevant Cabinet Members.

Mobile Libraries – Whilst establishing during the discussion that the Mobile Library Service in its current form would be discontinued it became apparent that options were being considered as to how to provide a service to rural areas in the future. The Panel felt it would be very worthwhile to express this somehow within the plan.

Highways (Footway Maintenance / Drainage & Gully Cleansing) – The Panel expressed their concern over this proposal as they were worried about the potential impact and cost implications this may have in future years.

Heritage Services / Museums / Tourism – The majority of the Panel felt that these services should have minimal reductions made to their budget as they are at the heart of what brings visitors to the area. Some members also called for more to be done within the Olympic year to attract visitors.

The meeting ended at 5.10 pm

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services